

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF

WEDNESDAY, AUGUST 17, 2011

THE COUNCIL

Minutes of the Proceedings of the
STATED MEETING
of
Wednesday, August 17, 2011, 2:40 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	Domenic M. Recchia, Jr.
Charles Barron	Daniel J. Halloran III	Diana Reyna
Gale A. Brewer	Vincent M. Ignizio	Joel Rivera
Margaret S. Chin	Robert Jackson	Ydanis A. Rodriguez
Leroy G. Comrie, Jr.	Letitia James	Deborah L. Rose
Elizabeth S. Crowley	Peter A. Koo	James Sanders, Jr.
Inez E. Dickens	Karen Koslowitz	Larry B. Seabrook
Erik Martin Dilan	Bradford S. Lander	Eric A. Ulrich
Daniel Dromm	Jessica S. Lappin	James Vacca
Mathieu Eugene	Stephen T. Levin	Peter F. Vallone, Jr.
Julissa Ferreras	Melissa Mark-Viverito	Albert Vann
Lewis A. Fidler	Darlene Mealy	James G. Van Bramer
Helen D. Foster	Rosie Mendez	Mark S. Weprin
Daniel R. Garodnick	Michael C. Nelson	Jumaane D. Williams
Vincent J. Gentile	James S. Oddo	Ruben Wills

Excused: Council Members Cabrera, Gennaro, Greenfield, Koppell, and Palma.

At this Stated Meeting, the Deputy Majority Leader (Council Member Comrie) assumed the Chair as the President Pro Tempore and acting presiding officer.

After being informed by the Deputy City Clerk and Acting Clerk of the Council (Ms. Fuentes), the presence of a quorum was announced by the President Pro Tempore (Council Member Comrie).

There were 46 Council Members marked 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 Susan Karlson, Minister, The Unitarian Church of Staten Island, 312 Fillmore Street, Staten Island, NY 10301.

Oh Gracious God, known by many names and in many ways,
we ask your blessings on all
gathered here in these chambers today.
Soften the hearts of each person,

that we might listen with open minds
to the needs and the well being of all citizens.
Strengthen the City Councilors' resolve
to do what is just, compassionate, wise and fair.
Sustain this Council as they decide
on the great controversies set before them.
May all gathered here work to dismantle
the walls that divide and separate us.
Bless every person assembled here
with your peace, mercy and love
so that we are inspired to leave these chambers,
striving together for the greater good
of all of New York City
and its place in this world
that we've been given.
Amen, may it be so.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Quinn) asked a Moment of Silence for the following individual:

Hugh Leo Carey, 92, the 51st Governor of New York, died on August 7, 2011. He was born in Brooklyn in 1919, graduated from St. John's University and St. John's Law School, and was a decorated veteran of World War II. Hugh Carey served seven terms in the U.S. Congress where he involved himself in advocating for a peaceful solution to the Northern Ireland conflicts. He was elected governor in 1974, served two terms in office, and was an architect of the financial plan that averted the bankruptcy of New York City. Governor Carey instituted the I Love New York program, the Empire State Games, and signed the Willowbrook Consent Decree which led to reforms for the care of the developmentally disabled.

ADOPTION OF MINUTES

Council Member Dromm moved that the Minutes of the Stated Meeting of June 14, 2011 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-622

Communication from the Mayor - Submitting the name of Pamela Brier to the Council for its advice and consent regarding her reappointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.

August 3, 2011

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

Dear Speaker Quinn:

Pursuant to Section 31 and 553 of the New York City Charter, I am pleased to present the name of Pamela Brier to the City Council for advice and consent in anticipation of her reappointment to the Board of Health.

Ms. Brier is President and Chief Executive Officer of Maimonides Medical Center. Her reappointment will be for the reminder of a six-year term that will expire on May 31, 2016. Thank you for reviewing the reappointment of Pamela Brier.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-623
Communication from the Mayor - Submitting the name of Dr. Deepthiman Gowda to the Council for its advice and consent regarding his appointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.

August 3, 2011

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

Dear Speaker Quinn:

Pursuant to Section 31 and 553 of the New York City Charter, I am pleased to present the name of Deepthiman K. Gowda, M.D. to the City Council for advice and consent in anticipation of her reappointment to the Board of Health.

Dr. Gowda is Assistant Clinical Professor of Medicine at Columbia University, the College of Physicians and Surgeons as well as Assistant Attending Physician at Columbia University Medical Center. Dr. Gowda will fill a vacancy on the Board of Health and serve for the remainder of a six-year term expiring on May 31, 2016.

Thank you for reviewing the appointment of Deepthiman Gowda.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-624
Communication from the Mayor - Submitting the name of Dr. Susan Klitzman to the Council for its advice and consent regarding her reappointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.

August 3, 2011

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

Dear Speaker Quinn:

Pursuant to Section 31 and 553 of the New York City Charter, I am pleased to present the name of Dr. Susan Klitzman to the City Council for advice and consent in anticipation of her reappointment to the Board of Health.

Dr. Klitzman is Acting Associate Dean for Academic Affairs at the CUNY School for Public Health at Hunter College. Her reappointment will be for the

reminder of a six-year term that will expire on May 31, 2014. Thank you for reviewing the reappointment of Susan Klitzman.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL UPS

M-625
By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226 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 70 7th Avenue South, Council District no. 4 Application no. 20115769 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-626
By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226 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 195 Spring Street, Council District no. 2 Application no. 20115784 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-627
By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 110059 ZSK, C 110060 (A) ZSK, C 110061 ZSK and C 110062 (A) ZSK, special permits, shall be subject to Council review. This application is related to application no. C 110058 ZMK that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-628
By Council Member Chin:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Applications no. C 110235 ZSM, 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 motion which was decided in the **affirmative** by the following vote:

Affirmative –Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, Koo, 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, Rivera and the Speaker (Council Member Quinn) – **46.**

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Rights

Report for Int. No. 632-A

Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to unlawful discriminatory practices.

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on June 29, 2011 (Minutes, page 2705), respectfully

REPORTS:

I. Introduction

On Tuesday, August 16, 2011, the Committee on Civil Rights, chaired by Council Member Deborah Rose, will vote on Proposed Introductory Bill Number 632-A (“Prop. Int. No. 632-A”), a Local Law to amend the administrative code of the city of New York, in relation to unlawful discriminatory practices. The Committee previously held a hearing on Introductory Bill Number 632 (“Int. No. 632”) on June 30, 2011.

II. Background

New York City’s Human Rights Law (“City Human Rights Law”) is one of the strongest human rights laws in the country, providing protections from discrimination in employment, housing and public accommodation. Because the law is intended to be more liberally construed than similar state and federal laws,¹ adjudicators generally treat it as such. The City Human Rights Law prohibits discrimination in the workplace on the basis of an employee’s or prospective employee’s membership in a protected class. Protected classes include age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status, or religious observance.² Specifically, employers cannot base hiring, firing or employment terms on an employee or prospective employee’s actual or perceived membership in a protected class.³ Additionally, employers are prohibited from making any statement expressing prejudice or preference as to protected classes of persons.⁴

III. Protections from Religious Discrimination in the Workplace

Under the City Human Rights Law, an employer cannot require an employee to violate a religious belief as a condition of obtaining or retaining employment.⁵ Additionally, an employer must provide a reasonable accommodation to an employee’s religious observance.⁶ A “reasonable accommodation” is any accommodation to an employee’s religious observance that does not cause undue hardship in the conduct of the employer’s business.⁷ If denying an employee an accommodation for religious observance, the burden is on the employer to establish the hardship.⁸ The City Human Rights Law does not, however, provide a definition for “undue hardship,” nor does it set forth factors to be considered in evaluating a claim of such hardship. Such vague language sometimes results in employers and adjudicators referring to the definition of undue hardship

found in Title VII of the Civil Rights Act of 1964 (“Title VII”).⁹ Like the City Human Rights Law, Title VII requires an employer to provide a reasonable accommodation to an employee so long as such accommodation does not impose an undue hardship on the employer. Under Title VII, a religious accommodation that results in an undue hardship is one that creates more than a “de minimis cost or burden” to the employer.¹⁰ The “de minimis cost or burden” standard, however, is a lower standard of proof for employers than the “significant difficulty or expense” standard, set forth by New York State’s Human Rights Law (“State Human Rights Law”).

Under State law, an employer may be excused from providing an employee a reasonable accommodation only if, after a genuine effort, the employer demonstrates that it is unable to reasonably accommodate an employee’s sincerely held religious observance or practice without undue hardship on the conduct of the business.¹¹ The State Human Rights Law defines an “undue hardship” as “an accommodation requiring significant expense or difficulty” and sets forth factors to be considered when determining whether an undue hardship exists.¹² Today’s amendment to the City Human Rights Law seeks to ensure that workers are protected from religious discrimination in the workplace, by defining “undue hardship” and clarifying the Council’s intentions to provide greater protection to workers under the City Human Rights Law than the federal, and even the State, human rights provisions provide.

IV. Prop. Int. No. 632-A

Section one of the bill would amend subdivision 18 of section 8-102 of the Human Rights Law where “reasonable accommodation” and “undue hardship” are defined with respect to workplace discrimination claims based on an employee’s or prospective employee’s actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage or citizenship status, or status as a victim of domestic violence, sexual assault or stalking. Language has been added to this subdivision to clarify that when determining undue hardship with respect to workplace discrimination claims based on religious observance, one should refer to section 8-107(3)(b).

Section two of the bill defines “undue hardship” as an “accommodation requiring significant expense or difficulty” and provides factors for an adjudicator to consider when determining whether an employer has met his or her duty to provide a reasonable accommodation for religious observance. Additionally, this section clarifies that this definition of undue hardship only applies when evaluating religious accommodation cases in employment.

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

V. Penalties

Upon a finding that an employer has engaged in an unlawful discriminatory practice in violation of the City Human Rights Law, the Commission will issue an order to the employer to “cease and desist” the unlawful discriminatory practice. In addition, the Commission will require the employer to hire, reinstate or upgrade employees; award back pay and front pay; extend full, equal and unsegregated accommodations; or pay compensatory damages, among other things.¹³ Failure to comply with such an order may result in a civil penalty of no more than \$50,000 and an additional civil penalty of no more than \$100 per day.¹⁴ Should the Commission find that an employer engaged in an unlawful discriminatory practice, it may impose a civil penalty of \$125,000.¹⁵ If the unlawful discriminatory practice resulted from the employer’s “willful, wanton or malicious act,” the Commission may impose a civil penalty of not more than \$250,000.¹⁶ Should a person willfully violate an order of the Commission, he or she will be guilty of a misdemeanor and be punishable by imprisonment for not more than one year, or by a fine of not more than \$10,000, or by both.¹⁷

(The following is the text of the Fiscal Impact Statement for Int. No. 632-A:)

for the Lower Ma_____

⁹ Title VII prohibits employment discrimination on the basis of one’s race, color, religion, sex and national origin. 42 USCA §2000e-2(a). Title VII only applies when an employer has 15 or more employees. 42 USCA §2000e(b).

¹⁰ U.S. Equal Employment Opportunity Commission, *Questions and Answers: Religious Discrimination in the Workplace*, last modified Jan. 31, 2011, at http://eeoc.gov/policy/docs/qanda_religion.html (last visited June 27, 2011).

¹¹ N.Y. Executive Law §296(10)(a).

¹² N.Y. Exec. Law §296(10)(d)(1).

¹³ Admin. Code §8-120(a)

¹⁴ Admin. Code §8-124.

¹⁵ Admin. Code §8-126(a).

¹⁶ Id.

¹⁷ Admin. Code §8-129.

for the Lower Ma_____

¹ New York City Council’s Committee on General Welfare, Committee Report on Prop. Int. No. 22-A, 2 (Aug. 17, 2005) .

² See Administrative Code of the City of New York §8-107(1), (3); New York City Commission on Human Rights, *Protected Classes Under the NYC Human Rights Law*, at <http://www.nyc.gov/html/cchr/html/aunderthelaw.html> (last visited June 29, 2011).

³ See Admin. Code §8-107(1)(a).

⁴ See Admin. Code §8-107(2)(a).

⁵ See Admin. Code §8-107(2)(b).

⁶ See Admin. Code §8-107(3).

⁷ Admin. Code §8-107(3)(b).

⁸ Id.



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

PROPOSED INTRO. NO: 632-A

COMMITTEE: Civil Rights

TITLE: To amend the City Human Rights Law in relation to an employer’s provision of a reasonable accommodation for an employee’s religious observance.

SPONSORS: Weprin, Chin, Fidler, James, Koslowitz, Van Bramer, Rose, Levin

SUMMARY OF LEGISLATION: Proposed Int. No. 632-A seeks to ensure that workers are protected from religious discrimination in the workplace and clarifies the Council’s intentions to provide greater protection to workers under the City Human Rights Law than the federal human rights provisions provide. In addition, this would make the City Human Rights Law consistent with the State Human Rights Law in relation to protecting workers from religious discrimination in the workplace. Under the current law, an employer is required to provide a reasonable accommodation for an employee’s religious observance so long as it does not cause an undue hardship for the employer. The current law does not, however, provide a definition of undue hardship nor does it set forth factors to be considered. This legislation would amend the City Human Rights Law by defining “undue hardship” as an “accommodation requiring significant expense or difficulty” and provide factors to be considered when determining whether an employer has met his or her duty to provide a reasonable accommodation for religious observance.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: N/A

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

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

HISTORY: Introduced as Intro. 632 by the Council on June 29, 2011 and referred to the Committee on Civil Rights. On June 30, 2011, Intro. 632 was considered by the Committee and laid over. On August 16, 2011, an amended version, Proposed Intro 632-A will be considered and voted out by the Committee. Proposed Intro 632-A is scheduled to be voted out by the full Council on August 17, 2011.

DATE SUBMITTED TO COUNCIL: June 29, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 632-A:)

Int. No. 632-A

By Council Members Weprin, Chin, Fidler, James, Koslowitz, Van Bramer, Rose, Levin, Jackson, Dromm, Gennaro, Nelson, Crowley, Lander, Williams and Ulrich.

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

Be it enacted by the Council as follows:

Section 1. Subdivision 18 of section 8-102 of the administrative code of the city of New York, as amended by local law number 75 for the year 2003, is amended to read as follows:

18. The term “reasonable accommodation” means such accommodation that can be made that shall not cause undue hardship in the conduct of the covered entity’s business. The covered entity shall have the burden of proving undue hardship. In making a determination of undue hardship with respect to claims filed under subdivisions one or two of section 8-107 or section 8-107.1 of this chapter, the factors which may be considered include but shall not be limited to:

(a) the nature and cost of the accommodation;

(b) the overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(c) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and

(d) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

In making a determination of undue hardship with respect to claims for reasonable accommodation to an employee’s or prospective employee’s religious observance filed under subdivision three of section 8-107 of this chapter, the

definition of “undue hardship” set forth in paragraph b of such subdivision shall apply.

§2. Paragraph b of subdivision 3 of section 8-107 of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, is amended to read as follows:

(b) “Reasonable accommodation”, as used in this subdivision, shall mean such accommodation to an employee’s or prospective employee’s religious observance or practice as shall not cause undue hardship in the conduct of the employer’s business. The employer shall have the burden of proof to show such hardship. “*Undue hardship” as used in this subdivision shall mean an accommodation requiring significant expense or difficulty (including a significant interference with the safe or efficient operation of the workplace or a violation of a bona fide seniority system). Factors to be considered in determining whether the accommodation constitutes an undue economic hardship shall include, but not be limited to:*

(i) the identifiable cost of the accommodation, including the costs of loss of productivity and of retaining or hiring employees or transferring employees from one facility to another, in relation to the size and operating cost of the employer;

(ii) the number of individuals who will need the particular accommodation to a sincerely held religious observance or practice; and

(iii) for an employer with multiple facilities, the degree to which the geographic separateness or administrative or fiscal relationship of the facilities will make the accommodation more difficult or expensive.

Provided, however, an accommodation shall be considered to constitute an undue hardship, for purposes of this subdivision, if it will result in the inability of an employee who is seeking a religious accommodation to perform the essential functions of the position in which he or she is employed.

§3. This local law shall take effect immediately.

DEBORAH L. ROSE, Chair; LARRY B. SEABROOK; JULISSA FERRERAS, JAMES G. VAN BRAMER, Committee on Civil Rights, August 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).

Report of the Committee on Consumer Affairs

Report for Int. No. 541-A

Report of the Committee on Consumer Affairs 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 the sale of expired over-the-counter medication.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on April 6, 2011 (Minutes, page 1115), respectfully

REPORTS:

INTRODUCTION

On Tuesday, August 16, 2011, the Consumer Affairs Committee, chaired by Council Member Dan Garodnick, will vote on Proposed Introductory Bill Number 541-A (“Proposed Intro. 541-A”), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of expired over-the-counter medication. The Committee first heard Proposed Intro. 541-A on June 13, 2011.

II. BACKGROUND

According to New York State General Business Law (“GBL”), it is illegal “to knowingly sell or offer for sale, any drug sold over-the-counter without the need of a prescription, later than the date, if any, marked upon the label as indicative of the date beyond which the contents cannot be expected beyond reasonable doubt to be safe and effective...”¹ Despite the ban on the sale of expired over-the-counter medicine, however, recent reports suggest that the practice continues.

In December 2010, an undercover NBC News investigation discovered that expired over-the-counter drugs were being sold at the now-defunct flea market at the Aqueduct Race Track in Ozone Park, Queens.² The medicine, which included such brands as Robitussin, Claritin and Dimetapp, had expiration dates that had passed months and even years prior.³ At the time, NBC was told that the Aqueduct Flea Market would revoke the permit of the man who had allegedly been selling the expired medication.⁴

Unfortunately, the sale of expired medication has not been an uncommon occurrence in New York State in the past decade. In October 2003, then-Attorney General Eliot Spitzer conducted an investigation that found that of

100 retail stores surveyed throughout the State, nearly one-third were selling expired over-the-counter medication.⁵ The offending stores included pharmacies such as CVS and Rite Aid, as well as supermarkets, convenience stores, discount stores and small grocery stores.⁶ Mr. Spitzer reached settlements with 29 of the stores selling expired medication that required the stores to pay a fine of \$500 per brand of expired medication and to promise to take preventative measures in the future.⁷

Nearly five years later, in the spring of 2008, Mr. Spitzer’s successor, then-Attorney General Andrew Cuomo, conducted a statewide investigation that revealed over 250 pharmacies, including 50 in New York City, selling expired products including milk, baby formula and over-the-counter medications.⁸ As with the medication being sold at the Aqueduct Race Track flea market, the time that had passed since the expiration dates ranged from just a few months to over two years.⁹ Though pharmacies throughout the state were found to be selling expired medicine, the Attorney General listed Rite Aid and CVS as the worst offenders,¹⁰ with expired goods being sold at 122 and 148 of their stores, respectively.¹¹ The Attorney General initiated legal actions against the two pharmacies once subsequent investigations revealed that they had continued to sell expired goods.¹² He eventually reached a \$1-1.3 million settlement with Rite Aid and a \$875,000 settlement with CVS, with both pharmacies promising to take measures to ensure that expired products would not be sold again.¹³

Experts claim that there is little concern of an increase in toxicity with expired medication. The potency of medication, however, is not guaranteed beyond its expiration date. For consumers, this presents both health and fairness issues. For those paying for medication, particularly those with limited resources, buying a product with limited potency and efficacy is inherently unfair. There may be serious health consequences as well. Decreased potency can have an adverse effect on those who depend on those medicines, such as a person with heart disease who takes aspirin as a blood thinner.¹⁴ Expired medicine can also have adverse effects on dosage. For example, children’s liquid medicine will eventually evaporate once it has passed its expiration date and can, consequently, cause a child to consume a stronger dose than is appropriate.¹⁵

a) **PROPOSED INTRODUCTORY BILL NUMBER 541-A**

Proposed Introduction Number 541-A (“Proposed Int. 541-A”) would amend the administrative code of the city of New York to prohibit any sale of expired over-the-counter medication. Proposed Int. 541-A identifies over-the-counter medication as any drug that does not require a prescription. “Drug” does not include cosmetics or food. As indicated above, the GBL already makes it unlawful for any retailer to sell expired over-the-counter medications.¹⁶ Nevertheless, the GBL provision addresses retailers only. Proposed Int. 541-A would preclude any individual, group or association from selling expired over-the-counter medication.


Proposed Int. 541-A makes the sale of expired over-the-counter medication a violation punishable by a fine of up to two-hundred and fifty dollars for the first violation and up to five-hundred dollars for any subsequent violation. Proposed Int. 541-A also creates a civil penalty of no less than one-hundred dollars and no more than two-hundred and fifty dollars for one violation, and of no less than two-hundred fifty dollars and no more than five-hundred dollars for each additional violation. The prohibition on the sale of expired medication would be enforceable by both DCA and the New York City Police department.

During the June 13, 2011 Committee hearing on Proposed Int. No. 541-A, DCA and the Department of Health and Mental Hygiene (“DOHMH”) testified in support of the bills. Nancy Clark, Assistant Commissioner of the Bureau of Environmental Disease Prevention of DOHMH testified that “a product sold past its expiration date should not be used given the uncertainties over its potency or safety.”¹⁷

¹ NYS Gen. Bus. Law § 820
² Tur, K., “Expired Medications Sold Illegally at Queens Flea Market,” *NBC New York*, December 9, 2010, Available at <http://www.nbcnewyork.com/news/local/Expired-Medications-Sold-Illegally-at-Queens-Flea-Market-111609999.html>, Accessed on June 6, 2011.
³ *Id.*
⁴ *Id.*
⁵ Murray, C., “Over the Counter, Over Its Shelf Life; Spitzer probe reveals expired medicine,” *Newsday*, October, 14, 2003, at A54.
⁶ *Id.*
⁷ *Id.*
⁸ Hartocollis, A., “Expired Items Found at Drug Stores Across the State,” *N.Y. Times*, June 13, 2008, at 3.
⁹ *Id.*
¹⁰ *Id.*
¹¹ Office of New York State Attorney General, “Attorney General Cuomo Reaches \$1.3 Million Settlement with Rite Aid Over the Sale of Expired Products Across New York State,” Press Release, December 4, 2008, Available at http://www.ag.ny.gov/media_center/2008/dec/dec4a_08.html.
¹² *Id.*
¹³ Office of New York State Attorney General, “Attorney General Cuomo Reaches \$875,000 Settlement with CVS over the Sale of Expired Products Across New York State,” Press Release, November 10, 2009, Available at http://www.ag.ny.gov/media_center/2009/nov/nov10b_09.html.
¹⁴ Attorney General Petition, *People of the State of NY v. CVS Corp.* December 4, 2008.
¹⁵ *Id.*
¹⁶ *Supra* note 1.

¹⁷ Nancy Clark, Dep’t of Health and Mental Hygiene, testimony at NYC Council Committee on Consumer Affairs Hearing, June 13, 2011.

(The following is the text of the Fiscal Impact Statement for Int. No. 541-A:)



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

PROPOSED INTRO. NO. 541-A

COMMITTEE: Consumer Affairs

TITLE: To amend the administrative code of the city of New York, in relation, in relation to prohibiting the sale of expired over-the-counter medication.

SPONSORS: Council Members Members Wills, Barron, Cabrera, Dickens, Fidler, Gentile, Koppell, Koslowitz, Mealy, Seabrook, Williams, Sanders Jr., Vacca, Comrie, Levin, Jackson, Dromm, James and Gennaro.

SUMMARY OF LEGISLATION: This legislation states that it shall be unlawful to knowingly sell or offer for sale, any over-the-counter medication, later than the date, if any, marked upon the label as indicative of the date beyond which the contents cannot be expected, beyond reasonable doubt, to be safe and effective.

EFFECTIVE DATE: This local law shall take effect ninety days after enactment; provided, however, that the commissioner shall take such actions, including the promulgations of rules, as are necessary for timely implementation of this local law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2013

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues (+)*	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Violations of this legislation can result in fines not to exceed \$250 for a first violation and not to exceed \$500 for all subsequent violations. However, it is intention of this legislation to simply stop the sale of expired over the counter medication and not to generate revenue. Any revenue generated from this legislation is expected to be de minimis.

IMPACT ON EXPENDITURES: There would be no expenditure impact by the enactment of this legislation

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: The New York City Department of Consumer Affairs, The Office of Management and Budget, and New York City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
New York City Council Finance Division

DATE SUBMITTED TO COUNCIL: Introduced by City Council and referred to Consumer Affairs Committee as Int. No. 541 on April 6, 2011. On June 13, 2011, the Committee held a hearing on the amended version of Proposed Int. No. 541-A, and the bill was laid over. This legislation will be voted by the Committee on August 16, 2011 as Proposed Int. No.541-A.

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Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 541-A:)

Int. No. 541-A

By Council Members Wills, Barron, Cabrera, Dickens, Fidler, Gentile, Koppell, Koslowitz, Mealy, Seabrook, Williams, Sanders, Vacca, Comrie, Levin, Jackson, Dromm, James, Gennaro, Van Bramer, Nelson, Crowley, Weprin, Eugene, Chin, Lander and Vallone, Jr.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of expired over-the-counter medication.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 18 to read as follows:

SUBCHAPTER 18
PROHIBITION ON THE SALE OF EXPIRED OVER-THE-COUNTER MEDICATION

§ 20-821 Definitions.
§ 20-822 Prohibited Conduct and Violations.
§ 20-823 Enforcement.

§ 20-821 Definitions. For purposes of this subchapter, the following definitions shall apply:

a. "Over-the-counter medication" means a drug, as defined by section 71.03(b) of the New York city health code, which does not require a prescription.

b. "Person" means any natural person, firm, partnership, joint venture, corporation or association.

§ 20-822 Prohibited conduct and violations.

a. It shall be unlawful to sell or offer for sale, any over-the-counter medication, later than the date, if any, marked upon the label as indicative of the date beyond which the contents cannot be expected to be safe and effective.

b. Violations. A person violating section 20-822 of this subchapter shall be guilty of a violation punishable by a fine not to exceed two hundred and fifty dollars for the first violation and a fine not to exceed five hundred dollars for any subsequent violation. In addition to such penalties, any person who violates this section shall be liable for a civil penalty of not less than one hundred dollars nor more than two hundred and fifty dollars for the first violation and of not less than two hundred and fifty dollars nor more than five hundred dollars for each subsequent violation. For purposes of this subdivision, each group of identical over-the-counter medication subject to this subchapter marked with the same date shall constitute a single violation. However, where the expired over-the-counter medication is sold to a person, each sale shall constitute a separate violation under this section. Penalties shall be enforced in accordance with subdivision g of section twenty-two hundred and three of the charter of the city of New York.

§ 20-823 Enforcement. The department, the police department, and other agencies designated by the commissioner are authorized to enforce the provisions of this subchapter.

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

DANIEL R. GARODNICK, Chair; CHARLES BARRON; LEROY G. COMRIE, JR.; JULISSA FERRERAS, Committee on Consumer Affairs. August 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).

Report of the Committee on Finance

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

Report for Res. No. 987

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

The Committee on Finance, to which the annexed resolution was referred on August 17, 2011, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”). On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”).

Analysis. This Resolution, dated August 17, 2011, amends the description for the Description/Scope of Services for Region 7 District 31 NYC Department of Education (“District 31”). In accordance with the Fiscal 2012 Expense Budget, District 31 received local discretionary funding in the amount of \$2,000 within the budget of the Department of Education for certain Parent Teacher Associations in District 31. The Description/Scope of services for this funding listed in the Fiscal 2012 expense budget read: “\$1,000 is to be allocated to the parent teacher associations (PTAs) of the following public schools in District 31: 1) Curtis High School; 2) Mckee High School; 3) Concord High School; and 4) Port Richmond High School.” This resolution now changes the Description/Scope of services to read: “\$500 is to be allocated to each Parent Teacher Associations (PTAs) of the following public schools in district 31: 1) Curtis High School; 2) Mckee High School; 3) Concord High School; and 4) Port Richmond High School.”

Also, this Resolution amends the description for the Description/Scope of Services for District 31. In accordance with the Fiscal 2012 Expense Budget, District 31 received local discretionary funding in the amount of \$13,000 within the budget of the Department of Education for certain Parent Teacher Associations in

District 31. The Description/Scope of services for this funding listed in the Fiscal 2012 expense budget read: “\$1000 is to be allocated to the Parent Teacher Associations (PTAs) of following public schools in District 31: 1) PS 13 M L Lindenmeyer School; 2) PS 14 Cornelius Vanderbilt School; 3) PS 16 John J Driscoll School; 4) PS 18 John G Whittier School; 5) PS 19 The Curtis School; 6) PS 20 Port Richmond School; 7) PS 21 Margaret Emery-Elm Park School; 8) PS 22 Graniteville School; 9) PS 29 Bardwell School; 10) PS 30 The Westerleigh School; 11) PS 31 William T Davis School; 12) PS 35 Clove Valley School; 13) PS 44 Thomas C Brown School; 14) PS 45 John Tyler School; 15) PS 57 Hubert H Humphrey School; 16) PS 58 Space Shuttle Columbia; 17) PS 65 Academy Of Innovative Learning; 18) PS 74 Future Leaders Elementary School; 19) PS R373; 20) PS/Is 861 Staten Island School Of Civic Leadership; 21) IS 27 Anning S Prall; 22) IS 49 Bertha A Dreyfus; 23) IS 51 Edwin Markham; 24) IS 61 William A Morris School; 25) P721 Richard H. Hungerford School; and 26) The Michael J Petrides School. This resolution now changes the Description/Scope of services to read: “\$500 is to be allocated to each Parent Teacher Associations (PTAs) of the following public schools in District 31: 1) PS 13 M L Lindenmeyer School; 2) PS 14 Cornelius Vanderbilt School; 3) PS 16 John J Driscoll School; 4) PS 18 John G Whittier School; 5) PS 19 The Curtis School; 6) PS 20 Port Richmond School; 7) PS 21 Margaret Emery-Elm Park School; 8) PS 22 Graniteville School; 9) PS 29 Bardwell School; 10) PS 30 The Westerleigh School; 11) PS 31 William T Davis School; 12) PS 35 Clove Valley School; 13) PS 44 Thomas C Brown School; 14) PS 45 John Tyler School; 15) PS 57 Hubert H Humphrey School; 16) PS 58 Space Shuttle Columbia; 17) PS 65 Academy Of Innovative Learning; 18) PS 74 Future Leaders Elementary School; 19) PS R373; 20) PS/Is 861 Staten Island School Of Civic Leadership; 21) IS 27 Anning S Prall; 22) IS 49 Bertha A Dreyfus; 23) IS 51 Edwin Markham; 24) IS 61 William A Morris School; 25) P721 Richard H. Hungerford School; and 26) The Michael J Petrides School.”

Also, this Resolution adds a description for the purpose of funds provided to the Department of Parks and Recreation for certain services from local discretionary funds. This agency will receive funding in the amount of \$10,000 and the purpose of funding will read: “For the purchase of a park bench and for maintenance of Dry Harbor Playground Parkhouse for Play School program managed by the Greater Ridgewood Youth Council.”

Also, this Resolution amends the description for the Description/Scope of Services for certain services provided by the Department of Parks and Recreation from local discretionary funds. The Description/Scope of services for this agency for funding in the amount of \$12,500 listed in the Fiscal 2012 Expense Budget read: “Pruning for trees in the 50th Council District.” This resolution now changes the Description/Scope of services to read: “\$6,500 will be used for pruning trees in the 50th Council District, and \$6,000 will used to install a fence at Public School 48 Park.”

Moreover, this Resolution amends the description for the Description/Scope of Services for Border Crossers, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “Funding will support ongoing training for P.S. 40 and P.S. 34 teachers implementing the Border Crossers program in their classrooms to explore community problems and develop solutions for creating change.” This Resolution now changes the Description/Scope of Services to read: “Funding will be used to support social action-based programs for elementary school students.”

Moreover, this Resolution amends the description for the Description/Scope of Services for Peace Action Fund of New York State, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “To help fund Peace Action Fund of New York State's participation in the Peace Fair in Brooklyn this summer, as well as to fund our efforts to start educational student clubs at colleges and universities in the NYC area, including at the College of Staten Island.” This Resolution now changes the Description/Scope of Services to read: “The funds will be used towards the Peace Fair in Brooklyn in the Summer of 2011 and to support educational student clubs at colleges and universities.”

Also, this Resolution amends the description for the Description/Scope of Services for Manhattan Amateur Art and Columbus Music Association, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: “Support partial salary of music and dance instructors, purchasing of costume, stage fee, rehearsal space and advertisement.” This Resolution now changes the Description/Scope of Services to read: “For Spacing/Rent.”

Lastly, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2012 Expense Budget. This Resolution also

approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2012 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 2; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget, as described in Charts 3-11; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to the Fiscal 2011 Expense Budget, as set forth in Charts 12-13.

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011, the Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 3 sets forth the new designation of certain organizations receiving funding pursuant to a PEG Restoration relating to Day Care Centers in accordance with the Fiscal 2012 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2012 Expense Budget. Each newly designated organization in this initiative, which totals \$500,000, will receive funding in various amounts.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration Initiative. Each newly designated organization in this initiative, which totals \$3,350,000, will receive funding in various amounts.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cancer Initiative. Each newly designated organization in this initiative, which totals \$1,425,000, will receive funding in various amounts.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Children Under Five Initiative. Each newly designated organization in this initiative, which totals \$1,250,000, will receive funding in various amounts.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance (IDUHA) Initiative. Each newly designated organization in this initiative, which totals \$1,000,000, will receive funding in various amounts.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative. Each newly designated organization in this initiative, which totals \$450,000, will receive funding in various amounts.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Obesity Intervention Program. Each newly designated organization in this initiative, which totals \$1,300,000, will receive funding in various amounts.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Services. Each newly designated organization in this initiative, which totals \$2,000,000, will receive funding in various amounts.

Chart 12 sets forth corrections in the designation of a certain organization, St. Joan of Arc, receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget. Chart 12 indicates a name correction. The correct name for the organization with EIN 11-1675278 is St. Joan of Arch Church.

Chart 13 sets forth corrections in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget. Charter 13 indicates an EIN correction and a name correction for the Young Israel of Queens Valley (correct EIN is 11-2267876), and the St. Joan of Arc Church (previously listed name, St. Joan of Arc).

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2012 and 2011 Expense Budgets. Such resolution would take effect as of the date of adoption.

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

Res. No. 987

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

By Council Member Recchia.

Whereas, On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to a certain initiative in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for funding in the amount of \$2,000 received by Region 7 District 31 NYC Department of Education, within the budget of the Department of Education in accordance with the Fiscal 2012 Expense Budget, to read: "\$500 is to be allocated to each Parent Teacher Associations (PTAs) of the following public schools in district 31: 1) Curtis High School; 2) McKee High School; 3) Concord High School; and 4) Port Richmond High School."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for funding in the amount of \$2,000 received by Region 7 District 31 NYC Department of Education, within the budget of the Department of Education in accordance with the Fiscal 2012 Expense Budget, to read: "\$500 is to be allocated to each Parent Teacher Associations (PTAs) of the following public schools in District 31: 1) PS 13 M L Lindenmeyer School; 2) PS 14 Cornelius Vanderbilt School; 3) PS 16 John J Driscoll School; 4) PS 18 John G Whittier School; 5) PS 19 The Curtis School; 6) PS 20 Port Richmond School; 7) PS 21 Margaret Emery-Elm Park School; 8) PS 22 Graniteville School; 9) PS 29 Bardwell School; 10) PS 30 The Westerleigh School; 11) PS 31 William T Davis

School; 12) PS 35 Clove Valley School; 13) PS 44 Thomas C Brown School; 14) PS 45 John Tyler School; 15) PS 57 Hubert H Humphrey School; 16) PS 58 Space Shuttle Columbia; 17) PS 65 Academy Of Innovative Learning; 18) PS 74 Future Leaders Elementary School; 19) PS R373; 20) PS/Is 861 Staten Island School Of Civic Leadership; 21) IS 27 Anning S Prall; 22) IS 49 Bertha A Dreyfus; 23) IS 51 Edwin Markham; 24) IS 61 William A Morris School; 25) P721 Richard H. Hungerford School; and 26) The Michael J Petrides School."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Department of Parks and Recreation for certain services to read: "\$6,500 will be used for pruning trees in the 50th Council District, and \$6,000 will used to install a fence at Public School 48 Park."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Department of Parks and Recreation for certain services in the amount of \$10,000 to read: "For the purchase of a park bench and for maintenance of Dry Harbor Playground Parkhouse for Play School program managed by the Greater Ridgewood Youth Council."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Border Crossers, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: "Funding will be used to support social action-based programs for elementary school students."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Peace Action Fund of New York State, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "The funds will be used towards the Peace Fair in Brooklyn in the Summer of 2011 and to support educational student clubs at colleges and universities."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Manhattan Amateur Art and Columbus Music Association, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: "For Spacing/Rent."; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to a PEG Restoration relating to Day Care Centers in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cancer Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Obesity Intervention Program Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Services Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves corrections to the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves corrections to the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 13.

ATTACHMENT:

CHART 1: Local Initiatives

Member	Organization	EIN Number	Agency	Amount	App #	UFA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Oddo	Enrichment Through The Arts	11-3097260	DYCD	\$3,500.00	126	003			*
Oddo	Enrichment Through The Arts	11-3097260	DYCD	\$3,500.00	126	003			*
Oddo	Joe Chevrolet Playwright Theater**	55-0862758	DCA	(\$3,000.00)	260	003			*
Oddo	Joe Chevrolet Playwright Theater**	55-0862758	DYCD	\$3,000.00	260	312			*
James	Brooklyn Transition Center P753K	88-03710637	DOE	(\$4,000.00)	040	402			*
James	Brooklyn Transition Center P753K	88-03710637	DOE	\$4,000.00	040	402			*
Crowley	Queens College Foundation Inc for - Queens College Arts Center**	11-4080521	DCA	(\$3,500.00)	126	003			*
Crowley	Queens College Foundation Inc for - Queens College Arts Center**	11-4080521	CUNY	\$3,500.00	042	001			*
Crowley	Sacred Music Choral of Richmond Hill, Inc.	11-3457320	DCA	(\$2,000.00)	126	003	Greater Woodhaven Development Corporation	11-2508190	
Crowley	Sacred Music Choral of Richmond Hill, Inc.	11-3457320	DYCD	\$2,000.00	260	312	Greater Woodhaven Development Corporation	11-2508190	
Rose	National Lighthouse Museum**	13-4055215	DCA	(\$5,000.00)	126	003			
Rose	National Lighthouse Museum**	13-4055215	DYCD	\$5,000.00	260	312			
Rose	Serenade at Historic Christ Church, Inc.	26-2609767	DYCD	(\$1,000.00)	260	312			
Rose	Serenade at Historic Christ Church, Inc.	26-2609767	DCA	\$1,000.00	260	003	Jewish Community Council of Staten Island	13-5562756	
Rose	Varsity Club of Staten Island, Inc.	13-3993270	DYCD	\$2,000.00	260	312	Jewish Community Council of Staten Island	13-5562756	
Oddo	Catholic Charities Community Services, Archdiocese of New York	13-5569185	DYCD	(\$4,500.00)	126	003			
Oddo	Catholic Charities Community Services, Inc.	11-2047151	DYCD	\$4,500.00	126	003			
Crowley	Woodhaven Cultural - Historical Society Inc	11-3097764	DYCD	(\$4,000.00)	260	005	Greater Woodhaven Development Corporation	11-2508190	
Crowley	Woodhaven Cultural - Historical Society Inc	11-3097764	DCA	\$4,000.00	260	005			
Crowley	Woodhaven Cultural - Historical Society Inc	11-3097764	DYCD	\$4,000.00	260	005			
Eugene	Caribbean Cultural Theatre, Inc.**	83-0506237	DYCD	\$3,500.00	260	005			
Eugene	Caribbean Cultural Theatre, Inc.**	83-0506237	DCA	\$3,500.00	260	005			
Lander	Committee to Improve Carroll Park**	11-2502742	DCA	(\$2,000.00)	126	003			
Lander	Committee to Improve Carroll Park**	11-2502742	DYCD	\$2,000.00	260	312			
James	Despera USA Steel Orchestra, Inc.**	11-3469180	DYCD	\$2,000.00	260	312			*
James	Despera USA Steel Orchestra, Inc.**	11-3469180	DCA	\$2,000.00	260	005			*
Levin	572574 Warren St Tenants Association**	80-0685710	DYCD	(\$5,000.00)	260	005			*
Levin	572574 Warren St Tenants Association**	80-0685710	NYCHA	\$5,000.00	098	002			*

** Requires a budget modification for the changes to take effect

CHART 2: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	App #	UFA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Crowley	Blau Weiss Golfclub, Inc.	11-4074351	DYCD	\$5,000.00	260	312	Manhasset Town Hall, Inc.	11-2507602	*
Crowley	Blau Weiss Golfclub, Inc.	11-4074351	DYCD	\$5,000.00	260	312	Manhasset Town Hall, Inc.	11-2507602	*
Crowley	Shooting Stars of Queens, Inc.	26-0119685	DYCD	(\$3,500.00)	260	312	Greater Woodhaven Development Corporation	11-2508190	
Gennaro	Young League of Queens Valley	13-3613262	DYCD	(\$10,000.00)	260	312	Manhasset Town Hall, Inc.	11-2507602	
Gennaro	Young League of Queens Valley	13-3613262	DYCD	\$10,000.00	260	312	Manhasset Town Hall, Inc.	11-2507602	
Chin	Chinese American Planning Council, Inc.	13-4020482	DYCD	\$5,000.00	260	312			

* Indicates pending completion of pre-qualification review.

CHART 3: Day Care Center PEG Restoration

Organization		EIN Number	Agency	Amount	Agy #	U/A	*
American-Italian Coalition of Organizations, Inc. (AMICO) – Court Street Day Care		11-2660297	ACS	(\$825,000.00)	068	004	
Administration for Children's Services [American-Italian Coalition of Organizations, Inc. (AMICO) – Court Street Day Care]							
BBCS Duffield Children's Center		11-2660297	ACS	\$825,000.00	068	004	
Administration for Children's Services [BBCS Duffield Children's Center]		11-1630780	ACS	(\$1,366,101.00)	068	004	
Bethel Baptist Day Care Center		11-1630780	ACS	\$1,366,101.00	068	004	
Administration for Children's Services [Bethel Baptist Day Care Center]		11-2244360	ACS	(\$853,389.00)	068	004	
Bethel Mission – Sheldon Weaver Day Care Center		11-2244360	ACS	\$853,389.00	068	004	
Administration for Children's Services [Bethel Mission – Sheldon Weaver Day Care Center]		06-0983254	ACS	(\$1,367,264.00)	068	004	
La Puerta Abierta – PAL		06-0983254	ACS	\$1,367,264.00	068	004	
Administration for Children's Services [La Puerta Abierta – PAL]		06-0983254	ACS	(\$1,008,932.00)	068	004	
Strong Place Day Care Center		13-5596811	ACS	\$1,008,932.00	068	004	
Administration for Children's Services [Strong Place Day Care Center]		11-2203754	ACS	(\$1,014,314.00)	068	004	
* Indicates pending completion of pre-qualification review.							

** Requires a budget modification for the changes to take effect

CHART 4: Asthma Control Program

Organization		EIN Number	Agency	Amount	Agy #	U/A	*
Asthma Control Program		13-6400434	DOHMH	(\$500,000.00)	816	113	
Bronx Lebanon Hospital		13-1974191	DOHMH	\$75,000.00	816	113	
Long Island College Hospital		11-1016985	DOHMH	\$75,000.00	816	113	
Department of Health and Mental Hygiene		13-6400433	DOHMH	\$100,000.00	816	113	
Union Settlement Association, Inc.		13-6400434	DOHMH	\$100,000.00	816	113	
Queens Comprehensive Asthma Council		13-1632530	DOHMH	\$75,000.00	816	113	
* Indicates pending completion of pre-qualification review.		11-2870421	DOHMH	\$75,000.00	816	113	

** Requires a budget modification for the changes to take effect

CHART 6 : Cancer Initiative

Organization		EIN Number	Agency	Amount	Agy #	U/A	*
Cancer Initiative		13-6400434	DOHMH	(\$1,425,000)	816	113	
American-Italian Cancer Foundation		13-3035711	DOHMH	\$175,500	816	113	
Charles B. Wang Community Health Center, Inc.		13-2739694	DOHMH	\$40,500	816	113	
Gilda's Club New York, Inc.		13-4046652	DOHMH	\$40,000	816	113	
Self-Help for Women with Breast or Ovarian Cancer (SHARE), Inc.		13-3131914	DOHMH	\$87,000	816	113	
Astoria/Queens Share-Ing and Care-Ing, Inc.		11-3220371	DOHMH	\$82,000	816	113	
American Cancer Society		16-0743902	DOHMH	\$1,000,000	816	113	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 5: Alternatives to Incarceration

Organization		EIN Number	Agency	Amount	Agy #	U/A	*
Alternatives to Incarceration		13-6400434	MISC	(\$3,350,000.00)	098	002	
Center for Alternative Sentencing and Employment Services (CASES), Inc.		13-2668080	MISC	\$635,025.00	098	002	
Center for Community Alternatives' Crossroads Program		16-1395992	MISC	\$315,228.00	098	002	
Center for Employment Opportunities (CEO), Inc.		13-3843322	MISC	\$347,207.00	098	002	
Education and Assistance Corporation (EAC), Inc.		23-7175609	MISC	\$927,590.00	098	002	
Fortune Society, Inc., The		13-2645436	MISC	\$200,100.00	098	002	
Legal Action Center of the City of New York, Inc., The		13-2756320	MISC	\$105,075.00	098	002	
Osborne Association, Inc., The		13-5563028	MISC	\$388,325.00	098	002	
Women's Prison Association's Hopper Home, Inc.		13-5596836	MISC	\$431,450.00	098	002	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 8: Injection Drug Users Health Alliance (IDUHA)

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Injection Drug Users Health Alliance (IDUHA)	13-6400434	DOHMH		816	112	
Citwide Harm Reduction Program, Inc.	13-4009817	DOHMH	(\$1,000,000.00)			
New York Harm Reduction Educators, Inc.	13-3678499	DOHMH	\$66,879.09	816	112	
St. Ann's Corner of Harm Reduction	13-3724008	DOHMH	\$76,654.46	816	112	
After Hours Project, Inc.	33-1007278	DOHMH	\$61,608.32	816	112	
Family Services Network of New York	11-2592651	DOHMH	\$72,743.46	816	112	
Housing Works, Inc.	13-3584089	DOHMH	\$49,489.49	816	112	
New York City AIDS Housing Network (NYCAHN)	13-3584089	DOHMH	\$24,942.97	816	112	
Foundation for Research into Sexually Transmitted Diseases, Inc.	13-4094385	DOHMH	\$92,539.23	816	112	
Harlem United Community AIDS Center	13-3387630	DOHMH	\$61,940.60	816	112	
Harm Reduction Coalition	13-3461695	DOHMH	\$22,887.29	816	112	
Lower East Side Harm Reduction Center, Inc.	94-3204958	DOHMH	\$23,441.76	816	112	
Positive Health Project	13-3727641	DOHMH	\$70,147.60	816	112	
Praxis Housing Initiatives, Inc.	13-3845305	DOHMH	\$49,749.58	816	112	
Public Health Solutions	13-3832223	DOHMH	\$30,714.28	816	112	
Safe Horizon, Inc. (Streetwork)	13-5669201	DOHMH	\$69,767.44	816	112	
Washington Heights Corner Project	13-2946970	DOHMH	\$50,751.13	816	112	
AIDS Center of Queens County, Inc.	20-8672015	DOHMH	\$75,836.32	816	112	
Community Health Action of Staten Island (formerly SI AIDS Taskforce)	11-2837694	DOHMH	\$53,393.13	816	112	
	13-3556132	DOHMH	\$46,524.85	816	112	

* Indicates pending completion of pre-qualification review.

CHART 7: Children under Five Initiative

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Children under Five Initiative	13-6400434	DOHMH		816	120	
Albert Einstein College of Medicine of Yeshiva University	13-1624225	DOHMH	(\$1,250,000.00)			
OHIEL Children's Home and Family Services, Inc.	11-6078704	DOHMH	\$400,000.00	816	120	
Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)	13-5564937	DOHMH	\$100,000.00	816	120	
Safe Horizon, Inc.	13-2946970	DOHMH	\$75,000.00	816	120	
Safe Space, Inc.	11-111014	DOHMH	\$200,000.00	816	120	
City School District of New York	11-161134	DOHMH	\$200,000.00	816	120	
Child Center of New York, Inc. The	11-1733454	DOHMH	\$115,000.00	816	120	
Staten Island Mental Health Society, Inc.	13-5623279	DOHMH	\$60,000.00	816	120	

* Indicates pending completion of pre-qualification review.

CHART 10: Obesity Intervention Program

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Obesity Intervention Program	13-6400434	DOHMH		816	113	
Foundation for the Advancement of Cardiac Therapies-Health Corp.	26-1269358	DOHMH	(\$1,300,000.00)			
Harlem Hospital Center	13-3092676	DOHMH	\$750,000.00	816	113	
New York Road Runners Foundation, Inc.	13-3987945	DOHMH	\$300,000.00	816	113	
			\$250,000.00	816	113	

* Indicates pending completion of pre-qualification review.

CHART 9: Mental Health Contracts

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Mental Health Contracts	13-6400434	DOHMH		816	120	
Department of Health and Mental Hygiene	13-6400434	DOHMH	(\$450,000.00)			
Center for Urban and Community Services, Inc.	13-3687891	DOHMH	\$40,000.00	816	120	
Children's Aid Society, The	13-5562191	DOHMH	\$100,000.00	816	120	
Coalition of Behavioral Health Agencies, Inc., The	13-2729071	DOHMH	\$95,000.00	816	120	
Federation Employment and Guidance Service (FEGS), Inc.	13-1624000	DOHMH	\$85,000.00	816	120	
Greenwich House, Inc.	13-5562204	DOHMH	\$60,000.00	816	120	
Child Center of New York, Inc., The	11-1733454	DOHMH	\$25,000.00	816	120	
			\$45,000.00	816	120	

* Indicates pending completion of pre-qualification review.

CHART 12: Aging Initiatives - FY2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal ConduIt/Sponsoring Organization	Fiscal ConduIt EIN	*
Dromm	St. Joan of Arc	11-1675278	DFTA	(\$3,500.00)	125	003			
Dromm	St. Joan of Arc Church	11-1675278	DFTA	\$3,500.00	125	003			

-- Indicates pending completion of pre-qualification review.

-- Requires a budget modification for the changes to take effect

CHART 11: Geriatric Mental Health Services

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
	Geriatric Mental Health Services	13-5209324	DOHMH	(\$2,000,000.00)	816	120	
	Bronx Jewish Community Council, Inc.	13-3744533	DOHMH	\$79,000.00	816	120	
	BronxWorks, Inc.	13-3254483	DOHMH	\$84,000.00	816	120	
	East Side House, Inc.	13-1623988	DOHMH	\$79,000.00	816	120	
	Riverdale Mental Health Association, Inc.	13-1930700	DOHMH	\$118,000.00	816	120	
	St. Barnabas Hospital	13-1740122	DOHMH	\$79,000.00	816	120	
	Catholic Charities Neighborhood Services, Inc.	11-2047151	DOHMH	\$84,000.00	816	120	
	OHIEL Children's Home and Family Services, Inc.	11-8078704	DOHMH	\$94,000.00	816	120	
	Relief Resources, Inc.	52-2323151	DOHMH	\$40,000.00	816	120	
	SBH Community Service Network, Inc. (Sephardic Bkhar Cholim)	23-7406410	DOHMH	\$40,000.00	816	120	
	Spanish Speaking Elderly Council-RAICES	11-2730462	DOHMH	\$81,000.00	816	120	
	Bridge, Inc., The	13-1919799	DOHMH	\$79,000.00	816	120	
	Chinese American Planning Council, Inc.	13-8202692	DOHMH	\$84,000.00	816	120	
	Grand Street Settlement, Inc.	13-5562230	DOHMH	\$84,000.00	816	120	
	Hudson Guild	13-5562989	DOHMH	\$84,000.00	816	120	
	Institute for the Puerto Rican/Hispanic Elderly, Inc.	13-2987283	DOHMH	\$79,000.00	816	120	
	Jewish Association for Services for the Aged (JASA)	13-2620896	DOHMH	\$79,000.00	816	120	
	Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)	13-5584337	DOHMH	\$84,000.00	816	120	
	Lenox Hill Neighborhood House, Inc.	13-1628180	DOHMH	\$84,000.00	816	120	
	Service Program for Older People, Inc. (SPOP)	13-2947853	DOHMH	\$79,000.00	816	120	
	Services and Advocacy for Elderly Persons, Inc. (SAGE)	13-3398270	DOHMH	\$79,000.00	816	120	
	Uplight Manhattan Health Center	13-3242411	DOHMH	\$79,000.00	816	120	
	Visiting Nurse Service of New York Home Care, Inc.	11-3071518	DOHMH	\$81,000.00	816	120	
	Samuel Field YM & YWHA, Inc.	51-0189327	DOHMH	\$84,000.00	816	120	
	Sunnyside Community Services Center, Inc.	13-3234441	DOHMH	\$79,000.00	816	120	
	Project Hospitality, Inc.						

* Indicates pending completion of pre-qualification review.

CHART 13: Youth Discretionary - FY2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal ConduIt/Sponsoring Organization	Fiscal ConduIt EIN	*
Carano	Young Israel of Queens Valley	13-3813262	DYCD	(\$7,000.00)	260	312			
Germino	Young Israel of Queens Valley	11-2267876	DYCD	\$7,000.00	260	312			
Dromm	St. Joan of Arc	11-1675278	DYCD	(\$7,500.00)	260	312			
Dromm	St. Joan of Arc Church	11-1675278	DYCD	\$7,500.00	260	312			

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, JR., Chair; JOEL RIVERA; DIANA REYNA; GALE A. BREWER; LEROY G. COMRIE, JR.; LEWIS A. FIDLER; HELEN D. FOSTER; ROBERT JACKSON; ALBERT VANN; JULISSA FERRERAS; KAREN KOSLOWITZ; JAMES G. VAN BRAMER; VINCENT M. IGNIZIO; JAMES S. ODDO.. Committee on Finance, August 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).

Reports of the Committee on Land Use

Report for L.U. No.441

Report of the Committee on Land Use in favor of approving Application no. 20115580 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition Grillade, LLC of d.b.a. Grillade, to establish, maintain and operate an unenclosed sidewalk café located at 28 Seventh Avenue South, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 28, 2011 (Minutes, page 3840), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20115580 TCM

Application submitted by the Department of Consumer Affairs pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Grillade, LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 28 Seventh Avenue South.

INTENT

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

PUBLIC HEARING

DATE: August 15, 2011

Witnesses in Favor:	One	Witnesses	Against:
None			

SUBCOMMITTEE RECOMMENDATION

DATE: August 15, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: August 16, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Seabrook		
Vann		
Gonzalez		
Arroyo		
Dickens		
Lappin		
Mendez		
Vacca		
Lander		
Cont'd		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 991

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 28 Seventh Avenue South, Borough of Manhattan (20115580 TCK; L.U. No. 441).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 15, 2011 its approval dated July 15, 2011 of the petition of Grillade, LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 28 Seventh Avenue South, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on August 15, 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, JR., Chair; MARIA DEL CARMEN ARROYO, CHARLES BARRON, INEZ E. DICKENS, SARA M. GONZALEZ, ROBERT JACKSON, JESSICA S. LAPPIN, ROSIE MENDEZ, DIANA REYNA; JOEL RIVERA, LARRY B. SEABROOK, JAMES VACCA, ALBERT VANN, BRADFORD S. LANDER; STEPHEN T.LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, JAMES S. ODDO, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, August 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).

Report for L.U. No. 443

Report of the Committee on Land Use in favor of approving Application no. 20115653 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Moulinas LLC d.b.a. Bar Tabac, to continue to maintain and operate an unenclosed sidewalk café located at 128 Smith Street, Borough of Brooklyn, Council District no.33. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 28, 2011 (Minutes, page 3841), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2 20115653 TCK

Application submitted by the Department of Consumer Affairs pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Moulinas, LLC, d/b/a Bar Tabac, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 128 Smith Street.

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: August 15, 2011

Witnesses in Favor:	Two	Witnesses	Against:
None			

SUBCOMMITTEE RECOMMENDATION

DATE: August 15, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: August 16, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Seabrook		
Vann		
Gonzalez		
Arroyo		
Dickens		
Lappin		
Mendez		
Vacca		
Lander		
Cont’d		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 992

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 128 Smith Street, Borough of Brooklyn (20115653 TCK; L.U. No. 443).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 21, 2011 its approval dated July 21, 2011 of the petition of Moulinas, LLC, d/b/a Bar Tabac, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 128 Smith Street, Community District 2, 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 August 15, 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, JR., Chair; MARIA DEL CARMEN ARROYO, CHARLES BARRON, INEZ E. DICKENS, SARA M. GONZALEZ, ROBERT JACKSON, JESSICA S. LAPPIN, ROSIE MENDEZ, DIANA REYNA; JOEL RIVERA, LARRY B. SEABROOK, JAMES VACCA, ALBERT VANN, BRADFORD S. LANDER; STEPHEN T.LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, JAMES S. ODDO, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, August 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).

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

Report for L.U. No. 445

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 110243 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the Zoning Map Section no. 6b, Borough of Manhattan, Council District no. 9.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10C 110243 ZMM

City Planning Commission decision approving an application submitted by West 116th Residential, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b:

1.

eliminating from within an existing R7-2 District a C1-4 District bounded by West 117th Street, Fifth Avenue, West 116th Street, a line 450 feet easterly of Lenox Avenue-Malcolm X. Boulevard, a line midway between West 116th Street and West 117th Street, and a line 100 feet westerly of Fifth Avenue; and
2.

changing from an R7-2 District to a C4-5X District property bounded by West 117th Street Fifth Avenue, West 116th Street, and a line 450 feet easterly of Lenox Avenue-Malcolm X. Boulevard;

as shown on a diagram (for illustrative purposes only) dated May 9, 2011 and subject to the conditions of CEQR Declaration E-278.

INTENT

To facilitate the development of two mixed-use buildings on the block bounded by West 116th Street, West 117th Street, Fifth Avenue and Lenox Avenue-Malcolm X Boulevard in the Central Harlem neighborhood of Manhattan.

PUBLIC HEARING

DATE: August 15, 2011

Witnesses in Favor: Three
NoneWitnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: August 15, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: August 16, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Cont’d		
Jackson		
Seabrook		
Vann		
Gonzalez		
Arroyo		
Dickens		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 993

Resolution approving the decision of the City Planning Commission on ULURP No. C 110243 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 445).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 8, 2011 its decision dated August 8, 2011 (the "Decision"), on the application submitted by West 116th Residential, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone an existing R7-2 and R7-2/C1-4 to a C4-5X district on the block bounded by West 116th Street, West 117th Street, Fifth Avenue and Lenox Avenue-Malcolm X Boulevard in the Central Harlem area of Manhattan, to facilitate development of two mixed-use buildings (ULURP No. C 110243 ZMM) (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 August 15, 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 Conditional Negative Declaration issued on May 9, 2011, which included an (E) designation for air quality and a restrictive declaration for hazardous materials to avoid the potential for significant adverse impacts (CEQR No. 11DCP101M);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110243 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 117th Street, Fifth Avenue, West 116th Street, a line 450 feet easterly of Lenox Avenue-Malcolm X Boulevard, a line midway between West 116th Street and West 117th Street and a line 100 feet westerly of Fifth Avenue; and
2. changing from an R7-2 District to a C4-5X District property bounded by West 117th Street, Fifth Avenue, West 116th Street, and a line 450 feet easterly of Lenox Avenue-Malcolm X Boulevard;

as shown on a diagram (for illustrative purposes only) dated May 9, 2011, and subject to the conditions of CEQR Declaration E-278, Community District 10, Borough of Manhattan.

LEROY G, COMRIE, JR., Chair; MARIA DEL CARMEN ARROYO, CHARLES BARRON, INEZ E. DICKENS, SARA M. GONZALEZ, ROBERT JACKSON, JESSICA S. LAPPIN, ROSIE MENDEZ, DIANA REYNA; JOEL RIVERA, LARRY B. SEABROOK, JAMES VACCA, ALBERT VANN, BRADFORD S. LANDER; STEPHEN T.LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, JAMES S. ODDO, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, August 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).

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

Report for L.U. No. 446

Report of the Committee on Land Use in favor of approving Application no. 20125028 HAK, an amended Urban Development Action Area Project located at 788-796 Lafayette Avenue and 123 Van Buren Street, Council District no. 36, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 17, 2011, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 320125028 HAK

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Article 16 of the General Municipal Law and Section 577 of the Private Housing Finance Law, for a modifications to a previously approved Urban Development Action Area Project located at 788-796 Lafayette Avenue and 123 Van Buren Street in Council District no 36.

INTENT

To facilitate the development of low-income rental properties.

PUBLIC HEARING

DATE: August 15, 2011

Witnesses in Favor: Two
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: August 15, 2011

The Subcommittee recommends that the Land Use Committee make the findings required by Article 16 of the General Municipal Law.

In Favor:	Against:	Abstain:
Levin	None	None
Gonzalez		
Dickens		
Koo		

COMMITTEE ACTION

DATE: August 16, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Seabrook		
Vann		
Gonzalez		
Arroyo		
Dickens		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 994

Resolution approving a modification to an Urban Development Action Area Project located at 788 Lafayette Avenue (Block 1792/Lot 20), 788A Lafayette Avenue (Block 1792/Lot 21), 790 Lafayette Avenue (Block 1792/Lot 22), 792 Lafayette Avenue (Block 1792/Lot 23), 794 Lafayette Avenue (Block 1792/Lot 24), 796 Lafayette Avenue (Block 1792/Lot 25), and 123 Van Buren Street (Block 1792/Lot 61), Borough of Brooklyn (Preconsidered L.U. No. 446; 20125028 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 26, 2011 its request dated June 20, 2011 that the Council take the following actions regarding a modification to the following Urban Development Action Area Project (the "Project") located at 788 Lafayette Avenue (Block 1792/Lot 20), 788A Lafayette Avenue (Block 1792/Lot 21), 790 Lafayette Avenue (Block 1792/Lot 22), 792 Lafayette Avenue (Block 1792/Lot 23), 794 Lafayette Avenue (Block 1792/Lot 24), 796 Lafayette Avenue (Block 1792/Lot 25), and 123 Van Buren Street (Block 1792/Lot 61), Community District 3, Borough of Brooklyn (the "Project Area"):

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

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

WHEREAS, the request is to modify 20115619 HAK (L.U. No. 381, Resolution No. 836 of 2011) approved by the Council on May 11, 2011;

WHEREAS, upon due notice, the Council held a public hearing on the Project on August 15, 2011;

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

RESOLVED:

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

The Council approves the designation of the Project Area as an Urban Development Action Area pursuant to Section 693 of the General municipal Law.

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

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

The Council approves the Tax Exemptions as follows:

- Pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- “Effective Date” shall mean the later of (i) the date of conveyance of the Disposition Area to Sponsor, and (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.
- “Exemption” shall mean the exemption from real property taxation provided hereunder.
- “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1792, Lots 20, 21, 22, 23, 24, 25, 61 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 Project 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 BSDC Noel Pointer Housing Development Fund Corporation.

(f)“HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

(g)“Owner” shall mean the HDFC or any future owner of the Exemption Area.

(h)“Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the 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.

4. In consideration of the Exemption, the Owner of the Exemption Area, (i) shall execute and record the Regulatory Agreement, and (ii) 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.

LEROY G. COMRIE, JR., Chair; MARIA DEL CARMEN ARROYO, CHARLES BARRON, INEZ E. DICKENS, SARA M. GONZALEZ, ROBERT JACKSON, JESSICA S. LAPPIN, ROSIE MENDEZ, DIANA REYNA; JOEL RIVERA, LARRY B. SEABROOK, JAMES VACCA, ALBERT VANN, BRADFORD S. LANDER; STEPHEN T.LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, JAMES S. ODDO, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, August 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).

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

Reports of Committee on Rules, Privileges and Elections

Report for M-566

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Bronx Borough President of Orlando Marín as a Commissioner of the New York City Planning Commission

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on August 17, 2011, respectfully

REPORTS:

Topic I: New York City Health and Hospitals Corporation – (Council candidate for designation)

- Vincent J. Calamia, MD [Preconsidered M-629]

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,¹ the Commissioner of Mental Health, Mental Retardation and Alcoholism Services,² 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.³ The President of HHC serves as the sixteenth director.⁴

Under current HHC By-Laws,⁵ 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,⁶ 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.

Dr. Calamia is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, August 17, 2011. If Dr. Calamia, a resident of Staten Island, is designated by the Council, and subsequently appointed to HHC by the Mayor, he will fill a vacancy and be eligible to serve for the remainder of a five-year term that will expire on March 20, 2016. Copies of Dr. Calamia’s résumé and report/resolution are annexed to this briefing paper.

Topic II: New York City Planning Commission – (Bronx Borough President nominee for appointment upon advice and consent of the Council)

- Orlando Marín [M-566]

Section 192 of the *New York City Charter* (“Charter”) states that there shall be a thirteen-member CPC, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. All members, except the Chair, are subject to the advice and consent of the Council. Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment.

The *Charter* provides that CPC members serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* section 191), serves at the pleasure of the Mayor. For purposes of Chapter 68 (Conflicts of Interest) of the *Charter*, CPC members, other than the Chair, shall not be considered regular employees of the City. There is no limitation on the number of terms that a CPC member may serve. CPC members are prohibited from holding any other City office while they serve on CPC. The Chair receives an annual salary of \$205, 180. The member who is designated as Vice-Chair receives an annual salary of \$62, 271. The other members receive an annual salary of \$54, 150.

CPC is responsible for:

- undertaking long-range planning for the City’s orderly growth, improvement and future development, including appropriate resources for housing, business, industry, recreation and culture;
- assisting the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program and the annual *Statement of Needs*;
- overseeing and coordinating environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law* – Article 8);
- preparing a zoning and planning report at least once every four years, which includes a review of the *Zoning Resolution*, with any recommendations for changes and proposals for implementing planning policies; and
- approving or disapproving the acquisition by the City of office space.

CPC has also promulgated rules:

- establishing minimum standards for certifying *Uniform Land Use and Review Procedure* (“ULURP”) applications and specific time periods for pre-certification review;
- creating capital site selection criteria;
- setting minimum standards for the form and content of plans for the development of the City and boroughs; and
- defining “major concessions.”

Mr. Marín is scheduled to appear before the Committee on Rules, Privileges, and Elections on August 17, 2011. Upon appointment by the Bronx Borough President with the advice and consent of the Council, Mr. Marín, a resident of the Bronx, will replace Kenneth Knuckles and serve for the remainder of a five-year term that expires on June 30, 2015. Copies of Mr. Marín’s résumé and report/resolution are annexed to this Briefing paper.

¹ 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.

² 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.

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

⁴ 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 X1.

⁵ As amended through May 31, 2001.

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

The Committee on Rules, Privileges and Elections, which was referred to on July 28, 2011, respectfully reports:

After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointment of the nominees (for nominee VINCENT CALAMIA, M.D., please see the Report of the Committee on Rules, Privileges and Elections for M-629 printed in this section of these Minutes; for nominee ORLANDO MARIN, please see immediately below:)

Pursuant to §§ 31 and 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Bronx Borough President of Orlando Marín as a Commissioner of the New York City Planning Commission to serve for the remainder of a five-year term that began on July 1, 2010 and expires on June 30, 2015.

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

Res. No. 995

Resolution approving the appointment by the Bronx Borough President of Orlando Marin, as a commissioner of the New York City Planning Commission

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Bronx Borough President of Orlando Marín as a Commissioner of the New York City Planning Commission for the remainder of a five-year term that began on July 1, 2010 and expires on June 30, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, JR.; INEZ E. DICKENS, LEWIS A. FIDLER, VINCENT J. GENTILE, ROBERT JACKSON, ALBERT VANN, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN. Committee on Rules, Privileges and Elections, August 17, 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 and Elections and had been favorably reported for adoption.

Report for M-629

Report of the Committee on Rules, Privileges and Elections in favor of approving the designation by the Council of Vincent Calamia, MD 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 August 17, 2011, respectfully

REPORTS:

(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-566 printed above in these Minutes)

The Committee on Rules, Privileges and Elections, which was referred to on August 17, 2011, respectfully reports:

Pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of Dr. Vincent Calamia 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, 2016.

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

Res. No. 996

Resolution approving the designation of Dr. Vincent Calamia 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 designation of Dr.

Vincent Calamia as a candidate for 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, 2016.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, JR.; INEZ E. DICKENS, LEWIS A. FIDLER, VINCENT J. GENTILE, ROBERT JACKSON, ALBERT VANN, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN. Committee on Rules, Privileges and Elections, August 17, 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

Report for L.U. No. 429 & Res. No. 997

Report of the Committee on Land Use in favor of approving ULURP Application no. C 080491 ZMK with modifications, an amendment to the Zoning Map, Community Board 1, Brooklyn.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2011 (Minutes, page 2708) and originally reported to the Council on July 28, 2011 (Minutes, page 3710) respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1C 080491 ZMK

City Planning Commission decision approving an application submitted by The Glef, Ltd. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 12c, by establishing within an existing R6B District a C2-4 District bounded by a line midway between North 9th Street and North 10th Street, Berry Street, North 7th Street, and a line 100 feet northwesterly of Berry Street, as shown on a diagram (for illustrative purposes only) dated February 28, 2011.

INTENT

To facilitate commercial development along Berry Street in Brooklyn and the reactivation of a sidewalk café.

PUBLIC HEARING

DATE: July 25, 2011

Witnesses in Favor: ThreeWitnessesAgainst:None

SUBCOMMITTEE RECOMMENDATION

DATE: July 25, 2011

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: July 28, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Cont'd		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on August 3, 2011. The City Planning Commission filed a letter dated August 8, 2011, with the Council indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 997
Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 080491 ZMK, a Zoning Map amendment (L.U. No. 429).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on June 24, 2011 its decision dated June 22, 2011 (the "Decision"), on the application submitted by The Glef, Ltd., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to facilitate commercial development along Berry Street and the reactivation of a sidewalk café, Community District 1, Borough of Brooklyn (ULURP No. C 080491 ZMK) (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 July 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 Negative Declaration, issued on February 28, 2011 (CEQR No. 10DCP007K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 080491 ZMK, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in ~~strikeout~~ is old, to be deleted by the City Council;
Matter in double-underline is new, to be added by the City Council.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District bounded by a line midway between North 98th Street and North 409th Street, Berry Street, North 7th Street, and a line 100 feet northwesterly of Berry Street, as shown on a diagram (for illustrative purposes only) dated February 28, 2011, Community District 1, Borough of Brooklyn.

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).

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant’s Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Michael Foglio III	82-29 Woodhaven Blvd Glendale, N.Y. 11385	30

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Shui Yan Ong	32 Monroe Street #3J New York, N.Y. 10002	1
Denise Crenshaw	940 St. Nicholas Avenue #5K New York, N.Y. 10032	7
Rowena Ingram	502 West 143 rd Street #5D New York, N.Y. 10031	7
Denise Perez	2075 3 rd Avenue #13C New York, N.Y. 10029	8
Rosemarie Almanzar	777 Co-op City Blvd #7G Bronx, N.Y. 10475	12
Arnold E. Martin	100 Asch Loop #24G Bronx, N.Y. 10475	12
Kathryn Duffy	1534 Ericson Place Bronx, N.Y. 10461	13
Lesly A. Miranda	1402 Outlook Avenue 33 Bronx, N.Y. 10465	13
Stephany R. Jones	1849 Sedgwick Avenue #6F Bronx, N.Y. 10453	14
Petronila A. Peralta	15 North Street #6F Bronx, N.Y. 10468	14
Isabel Ramos	1143 Woodycrest Avenue #BA Bronx, N.Y. 10452	16
Madeleine L. Walton	550 Cauldwell Avenue Bronx, N.Y. 10455	17
Ismael Lopez	2218 Bruckner Blvd Bronx, N.Y. 10473	18
Shari Rachel Glickman	42-12 Bell Blvd #2 Queens, N.Y. 11361	19
Christine Fenton	223-15 65 th Avenue Queens, N.Y. 11364	23
Norson Pierre-Louis	86-09 208 th Street #2F Queens, N.Y. 11427	23
Frank R. Grillo	73-12 187 th Street Flushing, N.Y. 11366	24
Diana Perez	50-48 Broadway #6B Woodside, N.Y. 11377	26
Yenny C. Valero	34-55 12 th Street #4E Astoria, N.Y. 11106	26

Diana Vaz-Phoenix	164-30 109 th Road Jamaica, N.Y. 11433	27
Shangela Brooks	150-50 126 th Street Queens, N.Y. 11420	28
Esthel Francis	163-17 130 th Avenue #12D Queens, N.Y. 11434	28
Janet L. Glenn	114-58 122 nd Street South Ozone Park, N.Y. 1142C	28
Christopher J. Hanna-Dorsey	150-77 116 th Drive Queens, N.Y. 11434	28
Stacy Frigerio	59 Seasongood Road Queens, N.Y. 11375	29
Yvonne Ponce	92-01 Jamaica Avenue Queens, N.Y. 11421	30
Anthony E. Farina	154 Beach 133 rd Street Queens, N.Y. 11694	32
Dronmati Singh	104-41 103 rd Street Queens, N.Y. 11417	32
Evelyn Fernandez	1734 George Street Queens, N.Y. 11385	34
Beverly Shider	25 Boerum Street #14L Brooklyn, N.Y. 11206	34
Audrey M. Baker	300 Clermont Avenue Brooklyn, N.Y. 11205	35
Deborah Perez	285 Adelphi Street Brooklyn, N.Y. 11205	35
Alice Y. Brown	1238 St. Marks Avenue #1D Brooklyn, N.Y. 11213	36
Reesha C. Stephens	884 Greene Avenue #1B Brooklyn, N.Y. 11221	36
Charles Garcia	64 Hendrix Street Brooklyn, N.Y. 11207	37
Yvonne Greenidge	78 Cooper Street Brooklyn, N.Y. 11207	37
Briseida J. Rodriguez	111 Truxton Street Brooklyn, N.Y. 11233	37
Jamal M. Asad	191 32 nd Street Brooklyn, N.Y. 11232	38
Daniella Carelli	138 Union Street #1F Brooklyn, N.Y. 11231	39
Leah Balaban	1016 Beverly Road Brooklyn, N.Y. 11218	40
Victor Marshall Jr	80 Maple Street Brooklyn, N.Y. 11225	40
Danny King	287 Marion Street Brooklyn, N.Y. 11233	41
Sophia Gordon	621 Ashford Street Brooklyn, N.Y. 11207	42
Samuel J. Holiday Jr	974 Williams Avenue #B Brooklyn, N.Y. 11207	42
Eva Mercer-Andrews	595 Pennsylvania Avenue Brooklyn, N.Y. 11207	42
Martha Hamboussi	9021 3 rd Avenue Brooklyn, N.Y. 11209	43
Marcia M. Eisen	50 Kenilworth Place #2M Brooklyn, N.Y. 11210	45
Aurelia S. Grey	8907 Avenue A Brooklyn, N.Y. 11236	45
Catherine Smalls	1372 New York Avenue #4C Brooklyn, N.Y. 11203	45
Sheila D. Forbes	1327 East 85 th Street 32 Brooklyn, N.Y. 11236	46
Patricia Milien	6319 Avenue T Brooklyn, N.Y. 11234	46
Stacy Paver	1519 East 15 th Street #1 Brooklyn, N.Y. 11230	48
Sharon K. Mortenson	48 Westervelt Avenue Staten Island, N.Y. 10301	49
Aamer Parvez	15 Guinevere Lane Staten Island, N.Y. 10310	49
Joanne Close	54 Bowling Green Place Staten Island, N.Y. 10314	50
Suse A.m. Epple	63 Fr. Capodanno Blvd	50

	Staten Island, N.Y. 10305	
Catherine McKeon	567 Quincy Avenue	50
	Staten Island, N.Y. 10305	
Julie Moll	186 Arthur Avenue	50
	Staten Island, N.Y. 10305	
Abdalla I. Soliman	37 Hunton Street	50
	Staten Island, N.Y. 10304	
Maria Bacigalupo	112 Ridgewood Avenue	51
	Staten Island, N.Y. 10312	
Rosemarie Zegarski	5 Windham Loop #23	51
	Staten Island, N.Y. 10314	

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

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

- (1)

M 566 & Res 995 -

Orlando Marin, New York City Planning Commission.
- (2)

M 629 & Res 996 -

Vincent Calamia, M.D., New York City Health and Hospitals Corporation
- (3)

Int 541-A -

Prohibiting the sale of expired over-the-counter medication.
- (4)

Int 632-A -

Unlawful discriminatory practices.
- (5)

Res 987 -

Organizations to receive funding in the Expense Budget (Transparency Resolution, August 17, 2011).
- (6)

L.U. 429 & Res 997 -

ULURP Application no. C 080491 ZMK with modifications, an amendment to the Zoning Map, Community Board 1, Brooklyn
- (7)

L.U. 441 & Res 991 -

App. 20115580 TCM, 28 Seventh Avenue South, Borough of Manhattan, Council District no.3.
- (8)

L.U. 443 & Res 992 -

App. 20115653 TCK, 128 Smith Street, Borough of Brooklyn, Council District no.33.
- (9)

L.U. 445 & Res 993 -

App. C 110243 ZMM, Zoning Map Section no. 6b, Borough of Manhattan, Council District no. 9
- (10)

L.U. 446 & Res 994 -

App. 20125028 HAK, 788-796 Lafayette Avenue and 123 Van Buren Street, Council District no. 36, Borough of Brooklyn.
- (11)

Resolution approving various persons Commissioners of Deeds.

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, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, Koo, 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, Rivera, and the Speaker (Council Member Quinn) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 541-A and 632-A.

INTRODUCTION AND READING OF BILLS

Int. No. 647
By Council Members Brewer, Dromm, Vacca and Mark-Viverito (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to reporting requirements for the department of citywide administrative services on the status of city-owned real property.

Be it enacted by the Council as follows:

Section 1. The opening paragraph of subdivision a of section 4-208 of the administrative code of the city of New York, as added by a local law for the year 2011 amending such code in relation to reporting requirements for the department of citywide administrative services on the status of city-owned real property, as proposed in introductory number 248-A, is amended to read as follows:

§4-208. List of City-Owned and Operated Real Property. a. The department of citywide administrative services shall keep and maintain a complete list of the location and current use of all real property owned or leased by the city. *Such list shall not include real property for which disclosure would impair law enforcement operations or endanger the life or safety of any person.* For each parcel of property, such list shall include, but need not be limited to, the following information to the extent such information is available:

§2. This local law shall take effect on the same date and in the same manner as a local law for the year 2011 amending the administrative code of the city of New York relating to reporting requirements for the department of citywide administrative services on the status of city-owned real property.

Referred to the Committee on Governmental Operations

Int. No. 648
By Council Members Brewer, Palma, Chin, Fidler, James, Koslowitz, Lander, Mendez, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Human Resources Administration to prominently display all information relating to youths and young adults who apply for public assistance on the agency's website.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 21 of the administrative code of the city of New York is amended by adding a new section 21-135 to read as follows:

§21-135. *Web-based Information for Youths and Young Adults Applying for Public Assistance.*

a. *Definitions. For the purposes of this section the following terms shall have the following meanings:*

1. *"Public assistance" shall mean cash assistance, temporary cash assistance, safety net assistance and family assistance services provided by the New York City Department of Social Services/Human Resources Administration; and*

2. *"Young adult" shall mean any person between and including the ages of twenty and twenty-four years old; and*

3. *"Youth" shall mean any person between and including the ages of sixteen and nineteen years old.*

b. *Web-based Information. No later than sixty days from the effective date of the local law that added this section, the department shall prominently and conspicuously publish on its website information relating to the rights of and options available to youths and young adults who apply for or are receiving public assistance. This information shall include, but not be limited to, plain language versions of all state and local statutes and copies of any regulations, policy directives, and memoranda that affect or concern youths and young adults applying for or receiving public assistance. Such information shall be updated as often as necessary, but no less frequently than once every six months.*

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare

Res. No. 981
Resolution calling on the United States House of Representatives and the United States Senate to pass and the President to sign H.R. 1390 entitled "The Bus Uniform Standards and Enhanced Safety Act of 2011," which would seek to strengthen the regulation, monitoring and oversight of the motor carrier industry.

By Council Members Chin, Brewer, Dromm, Gentile, James, Koslowitz, Lander, Mendez, Recchia, Vacca, Vann, Williams, Jackson and Koo.

Whereas, According to the American Bus Association's 2010 Motorcoach Census Update, more than 35,000 buses transported over 750 million passengers and traveled more than 58 billion passenger across the United States miles in 2009; and

Whereas, Between 1998 and 2007, The National Transportation Safety Board ("NTSB") investigated bus crashes which killed 255 passengers and left over 1,000 injured; and

Whereas, On March 12, 2011, a bus accident took place in the Bronx, resulting in the death of fifteen passengers and over a dozen other injuries; and

Whereas, Investigations have revealed that the bus driver involved in the Bronx crash, Mr. Ophadell Williams, was allegedly driving with a fraudulent commercial driver's license ("CDL"); and

Whereas, On March 24 and 25 of 2011, fifteen commercial bus drivers in New York State were arrested for allegedly obtaining fraudulent CDLs while using aliases; and

Whereas, On May 9, 2011, New York State Governor Andrew Cuomo announced the arrest of 46 individuals, in and around New York City, who had fraudulently obtained commercial driver licenses, including six who were commercial bus drivers; and

Whereas, These recent incidents highlighted the need for increased scrutiny upon individuals who apply for jobs as commercial bus drivers and also the procedures for obtaining a CDL; and

Whereas, Currently there is legislation pending in Congress, H.R. 1390, which would strengthen the U.S. Department of Transportation's ("USDOT") ability to regulate the motorcoach industry and establish minimum training requirements for drivers seeking a CDL and would require USDOT to review states' current requirements for earning a CDL; and

Whereas, According to the American Bus Association, there is currently a lack of regulatory procedures to determine the validity of a bus driver's CDL; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States House of Representatives and the United States Senate to pass and the President to sign H.R. 1390 entitled "The Bus Uniform Standards and Enhanced Safety Act of 2011," which would seek to strengthen the regulation, monitoring and oversight of the motor carrier industry.

Referred to the Committee on Transportation

Res. No. 982

Resolution calling upon the United States Congress and the President of the United States to increase funding for research on stroke prevention and treatment.

By Council Members Eugene, Dickens, Gonzalez, James, Koslowitz, Mendez, Recchia, Vann, Williams and Jackson.

Whereas, A stroke occurs when a clot blocks the blood supply to the brain or when a blood vessel in the brain bursts; and

Whereas, An individual suffering from a stroke can experience brain cell damage that could result in significant disability, such as paralysis, speech difficulties, emotional problems or death; and

Whereas, According to the United States Centers for Disease Control and Prevention, stroke is the third leading cause of death in the country, accounting for 137,000 deaths annually; and

Whereas, Additionally, every year approximately 795,000 people in the United States have a stroke, with 610,000 of these individuals experiencing a stroke for the first time while the remaining 185,000 endure a subsequent stroke; and

Whereas, Individuals can greatly reduce their risk of stroke by making lifestyle changes, including eating a healthy diet, maintaining a healthy weight, engaging in physical activity, not smoking and limiting alcohol use, and taking preventive medication; and

Whereas, In 2009, it was estimated that the cost of stroke in the United States was \$68.9 billion, factoring in the cost of health care services, medications and missed days of work; and

Whereas, However, the National Institutes of Health dedicate a mere one percent of their budget towards research on stroke prevention and treatment; and

Whereas, Given the tremendous impact that stroke has on the United States, it is necessary to invest in developing prevention options and treatment options to improve the health of all Americans; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress and the President of the United States to increase funding for research on stroke prevention and treatment.

Referred to the Committee on Health

Res. No. 983

Resolution calling upon New York State to amend the Social Services Law in order to allow a parent or other relative of a child up to age one exemption from participation in welfare to work activities.

By Council Members Ferreras, James, Dromm, Gonzalez, Koslowitz, Lander, Mendez, Van Bramer, Vann, Williams, Mark-Viverito and Jackson.

Whereas, The Temporary Assistance for Needy Families ("TANF") program provides public assistance including, but not limited to, cash assistance and work opportunities to families in need by granting states federal funds through the TANF block grant; and

Whereas, States receive the TANF block grant and are given the flexibility to design and implement their own programs to accomplish the goals of TANF; and

Whereas, The goals of the TANF program are to: 1) assist families in need so that children can be cared for in their own homes; 2) reduce the dependency of parents in need by promoting job preparation, work and marriage; 3) prevent out-of-wedlock pregnancies; and 4) encourage the formation and maintenance of two-parent families; and

Whereas, TANF places an emphasis on working for one's benefits and requires each state to meet a 50 percent work activity engagement rate for all families receiving public assistance in order for the state to receive the maximum TANF grant amount; the remaining 50 percent of a state's caseload is work-exempt and does not need to be engaged in a work activity; and

Whereas, Work-exempt public assistance recipients include those who are: disabled or incapacitated, pregnant and due to have child within 30 days, youth under 16 or under 19 and enrolled in school, adults 60 years old and over, and parents with children under one year of age; and

Whereas, In New York State TANF funds support The Child Development Block Grant ("CDBG") in order to subsidize child care for parents engaged in a work activity; and

Whereas, If a state allows a parent with a child under age one to be work-exempt the parent would no longer be in need of subsidized child care; additionally, the work-exempt parent would not negatively affect the state's work participation rate and therefore would not affect the amount of the TANF grant awarded to the state; and

Whereas, Currently 25 states allow a work exemption for public assistance recipients with children under age one in order to produce savings for the state by reducing the amount of TANF dollars spent on child care subsidies for public assistance recipients; and

Whereas, New York State already has work-related activity exemptions for parents with children however, the work exemption is normally for three months when a child is first born; and

Whereas, The current exemption in New York State may not last for more than 12 months in a recipient's lifetime and it may not last for more than three months for any one child unless the social services official makes a determination to extend the exemption for up to a total of 12 months; and

Whereas, If the exemption were extended for up to 12 months, the Federation of Protestant Welfare Agencies ("FPWA") calculates that New York State could save at least \$16 million; and

Whereas, According to FPWA in 2009 there were 3,713 families in New York State with a child under age one who were receiving subsidized child care; and

Whereas, Work exemption for these families would therefore result in an increase in available child care for other families in need; and

Whereas, If enacted, A.8101, introduced by Assembly Member Michele Titus, and S.5586, introduced by State Senator Diane Savino, during the 2010-2011 session, would have created just such an exemption from participation in work activities for a recipient of public assistance who is a parent or relative providing care to a child up to age one, now, therefore, be it

Resolved, That the Council of the City of New York calls upon New York State to amend the Social Services Law in order to allow a parent or other relative of a child up to age one exemption from participation in welfare to work activities.

Referred to the Committee on General Welfare

Int. No. 649

By Council Members Fidler, Palma, Brewer, Chin, Dromm, Gonzalez, James, Koslowitz, Lander, Mendez, Vann, Williams, Mark-Viverito and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Human Resources Administration to create a youth and young adult applicant plan.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 21 of the administrative code of the city of New York is amended by adding a new section 21-133 to read as follows:

§ 21-133 Youth applicant plan.

a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "Head of household" shall mean the member of the applicant household designated by the household to represent the household in all matters pertaining to its eligibility for and receipt of various forms of public assistance;

2. "Household" shall mean a single individual or family, including couples without dependent children who, or which, are eligible to receive public assistance;

3. "Job center" shall mean any New York City Human Resources Administration or Department of Social Services authorized facility located within the five boroughs of New York City where individuals can apply for public assistance;

4. "Public assistance" shall mean cash assistance, temporary cash assistance, safety net assistance and family assistance services provided by the New York City Human Resources Administration or the Department of Social Services;

5. "Young adult applicant" shall mean any person between and including the ages of twenty and twenty-four years old who is applying for or applied for public assistance; and

6. "Youth applicant" shall mean any person between and including the ages of sixteen and nineteen years old who is applying for or applied for public assistance.

b. Plan. The commissioner shall designate an individual responsible for creating and implementing a Youth and Young Adult Applicant Plan. Such plan shall enable the department to better serve and engage youth applicants and young adult applicants for public assistance. The department shall report to the council, in writing, six months from the effective date of this local law, on the plan. At a minimum, the Youth and Young Adult Applicant Plan shall include, but not be limited to, a description of:

1. department policies as they relate to youth applicants and young adult applicants for public assistance and federal and state mandated education requirements;

2. department training manuals, guides, and resources for department staff and contracted workers that: (i) prepare department staff and contracted workers to properly interact with youth applicants and young adult applicants, including those that provide cultural sensitivity training; and (ii) outline, in plain English, the legal rights of youth applicants and young adult applicants including the right to receive public assistance as head of household and the federal and state law mandates related to educational and vocational training requirements;

3. the department's designation of youth liaisons at each Job Center who have specific knowledge of the various needs of youth applicants and young adult applicants as well as the laws and policies that apply to them;

4. youth-specific assessment tools to be used during the intake, application, and investigation portions of the public assistance application processes;

5. youth-specific employment programs and vocational training programs available to youth applicants and young adult applicants; and

6. youth-specific education programs and the educational options available to youth applicants and young adult applicants.

§2. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on General Welfare

Res. No. 984

Resolution calling upon the Bloomberg Administration to discontinue the use and development of Worker Connect, a shared database that gives workers across health and human services agencies access to personal client information.

By Council Members Foster, James, Mendez, Vann, Williams and Jackson.

Whereas, Access NYC, a publicly accessible database, gives users the ability to search for health and human services office locations and the capability to start the benefit application process or renew certain benefits including, but not limited to, Medicaid, cash assistance and food stamps; and

Whereas, Access NYC was the first step in a multi-step initiative to computerize health and human services benefits information and a precursor to systems called HHS-Connect and Worker Connect; and

Whereas, The goal of Access NYC is to give clients better access to programs by providing users with online access to 35 city, state, and federal benefit programs; and

Whereas, HHS-Connect was the second step in this initiative; it expanded the online application process for clients by allowing parents to determine their eligibility for, and enroll their children in, the School Meals program administered by the Department of Education (DOE); and

Whereas, HHS-Connect is a more sophisticated tool than Access NYC; it permits clients to access City services and shares client information between Access NYC and the DOE in order to determine a client's eligibility for and successfully enroll a client in the School Meals program; and

Whereas, In December 2008 HHS-Connect launched a portal called Worker Connect; and

Whereas, Worker Connect is an online database that enables workers at New York City health and human services agencies to share client data; it gives workers access to client documents stored in HRA's repository including, but not limited to, applications for public benefits and birth certificates; and

Whereas, In January 2011 at the Emerging Technology- Challenges and Benefits Conference at Harvard University (the "Conference"), Robert Doar, the Commissioner of the Human Resources Administration (HRA), explained that the development of HHS-Connect and Worker Connect was driven from the top down and that only the commissioners of the participating agencies have been trained and are considered Project Managers; and

Whereas, At the Conference, Commissioner Doar stated that, "the DOE was a reluctant partner in HHS-Connect;" and

Whereas, HHS-Connect created a common client index (CCI), which is used in Worker Connect and is the master registry of client information shared across health and human services programs such as Medicaid, Head Start, homeless services, food stamps, and services addressing housing and the aging; and

Whereas, According to Commissioner Doar at the Conference, "CCI is a way in which mildly conflicting data can be reconciled and presented to a worker in a coherent fashion"; and

Whereas, However, Commissioner Doar did not explain how conflicting data is reconciled; indeed, if a worker finds a mistake in Worker Connect and the mistake originated at another agency, the worker who found the mistake does not have the ability to correct or reconcile it; and

Whereas, A worker who finds a mistake only has the ability to send the originating agency an alert; the originating agency does not need to respond to the alert or correct the mistake, however; and

Whereas, Agency counsel had final approval over what data could be shared among user groups; there does not appear to be a requirement for client approval prior to sharing the personal information among user groups that agency counsels deemed appropriate for such dissemination, however; and

Whereas, There is also the potential for workers to violate client privacy and unnecessarily search for personal information, which could pose a threat to clients seeking public assistance from the city government; and

Whereas, There are approximately 7,000 user groups in Worker Connect from the following agencies: the Administration for Children's Services including the Division of Child Protection, Family Court Legal Services, Child Care, and Youth and Family Justice; the Department of Homeless Services; the Health and Hospitals Corporation; the Department of Correction; the Human Resources Administration; the Department of Health and Mental Hygiene; the Department of the Aging; the Department of Probation; and the Department of Finance; and

Whereas, Laws such as Title II of the Health Insurance Portability and Accountability Act, the Federal Privacy Act, the Substance Abuse Confidentiality Statutes, and the Gramm-Leach- Bliley Act are meant to ensure that individuals have control over their own confidential information, yet Worker Connect does not allow clients to control the spread or accuracy of their personal data; now, therefore be it

Resolved, That the Council of the City of New York calls upon the Bloomberg Administration to discontinue the use and development of Worker Connect, a shared database that gives workers across health and human services agencies access to personal client information.

Referred to the Committee on General Welfare

Int. No. 650

By Council Members Halloran, Vacca, Lander, Rivera and Oddo.

A Local Law to amend the administrative code of the city of New York, in relation to expiration of variances granted by the board of standards and appeals.

Be it enacted by the Council as follows:

Section 1. Section 25-203 of the administrative code of the city of New York, as amended by local law number 49 of 1991, is amended to read as follows:

§ 25-203 Board's orders; violation; penalty. 1. Any person who shall knowingly violate or fail to comply with any lawful order or requirement of the board made under the authority of sections six hundred sixty-six and six hundred sixty-eight of the charter shall be guilty of a misdemeanor; and in addition thereto, and in addition to all other liabilities and penalties imposed by law, shall forfeit and pay for each such violation and non-compliance respectively, a penalty in the sum of not more than two hundred and fifty dollars, as may be fixed by the court awarding judgment therefor. An action may be brought for the recovery of any such penalty or penalties in the New York city civil court or any other court of record in the city, in the name of the city.

2. No later than six months prior to the expiration of a variance granted pursuant to sections six hundred sixty-six and six hundred sixty-eight of the charter, the board shall notify the person holding such variance that such variance is set to expire. Such notification shall be sent via first class mail and, if practicable, via email. In addition to the penalties provided by subdivision one, any person who receives such notification yet continues to use the zoning lot subject to such variance beyond the expiration of such variance shall be subject to a penalty in the sum of five hundred dollars for the first six month period of such unauthorized use; the amount of such penalty shall increase by five hundred dollars for each succeeding six month period that such person continues to use the zoning lot beyond the expiration of such variance, until such person submits an application to extend the term of such variance; provided, however, that any month in which the community board for the community district in which the zoning lot subject to such variance is located does not meet shall not be counted for purposes of imposing a penalty pursuant to this subdivision. No person may submit an application to extend the term of a variance unless and until such person has paid in full all penalties imposed pursuant to this section.

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

Referred to the Committee on Governmental Operations

Int. No. 651
By Council Members Halloran, Lander, Jackson, Rivera and Oddo.

A Local Law to amend the New York city charter, in relation to permitting the appeal of decisions by the board of standards and appeals to the city council.

Be it enacted by the Council as follows:

Section 1. Subdivisions c and d of Section 668 of the New York city charter are amended to read as follows:

c. (i) Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission. Copies of the decision shall also be filed with the affected community or borough boards [.]*within three days of the date on which such decision is rendered.*

(ii) *A decision of the board of standards and appeals to approve or approve with modifications an application for a variance pursuant to subdivision five of section 666 of this chapter shall be subject to review and action by the council if an affected community board or affected borough board: (a) recommends in writing against such approval within the time periods allotted by paragraphs two and three of subdivision a of this section, and (b) files with the board and the council a written objection to the board's grant of such variance within thirty days of the date on which such variance is issued. Notwithstanding any provision of law to the contrary, if an affected community board or affected borough board recommended, pursuant to paragraphs two and three of subdivision a of this section, against approval of a variance, any such approval shall have no force or effect until thirty days after the date on which such variance is issued.*

(iii) *Within fifty days of the date of a written objection to a decision of the board of standards and appeals made pursuant to subparagraph (ii)(b) of this subdivision, a committee of the council shall conduct a public hearing on such decision and make a recommendation to the full council, which shall approve, approve with modifications or disapprove such decision. Public notice of the committee hearing shall be given not less than five days in advance of such hearing. The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications or disapprove a decision from the board of standards and appeals. Notwithstanding any provision of law to the contrary, an applicant for a variance who receives a decision from the board of standards and appeals that is under review by the council pursuant to this paragraph shall take no action with respect to the proposed use or development of the zoning lot at issue until after the council approves, approves with modifications or disapproves such decision.*

(iv) *For purposes of this subdivision, the term "affected community board" shall mean the community board for the community district in which land included in an application for a variance or special permit pursuant to subdivision five of section 666 of this chapter is located; the term "affected borough board" shall mean the borough board for the borough in which land included in an application for a variance or special permit pursuant to subdivision five of section 666 of this chapter is located, if such application includes land within two or more community districts within such borough.*

d. Any decision of the board of standards and appeals pursuant to this section *that is not subject to review and action by the council pursuant to subdivision c of this section*, may be reviewed as *otherwise* provided by law.

§2. This local law shall become effective ninety days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations

Int. No. 652
By Council Members James, Reyna, Chin, Dromm, Fidler, Gentile, Koslowitz, Lander, Mendez, Vacca, Vann, Williams, Mark-Viverito, Jackson, Foster and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the registration of owners of vacant property.

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York, is amended by adding a new chapter 10 to read as follows:

CHAPTER 10
REPORTING REQUIREMENTS FOR OWNERS OF VACANT PROPERTY
§26-901 Reporting. a. *For purposes of this chapter, the following terms shall have the following meanings:*

- "Department" shall mean the department of housing preservation and development.*
- "Commissioner" shall mean the commissioner of housing preservation and development.*

b. The owner of any real property within the city of New York shall register with the department upon such property being vacant for one year. Such registration shall be in a manner to be determined by the commissioner but shall, at a minimum, include the name of the owner of such property, along with the e-mail address and phone number of an individual who shall be the contact person for the site. Such registration shall be renewed annually thereafter with such additional information as the department may require. The department may impose a fee necessary for administering the provisions of this section. The owner of any property that has been vacant for one year or more on the effective date of this section shall file such registration not more than sixty days following the effective date of this section. When such property is sold, the new owner of such real property shall register in accordance with this section within thirty days of taking ownership of such property.

c. A person who fails to register as required by subdivision b of this section shall be subject to a civil penalty of not less than one hundred dollars nor more than five hundred dollars for every week or portion thereof that there is a failure to register.

d. This section shall not apply where registration is otherwise required by article two of subchapter four of chapter two of title twenty-seven of this code.

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

Referred to the Committee on Housing and Buildings

Int. No. 653
By Council Members James, Mendez, Williams, Lappin, Jackson and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring signs at shared bicycle and pedestrian paths.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187 to read as follows:

§19-187 *Shared bicycle and pedestrian paths. On any path that is used by both pedestrians and bicyclists that is under the jurisdiction of the department or another city agency, the department or such other city agency that has jurisdiction over such path shall post at prominent locations signs warning bicyclists to go slow and to yield to pedestrians. Such signs shall be posted at regular intervals as determined by the department or such other city agency but shall be no more than one hundred feet from the start of such path and no more than five hundred additional feet for each additional sign. The provisions of this section shall apply regardless of whether or not bicyclists and pedestrians share the same portion of such path.*

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

Referred to the Committee on Transportation

Res. No. 985
Resolution calling upon the New York City Department of Information Technology and Telecommunications to work with the New York City Police and Fire Departments as well as wireless carriers to develop a plan that would allow New York City residents to contact 911 and 311 through text messages.

By Council Members James, Fidler, Gentile, Mendez, Recchia, Williams and Foster.

Whereas, Text messaging has become one of the most popular ways of communicating; and

Whereas, Text messaging provides the hearing-impaired with an alternative to the TTY system, which requires a teletypewriter usually the size of a standard computer keyboard; and

Whereas, Allowing New York City residents to contact the 911 system through text messages will permit individuals in unsafe environments to communicate quickly and discreetly; and

Whereas, The Black Hawk County 911 Center in Iowa has been successfully accepting text messages since August 2009 and provides a model which the City can adapt and implement; and

Whereas, Other communities across the country have begun exploring the implementation of similar systems or creation of a separate emergency text messaging number; and

Whereas, New York City's 911 and 311 systems were upgraded in 2008 to accept photos and videos online after a call has already been placed; and

Whereas, The citywide 311 online system currently allows residents to follow up on the status of existing complaints and has begun to accept the submission of specific types of complaints online; and

Whereas, The citywide 311 system includes an iPhone application through which specific complaints can be submitted using a mobile phone; and

Whereas, The citywide 311 system provides answers to non-emergency questions through text messages; and

Whereas, The next step in developing the capabilities of the 911 and 311 systems should be to incorporate text messaging for emergency correspondence and submitting complaints; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Information Technology and Telecommunications to work with the New York City Police and Fire Departments as well as wireless carriers to develop a plan that would allow New York City residents to contact 911 and 311 through text messages.

Referred to the Committee on Technology

Int. No. 654

By Council Members Lander, Brewer, Chin, Dromm, Fidler, James, Mendez, Van Bramer, Williams, Lappin and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to creating an interagency task force on electric assisted bicycle safety.

Be It enacted by the Council as follows:

Section 1. Findings and Intent. The City of New York is a unique urban environment and factors such as limited parking, traffic congestion and the availability of public transportation discourage car use. Consequently, many New Yorkers ride bicycles to work and other destinations. Bicyclists also ride for recreation and to improve health and fitness. Bicycling reduces road congestion and motor vehicle related pollution. The Council recognizes that the increase of bicycling in New York City creates health and environmental benefits. The Council also recognizes that there has been a recent increase in the use of electric assisted bicycles on the streets of the City of New York, especially by delivery personnel employed by commercial establishments like restaurants and messenger services. The Council recognizes that a safe environment for bicyclists and pedestrians can prevent injuries and fatalities. The Council finds that by establishing a mechanism for comprehensive review of the use of and the legal framework for electric assisted bicycles, we will better understand how to improve the safety of pedestrians and riders and also encourage safe bicycling practices with respect to electric assisted bicycles. Accordingly, the Council finds that a task force dedicated to reviewing the trends and patterns of electric assisted bicycle use, creating ways to encourage safe practices with respect to electric assisted bicycles and reviewing and proposing modifications to the legal framework that regulates the use of electric assisted bicycles, is needed.

§2. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-187 to read as follows:

§19-187 *Electric assisted bicycle safety task force.* *a. There shall be established an electric assisted bicycle safety task force to examine the city's transportation needs and plans with respect to electric assisted bicycles. Such task force shall develop safety recommendations in light of the increased use of electric assisted bicycles. Such recommendations shall include, but not be limited to, the creation of new rules and proposals for new legislation regarding electric assisted bicycles; infrastructure components for lanes and parking regarding electric assisted bicycles; and educational campaigns and other measures to promote lawful bicycling while ensuring the safety of bicyclists and pedestrians.*

b. Such task force shall consist of the commissioner of transportation, the chair of city planning, and the commissioner of parks and recreation, or the respective designee of such commissioner or chair. The mayor shall appoint two additional members, including one transportation specialist and one bicycle use specialist. The speaker of the city council shall appoint four additional members, including one transportation specialist and one bicycle use specialist.

c. The task force shall invite the New York state department of motor vehicles, the New York state department of transportation, and representatives of any other relevant state agency or state elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision f of this section.

d. Such task force shall serve for a term of one year. Any vacancy shall be filled in the same manner as the original appointment.

e. All members of such task force shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city expenses.

f. Such task force shall meet at least five times a year and shall convene a public hearing in each of the five boroughs. The commissioner of transportation shall serve as the chair of such task force and shall convene the first meeting of such task force within ninety days after the effective date of the local law that added this section. Such task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than twelve months after the effective date of the local law that added this section.

g. The task force shall terminate upon the issuance of its final report.

§3. This local law shall take effect immediately.

Referred to the Committee on Transportation

Int. No. 655

By Council Members Lappin, Brewer, Williams, Mark-Viverito, Vacca, Mendez, Chin, James, Koslowitz, Garodnick, Gonzalez, Dickens, Dromm, Jackson and Weprin.

A Local Law to amend the administrative code of the city of New York, in relation to animal shelters in the city of New York, to repeal section 17-801 in relation thereto, and to repeal and re-enact section 17-809.

Be it enacted by the Council as follows:

Section 1. Section 17-801 of the administrative code of the city of New York is hereby REPEALED.

§ 2. Section 17-802 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, subdivision c as amended by local law number 12 for the year 2002, is amended to read as follows:

§ 17-802 Definitions. For the purposes of this chapter, the following terms shall be defined as follows:

a. "Adoption" means the delivery of a dog or cat deemed appropriate and suitable [as a companion animal] by an animal shelter to an individual at least eighteen years of age who has been approved to own, care and provide for the animal by the animal shelter.

b. "Consumer" means any individual purchasing an animal from a pet shop. A pet shop shall not be considered a consumer.

c. *"Feral cat" shall mean an animal of the species felis catus who has no owner, is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.*

d. "Full-service shelter" shall mean a facility required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code that houses lost, stray or homeless animals and:

(1) accepts dogs and cats [pursuant to section 17-809 of this chapter] *twelve hours per day, seven days per week;*

(2) has an adoption program available seven days per week [pursuant to such section 17-809]; and

(3) provides sterilization services for dogs and cats and any other veterinary services deemed necessary by a licensed veterinarian at such shelter or at a veterinary facility.

[d.] e. "Pet shop" means a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition shall not include full-service shelters or other animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged.

[e.] f. "Sterilization" means rendering a dog or cat, who is at least eight weeks of age, unable to reproduce, by surgically altering the dog's or cat's reproductive organs or by non-surgical methods or technologies approved by the United States food and drug administration or the United States department of agriculture and acceptable to the department. Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat.

g. *"Trap-neuter-return" means a program to trap, vaccinate for rabies, sterilize and identify feral cats and return them to the locations where they were found.*

§ 3. Section 17-803 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-803 Animal shelters. [The department shall ensure that a full-service shelter is maintained in each borough of the city of New York.]

a. *A full-service shelter shall be maintained and operated in each of three boroughs of the city of New York. At least one of the full-service shelters shall be open to the public for the purpose of receiving animals twenty-four hours per day, seven days per week.*

b. *Facilities to receive lost, stray or homeless dogs and cats from the public shall be maintained seven days per week, twelve hours per day in those boroughs of the city in which there is not a full-service shelter.*

c. *Field services having the capacity to pick up and bring to a shelter lost, stray, homeless or injured dogs and cats from all five boroughs shall be maintained and operated seven days per week, twelve hours per day. Where public health and safety is threatened, they shall have the capacity to pick up such animals twenty-four hours per day.*

§ 4. Section 17-804 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. *Every owner of a cat who permits such cat to roam outside the interior of the owner's dwelling shall have such cat sterilized. At the request of employees or authorized agents of the department, owners shall provide proof satisfactory to the department that a cat found roaming has been sterilized.*

§ 5. Section 17-805 of the administrative code of the city of New York, as added by local law number 26 for the year 2000 is amended to read as follows:

§ 17-805 Reporting [requirement] *requirements.* The department shall provide the mayor and the city council with a report by February twenty-eight of each year which shall set forth information regarding the management and operation of all full-

service shelters performing services pursuant to a contract with the city of New York, including but not limited to:

- a. *The following information with respect to the previous calendar year:*
[a.] (1) the *total* number of animals accepted by each full-service shelter [during the previous calendar year];
[b.] (2) the *total* number of animals that were sterilized at each full-service shelter [during the previous calendar year];
[c.] (3) the *total* number of animals that were humanely euthanized at each full-service shelter [during the previous calendar year];
[d.] (4) the *total* number of healthy animals that were humanely euthanized at each full-service shelter [during the previous calendar year];
[e.] (5) the *total* number of animals that were adopted at each full-service shelter [during the previous calendar year];
[f.] (6) the *total* number of animals at each full-service shelter that were returned to their owner [during the previous calendar year]; and
[g.] (7) the number of animals at each full-service shelter that were provided to other shelters for adoption [during the previous calendar year].
- b. *The following information for each month of the previous calendar year:*
(1) *the total number of animals, disaggregated by borough, picked up by field services during regular business hours and delivered to (A) receiving facilities and (B) full-service shelters;*
(2) *the total number of animals, disaggregated by borough, picked up by field services during off hours and delivered to (A) receiving facilities and (B) full-service shelters;*
(3) *the total number of animals taken in and transferred to a full-service shelter from each receiving facility; and*
(4) *the staffing levels at all full-service shelters and receiving facilities.*
[h. Provided, however, that the] c. *The department shall report to the mayor and the council each month the total number of healthy animals that were humanely euthanized at each full-service shelter during the previous month.*
d. *No later than twenty-four months after the effective date of the local law that added this subdivision, the department shall provide to the mayor and the council a report that summarizes and describes trends in the reporting requirements provided annually in accordance with this section.*

§ 6. Section 17-806 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-806 Violations. Any person found to be in violation of subdivision (b), [or] (c) *or (d)* of section 17-804 of this chapter or any of the rules promulgated thereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for each violation. A proceeding to recover any civil penalty authorized pursuant to the provisions 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 department] *authorized to adjudicate violations of the health code.*

§ 7. Section 17-807 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-807 Rules. The commissioner shall promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter, *including rules providing for the registration of individuals or groups conducting trap-neuter-return activities, and the establishment of criteria for such registration.*

§ 8. Section 17-809 of the administrative code of the city of New York is hereby REPEALED and RE-ENACTED to read as follows:

§17-809 No limitation on additional services. Nothing contained in this chapter shall be deemed to limit the department's authority to offer additional services or facilities to facilitate the decline in numbers of unwanted and uncared for animals in New York city.

§ 9. Section 17-810 of the administrative code of the city of New York, as added by local law number 12 for the year 2002, is amended to read as follows:

§17-810 *Euthanizing animals; time frame for making such determination.* In determining when a full-service shelter may euthanize a lost, stray or homeless animal held by it, such shelter shall exclude from the calculation of the number of hours that such shelter is required by law to hold such animal before euthanizing such animal those hours when such shelter is not required to accept dogs and cats pursuant to [sections] *paragraph one of subdivision d of section 17-802 [and 17-809] of this chapter. Such calculation of the number of hours shall not take into consideration the full-service shelter required to accept dogs and cats twenty-four hours per day pursuant to subdivision a of section 17-803 of this chapter.*

§ 10. This local law shall become effective immediately; provided, however, that the commissioner shall promulgate the rules required by section 17-807 of the administrative code of the city of New York, as amended by section 7 of this local law, within 180 days after its enactment into law.

Referred to the Committee on Health

Int. No. 656

By Council Members Mark-Viverito, the Speaker (Council Member Quinn), Dromm, Foster, Brewer, Chin, Jackson, Koslowitz, Lappin, Mendez, Palma, Rodriguez, Rose, Barron, Gonzalez, Ferreras, Levin, Comrie, Vann, Cabrera,

Dickens, Arroyo, James, Van Bramer, Eugene, Reyna, Seabrook, Sanders, Rivera, Crowley, Koppell, Williams, Lander, Garodnick, Wills, Mealy and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that although there is no agreement obligating them to do so, the New York City Department of Correction ("DOC") cooperates with the federal Immigration and Customs Enforcement's ("ICE") Criminal Alien Program ("CAP") by: (i) allowing ICE agents to maintain a presence at DOC's facilities, (ii) allowing ICE agents to interview DOC inmates at DOC's facilities, (iii) sharing DOC inmate database information with ICE, including place of birth, and (iv) honoring immigration detainers issued by ICE for up to 48 hours. In CY 2009 DOC identified 12,710 DOC inmates as foreign born. ICE placed detainers on 3,506 of those inmates.

Additionally, the Council finds that in calendar year 2009, of the inmates in DOC custody with immigration detainers, 22.4% had a felony and 20.2% had a misdemeanor as their highest prior conviction. This means more than 50% of the inmates in DOC custody with immigration detainers had no prior convictions at all. Of the inmates discharged to ICE from City jails in 2009, 20.7% had been previously convicted of a felony, 20.9% had a misdemeanor conviction as their highest prior conviction, and 49.3% had no prior convictions.

The Council further finds that the percentages were just as troubling in calendar year 2010. From January through November 2010, of the inmates in DOC custody with immigration detainers, 20.8% had a felony and 20.6% had a misdemeanor as their highest prior conviction. Of the inmates discharged to ICE from City jails during that time period, 18% had been previously convicted of a felony, 22.3% had had a misdemeanor conviction as their highest prior conviction, and 49.5% had no prior convictions. In both 2009 and 2010, roughly half of the people at Rikers on whom ICE issued detainers had no criminal convictions. The Council finds this is at odds with ICE's stated goal for the CAP program, which is to "screen inmates and place detainers on criminal aliens to process them for removal before they are released to the general public."

In light of the fact that a significant percentage of the individuals at Rikers in 2009 and 2010 on whom ICE issued detainers through CAP appear not, in fact, to have any criminal record, the Council finds it is appropriate to take action to protect certain individuals from discharge to ICE from City jails. The Council finds that the current level of cooperation between law enforcement and ICE facilitates the deportation of as many immigrants as possible, without regard to their criminal records or whether or not they actually pose a threat to society.

The Council further finds that because cooperation between DOC and ICE is smoothing and expediting the deportation process, such cooperation is eroding trust between immigrants and local law enforcement. Such mistrust may make immigrant crime victims less willing to come forward and make the communities of New York City less safe. In particular, immigrant victims of domestic violence and trafficking must feel safe in reporting acts of domestic violence and trafficking to government authorities. The Council notes that such victims often do not feel safe contacting authorities because of their fears of retaliation by abusers and traffickers who may attempt to use criminal justice systems to have them detained and deported, subjecting these victims to harm upon return to their home countries and leaving these victims' children in the hands of abusers and traffickers.

For all of these reasons, the Council finds that cooperation between DOC and ICE cannot be supported by the Council and should not be supported by tax-payer dollars. New York City -- home to millions of immigrants -- should not be a willing participant in a program that separates thousands of immigrant families each year without a concomitant benefit to public safety. It is therefore the intent of the Council to limit the cooperation between DOC and ICE by creating a category of persons who shall not be detained.

§2. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-131 to read as follows:

§ 9-131. Persons not to be detained. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. *"Civil immigration detainer" shall mean any request from federal immigration authorities pursuant to 8 C.F.R. 287.7 for notification of an individual's release or to maintain custody of an individual.*

2. *"Convicted of a crime" shall mean a final judgment of guilt entered on a misdemeanor or felony charge. Persons adjudicated as youthful offenders, pursuant to section 720.10(6) of the Criminal Procedure Law, or juvenile delinquents, pursuant to section 301.2(1) of the Family Court Act, shall not be considered convicted of a crime.*

3. *"Department" shall mean the New York city department of correction and shall include all personnel, officers, employees or persons otherwise paid by or acting as agents of the department.*

4. *"Department resources" shall mean any department facility, space, buildings, land, equipment, personnel or funds.*

5. *"Federal immigration authorities" shall mean any employees, officers or agents of the United States immigration and customs enforcement agency or any division thereof or any other department of homeland security personnel who are charged with enforcement of the civil provisions of the immigration and nationality act.*

6. *"Pending criminal case" shall mean a case in the criminal or Supreme Courts of New York, or the Federal Courts for any district of New York, or any court of competent jurisdiction in the United States, excluding a family court, where judgment has not been entered and where a misdemeanor or felony charge is pending. Any individual whose case is disposed of with (i) an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the Criminal Procedure Law or; (ii) a conditional discharge pursuant to section 410.10 of the Criminal Procedure Law shall not be deemed a defendant in a pending criminal case.*

7. *"Terrorist screening database" shall mean the central database, created pursuant to Homeland Security Presidential Directive 6, of individuals who are known or reasonably suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, maintained by the federal bureau of investigation's terrorist screening center.*

b. *Prohibition on use of department resources. The department shall not use any department resources to honor a civil immigration detainer by: (1) holding an individual beyond the time when such individual would otherwise be released from the department's custody or (2) notifying federal immigration authorities of such individual's release, provided that such individual (i) has never been convicted of a misdemeanor or felony; (ii) is not a defendant in a pending criminal case; (iii) has no outstanding warrants; (iv) is not and has not previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1; and (v) is not identified as a confirmed match in the terrorist screening database.*

c. *No conferral of authority. Nothing in this section shall be construed to confer any authority on any entity to hold individuals on civil immigration detainers beyond the authority, if any, that currently exists.*

d. *No conflict with existing law. This local law supersedes all conflicting City policies, ordinances, rules, procedures, and practices. Nothing in this local law shall be construed to prohibit any city agency from cooperating with federal immigration authorities when required under federal law. Nothing in this local law shall be interpreted or applied so as to create any power, duty or obligation in conflict with any federal or state law.*

e. *Reporting. Beginning no later than September 30th of the year of enactment of the local law that added this section and on or before September 30th of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding 12 month period: (1) the number of individuals held pursuant to civil immigration detainers; (2) the number of individuals transferred to immigration pursuant to civil immigration detainers; (3) the number of individuals transferred to immigration pursuant to civil immigration detainers who had at least one felony conviction; (4) the number of individuals transferred to immigration pursuant to civil immigration detainers who had at least one misdemeanor conviction but no felony convictions; (5) the number of individuals transferred to immigration pursuant to civil immigration detainers who had no criminal convictions; (6) the number of individuals transferred to immigration pursuant to civil immigration detainers who had no criminal convictions and against whom all criminal charges were subsequently dismissed; (7) the amount of State Criminal Alien Assistance funding requested and received from the federal government; and (8) the number of individuals for whom civil immigration detainers were not honored pursuant to subdivision b of this section.*

§3. This local law shall take effect ninety days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

Referred to the Committee on Immigration

Res. No. 986

Resolution in support of S.5187/A.7620, which would amend the Penal Law in relation to criminal possession of marihuana in the fifth degree.

By Council Members Mark-Viverito, Koppell, Williams, Brewer, Dromm, Lander, Mendez, Vann and Jackson.

Whereas, New York State has historically taken an active role in passing sensible marihuana laws; for example, the New York State Legislature reformed the State's marihuana laws by passing the Marihuana Reform Act of 1977 ("The Act"); and

Whereas, The Act removed marihuana, other than "concentrated cannabis," from the controlled substances crimes covered by article 220 of the New York State Penal Law and created separate articles defining offenses relating to the sale and possession of marihuana; and

Whereas, Additionally, the Legislature created the offense of "criminal possession of marihuana in the fifth degree," a class B misdemeanor, which can be charged when an individual knowingly and unlawfully possesses either (i) an aggregate weight of more than 25 grams of marihuana, or (ii) any quantity of marihuana if the possession is in a public place and such marihuana is burning or open to public view; and

Whereas, The Legislature enacted that class B misdemeanor in order to reduce the penalty for possession and sale of marihuana; the Legislature also "decriminalized" the possession of a small amount of marihuana, defined as 25 grams or less, by creating the offense of "unlawful possession of marihuana," which

is a violation, not a crime, and carries a fine of no more than one hundred dollars; and

Whereas, In creating the violation of unlawful possession of marihuana, the Legislature expressed its intent by stating that "the purpose of this act is to insure that the many people in New York who commit the conduct which this act makes a violation not be subjected to unduly harsh sanctions"; and

Whereas, Despite these reforms, many New Yorkers continue to be arrested for marihuana possession; and

Whereas, According to a report released by the New York State Division of Criminal Justice Services, in 2010 alone, 50,383 individuals were arrested in New York City for a class B misdemeanor marihuana possession, which averages to approximately 138 arrests per day; and

Whereas, African-Americans and Latinos account for nearly 86% of those arrested for marihuana possession while Caucasians account for less than 11% of those arrested for marihuana possession; and

Whereas, The majority of individuals arrested for marihuana possession in New York City are younger than 30 years old; and

Whereas, A survey conducted by the U.S. Department of Health and Human Services shows that for 18 to 25 year olds, Caucasians use marihuana at higher rates than Blacks and Latinos; and

Whereas, Some of these arrests occur in the context of individuals being detained during a New York City Police Department ("NYPD") stop-and-frisk encounter; and

Whereas, Most of the stops-and-frisks conducted by the police occur in predominantly African-American and Latino communities; and

Whereas, WNYC, New York's public radio station, conducted an investigation into more than a dozen men who were arrested and charged with a misdemeanor for allegedly displaying marihuana in public view; and

Whereas, The investigation revealed that these individuals were improperly charged with displaying marihuana in public; each only possessed small amounts of marihuana in a pocket or in a bag, which is a violation and not a misdemeanor; and

Whereas, For example, one of these encounters involved an African-American man who was stopped by the NYPD in East Harlem, Manhattan; when searched by the police, a bag of marihuana was found in his sock, resulting in an unjustified arrest for displaying marihuana in public; and

Whereas, Not only is there a heavy personal toll for those arrested and their families, but there is also a fiscal impact associated with processing these arrests; in fact, New York City spends approximately between \$1,000 and \$2,000 for each arrest, amounting to approximately \$50 to \$100 million in 2010 for expenses relating to policing, adjudication and jail time; and

Whereas, In a time of limited resources, these taxpayer dollars could be better spent on much-needed human services and addressing more serious criminal activity in neighborhoods across New York City; and

Whereas, In order to further reform New York State's marihuana laws, Senator Mark Grisanti and Assemblymember Hakeem Jeffries introduced bipartisan legislation, S.5187 and A.7620, respectively, which would amend the Penal Law in relation to standardizing penalties associated with marihuana possession; and

Whereas, S.5187/A.7620 would amend the definition of criminal possession of marihuana in the fifth degree by standardizing penalties for possessing small amounts of marihuana by making it a violation to possess such marihuana in a public place or while the marihuana is burning or open to public view; and

Whereas, The bill would retain all other current penalties for marihuana use; and

Whereas, Such current penalties include a penalty of a B misdemeanor for knowingly and unlawfully possessing an aggregate weight of more than 25 grams of marihuana and a violation for possessing 25 grams or less of marihuana; and

Whereas, The bill's goal is to close the loophole related to marihuana possession offenses that leads to tens of thousands of false charges each year - often resulting from illegal searches and visited mostly upon African American and Latino New Yorkers; and

Whereas, The New York State Legislature should act swiftly and pass S.5187/A.7620 in order to end the practice which "needlessly scars thousands of lives...while detracting from the prosecution of serious crimes"; now, therefore, be it

Resolved, That the Council of the City of New York supports S.5187/A.7620, which would amend the Penal Law in relation to criminal possession of marihuana in the fifth degree.

Referred to the Committee on Public Safety

Int. No. 657

By Council Members Palma, Fidler, Brewer, Chin, Gonzalez, James, Koslowitz, Lander, Mendez, Recchia, Vann, Williams and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to collecting and reporting data related to youth and young adult access to public assistance.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 21 of the administrative code of the city of New York is amended by adding a new section 21-134 to read as follows:

§21-134. Quarterly reports regarding youth access to public assistance.

a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "Back to Work" shall mean the New York City Department of Social Services/Human Resources Administration program where a single vendor works with individuals to assist them in finding employment from the time they apply for public assistance through placement and retention in a job;

2. "BEGIN" shall mean the New York City Department of Social Services/Human Resources Administration program, known as Begin Employment Gain Independence Now, which collaborates with education and training providers to offer a coordinated program of employment preparation to support the efforts of public assistance recipients who are making the transition to employment;

3. "Caregiver" shall mean a non-legally responsible relative or non-relative who is caring for a child or children;

4. "Head of household" shall mean the member of the applicant household designated by the household to represent the household in all matters pertaining to its eligibility for and receipt of various forms of public assistance;

5. "Household" shall mean a single individual or family, including couples without dependent children who is, or which are, eligible to receive public assistance;

6. "Job center" shall mean any New York City Department of Social Services/Human Resources Administration authorized facility located within the five boroughs of New York City where individuals can apply for public assistance;

7. "Minor parent" shall mean any person under the age of 21 who has a child or is pregnant and is eligible to receive public assistance on their own because they are either: (i) married, living with a parent, legal guardian, or adult relative; or (ii) not married and not living with a parent, legal guardian, or adult relative because none is available; or (iii) not married and not living with a parent, legal guardian, or adult relative because doing so would pose a risk of harm; or (iv) not married and not living with a parent, legal guardian, or adult relative because doing so is not in the best interests of the child;

8. "Parent" shall mean a custodial parent, legal guardian or other person having legal custody of a child;

9. "Public assistance" shall mean cash assistance, temporary cash assistance, safety net assistance and family assistance services provided by the New York City Department of Social Services/Human Resources Administration;

10. "Successful young adult applicant" shall mean any person between and including the ages of twenty and twenty-four who applied for public assistance and was deemed eligible to receive public assistance by the New York City Department of Social Services/Human Resources Administration;

11. "Successful youth applicant" shall mean any person between and including the ages of sixteen and nineteen who applied for public assistance and was deemed eligible to receive public assistance by the New York City Department of Social Services/Human Resources Administration;

12. "Unsuccessful young adult applicant" shall mean any person between and including the ages of twenty and twenty-four who applied for public assistance and was deemed ineligible to receive public assistance by the New York City Department of Social Services/Human Resources Administration;

13. "Unsuccessful youth applicant" shall mean any person between and including the ages of sixteen and nineteen who applied for public assistance and was deemed ineligible to receive public assistance by the New York City Department of Social Services/Human Resources Administration;

14. "WeCare" shall mean the New York City Department of Social Services/Human Resources Administration Wellness Comprehensive Assessment Rehabilitation and Employment program, which addresses the needs of public assistance recipients with medical and/or mental health barriers to employment by providing customized assistance and services to help them achieve their highest levels of self-sufficiency;

15. "WEP" shall mean the New York City Department of Social Services/Human Resources Administration Work Experience Program, which is designed to provide a simulated work experience to individuals receiving public assistance;

16. "Young adult applicant" shall mean any person between and including the ages of twenty and twenty-four years old who is applying for or applied for public assistance; and

17. "Youth applicant" shall mean any person between and including the ages of sixteen and nineteen years old who is applying for or applied for public assistance.

b. Quarterly Youth and Young Adult Applicant Report. Beginning no later than January 1, 2012 and no later than the last day of the month following each calendar quarter thereafter, the Department shall furnish to the City Council a report regarding youth and young adult access to public assistance that includes, at a minimum, the following sections:

1. Total applicant section. This portion of the Quarterly Youth and Young Adult Applicant Report shall include the following information, disaggregated by job center:

i. total number of youth applicants in the last quarter;

ii. total number of successful youth applicants in the last quarter, broken down as follows:

(A) total number of successful youth applicants receiving public assistance through a parent or caregiver who is a head of household;

(B) total number of successful youth applicants receiving public assistance as head of household; and

(C) total number of successful youth applicants receiving public assistance as a minor parent;

iii. total number of unsuccessful youth applicants in the last quarter broken down as follows:

(A) total number of unsuccessful youth applicants deemed ineligible for public assistance through a parent or caregiver who is a head of household;

(B) total number of unsuccessful youth applicants deemed ineligible for public assistance as head of household; and

(C) total number of unsuccessful youth applicants deemed ineligible for public assistance as a minor parent;

iv. total number of young adult applicants in the last quarter;

v. total number of successful young adult applicants in the last quarter, broken down as follows:

(A) total number of successful young adult applicants receiving public assistance through a parent or caregiver who is a head of household;

(B) total number of successful young adult applicants receiving public assistance as head of household; and

(C) total number of successful young adult applicants receiving public assistance as a minor parent; and

vi. total number of unsuccessful young adult applicants in the last quarter, broken down as follows:

(A) total number of unsuccessful young adult applicants deemed ineligible for public assistance through a parent or caregiver who is a head of household;

(B) total number of unsuccessful young adult applicants deemed ineligible for public assistance as head of household; and

(C) total number of unsuccessful young adult applicants deemed ineligible for public assistance as a minor parent.

2. Education section. This portion of the Quarterly Youth and Young Adult Applicant Report shall include the following information, disaggregated by job center:

i. total number of youth applicants since the last quarter who: (A) did not graduate from high school; (B) graduated from high school; (C) completed a general equivalency degree; (D) attended but did not complete a general equivalency degree course; (E) completed a post-secondary education program; and (F) attended but did not complete a post-secondary education program;

ii. total number of successful youth applicants since the last quarter who: (A) did not graduate from high school; (B) graduated from high school; (C) completed a general equivalency degree; (D) attended but did not complete a general equivalency degree course; (E) completed a post-secondary education program; and (F) attended but did not complete a post-secondary education program;

iii. total number of unsuccessful youth applicants since the last quarter who: (A) did not graduate from high school; (B) graduated from high school; (C) completed a general equivalency degree; (D) attended but did not complete a general equivalency degree course; (E) completed a post-secondary education program; and (F) attended but did not complete a post-secondary education program;

iv. total number of young adult applicants since the last quarter who: (A) did not graduate from high school; (B) graduated from high school; (C) completed a general equivalency degree; (D) attended but did not complete a general equivalency degree course; (E) completed a post-secondary education program; and (F) attended but did not complete a post-secondary education program;

v. total number of successful young adult applicants since the last quarter who: (A) did not graduate from high school; (B) graduated from high school; (C) completed a general equivalency degree; (D) attended but did not complete a general equivalency degree course; (E) completed a post-secondary education program; and (F) attended but did not complete a post-secondary education program;

vi. total number of unsuccessful young adult applicants since the last quarter who: (A) did not graduate from high school; (B) graduated from high school; (C) completed a general equivalency degree; (D) attended but did not complete a general equivalency degree course; (E) completed a post-secondary education program; and (F) attended but did not complete a post-secondary education program;

vii. total number of youth applicants who are currently enrolled in: (A) junior high school or middle school; (B) high school; (C) a general equivalency degree course; (D) a vocational training program; (E) a two year college or university; and (F) a four year college or university;

viii. total number of successful youth applicants who are currently enrolled in: (A) junior high school or middle school; (B) high school; (C) a general equivalency degree course; (D) a vocational training program; (E) a two year college or university; and (F) a four year college or university;

ix. total number of unsuccessful youth applicants who are currently enrolled in: (A) junior high school or middle school; (B) high school; (C) a general equivalency degree course; (D) a vocational training program; (E) a two year college or university; and (F) a four year college or university;

x. total number of young adult applicants who are currently enrolled in: (A) high school; (B) a general equivalency degree course; (C) a vocational training

program; (D) a two year college or university; and (E) a four year college or university;

xi. total number of successful young adult applicants who are currently enrolled in: (A) high school; (B) a general equivalency degree course; (C) a vocational training program; (D) a two year college or university; and (E) a four year college or university;

xii. total number of unsuccessful young adult applicants who are currently enrolled in: (A) high school; (B) a general equivalency degree course; (C) a vocational training program; (D) a two year college or university; and (E) a four year college or university; and

xiii. total number of successful youth applicants who are fully satisfying their work requirements through education alone, disaggregated by the following age ranges: (A) sixteen through seventeen years old; and (B) eighteen through nineteen years old; and

xiv. total number of successful young adult applicants who are fully satisfying their work requirements through education alone, disaggregated by the following age ranges: (A) twenty through twenty-one years old; and (B) twenty-two through twenty-four years old.

3. Employment section. This portion of the Quarterly Youth and Young Adult Applicant Report shall include the following information, disaggregated by job center:

i. total number of youth applicants who have prior work experience, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

ii. total number of successful youth applicants who have prior work experience, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

iii. total number of unsuccessful youth applicants who have prior work experience, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

iv. total number of young adult applicants who have prior work experience, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

v. total number of successful young adult applicants who have prior work experience, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

vi. total number of unsuccessful young adult applicants who have prior work experience, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

vii. total number of youth applicants who are currently employed, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

viii. total number of successful youth applicants who are currently employed, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

ix. total number of unsuccessful youth applicants who are currently employed, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

x. total number of young adult applicants who are currently employed, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

xi. total number of successful young adult applicants who are currently employed, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

xii. total number of unsuccessful young adult applicants who are currently employed, disaggregated by: (A) employment type, which shall include but not be limited to: (1) human services; (2) maintenance; and (3) office work; and (B) average monthly wage by employment type;

xiii. total number of successful youth applicants who are currently employed and also enrolled in educational activities, disaggregated by the following age ranges: (A) sixteen through seventeen years old; and (B) eighteen through nineteen years old;

xiv. total number of successful young adult applicants who are currently employed and also enrolled in educational activities, disaggregated by the following age ranges: (A) twenty through twenty-one years old; and (B) twenty-two through twenty-four years old;

xv. total number of successful youth applicants who are fully satisfying their work requirements through employment alone, disaggregated by the following age ranges: (A) sixteen through seventeen years old; and (B) eighteen through nineteen years old; and

xvi. total number of successful young adult applicants who are fully satisfying their work requirements through employment alone, disaggregated by the following age ranges: (A) twenty through twenty-one years old; and (B) twenty-two through twenty-four years old.

4. Training and employment programs section. This portion of the Quarterly Youth and Young Adult Applicant Report shall include the following information, disaggregated by job center:

i. total number of youth applicants who are currently enrolled in Department employment services or programs, disaggregated by service or program, which shall include but not be limited to: (A) Back to Work; (B) BEGIN; (C) WeCare; and (D) WEP;

ii. total number of successful youth applicants who are currently enrolled in Department employment services or programs, disaggregated by service or program, which shall include but not be limited to: (A) Back to Work; (B) BEGIN; (C) WeCare; and (D) WEP;

iii. total number of young adult applicants who are currently enrolled in Department employment services or programs, disaggregated by service or program, which shall include but not be limited to: (A) Back to Work; (B) BEGIN; (C) WeCare; and (D) WEP;

iv. total number of successful young adult applicants who are currently in Department employment services or programs, disaggregated by service or program, which shall include but not be limited to: (A) Back to Work; (B) BEGIN; (C) WeCare; and (D) WEP;

xiii. total number of successful youth applicants who are fully satisfying their work requirements through training/employment services or programs alone, disaggregated by the following age ranges: (A) sixteen through seventeen years old; and (B) eighteen through nineteen years old; and

xiv. total number of successful young adult applicants who are fully satisfying their work requirements through training/employment services or programs alone, disaggregated by the following age ranges: (A) twenty through twenty-one years old; and (B) twenty-two through twenty-four years old.

5. Successful applicant preferences section. This portion of the Quarterly Youth and Young Adult Applicant Report shall include the following information, disaggregated by job center:

i. total number of successful youth applicants who expressed a preference to be linked to: (A) educational activities or programs; (B) vocational activities or programs; (C) full-time employment; (D) part-time employment; and (E) job training programs; and

ii. total number of successful young adult applicants who expressed a preference to be linked to: (A) educational activities or programs; (B) vocational activities or programs; (C) full-time employment; (D) part-time employment; and (E) job training programs.

6. Applicant outcomes section. This portion of the Quarterly Youth and Young Adult Applicant report shall include the following information, disaggregated by job center:

i. total number of youth applicants in the last quarter who applied for public assistance for the first time, disaggregated by: (A) successful youth applicants; and (B) unsuccessful youth applicants;

ii. total number of youth applicants in the last quarter who applied for public assistance at least one other time in the past, disaggregated by whether or not they were: (A) a prior successful youth applicant; or (B) a prior unsuccessful youth applicant;

iii. total number of young adult applicants in the last quarter who applied for public assistance for the first time, disaggregated by: (A) successful young adult applicants; and (B) unsuccessful young adult applicants;

iv. total number of young adult applicants in the last quarter who applied for public assistance at least one other time in the past, disaggregated by whether or not they were: (A) a prior successful youth applicant; or (B) a prior unsuccessful youth applicant;

v. total number of successful youth applicants who are currently employed and who have retained any job for at least six months; and

vi. total number of successful young adult applicants who are currently employed and who have retained any job for at least six months.

c. The Department shall prominently and conspicuously publish all information furnished to the City Council pursuant to subdivision b of this section on the Department's own website.

Section 2. This local law shall take effect immediately.

Referred to the Committee on General Welfare

Res. No. 987
Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Member Recchia.

Whereas, On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to a certain initiative in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for funding in the amount of \$2,000 received by Region 7 District 31 NYC Department of Education, within the budget of the Department of Education in accordance with the Fiscal 2012 Expense Budget, to read: "\$500 is to be allocated to each Parent Teacher Associations (PTAs) of the following public schools in district 31: 1) Curtis High School; 2) Mckee High School; 3) Concord High School; and 4) Port Richmond High School."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for funding in the amount of \$2,000 received by Region 7 District 31 NYC Department of Education, within the budget of the Department of Education in accordance with the Fiscal 2012 Expense Budget, to read: "\$500 is to be allocated to each Parent Teacher Associations (PTAs) of the following public schools in District 31: 1) PS 13 M L Lindenmeyer School; 2) PS 14 Cornelius Vanderbilt School; 3) PS 16 John J Driscoll School; 4) PS 18 John G Whittier School; 5) PS 19 The Curtis School; 6) PS 20 Port Richmond School; 7) PS 21 Margaret Emery-Elm Park School; 8) PS 22 Graniteville School; 9) PS 29 Bardwell School; 10) PS 30 The Westerleigh School; 11) PS 31 William T Davis School; 12) PS 35 Clove Valley School; 13) PS 44 Thomas C Brown School; 14) PS 45 John Tyler School; 15) PS 57 Hubert H Humphrey School; 16) PS 58 Space Shuttle Columbia; 17) PS 65 Academy Of Innovative Learning; 18) PS 74 Future Leaders Elementary School; 19) PS R373; 20) PS/Is 861 Staten Island School Of Civic Leadership; 21) IS 27 Anning S Prall; 22) IS 49 Bertha A Dreyfus; 23) IS 51 Edwin Markham; 24) IS 61 William A Morris School; 25) P721 Richard H. Hungerford School; and 26) The Michael J Petrides School."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Department of Parks and Recreation for certain services to read: "\$6,500 will be used for pruning trees in the 50th Council District, and \$6,000 will be used to install a fence at Public School 48 Park."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Department of Parks and Recreation for certain services in the amount of \$10,000 to read: "For the purchase of a park bench and for maintenance of Dry Harbor Playground Parkhouse for Play School program managed by the Greater Ridgewood Youth Council."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Border Crossers, Inc., an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: "Funding will be used to support social action-based programs for elementary school students."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Peace Action Fund of New York State, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "The funds will be used towards the Peace Fair in Brooklyn in the Summer of 2011 and to support educational student clubs at colleges and universities."; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Manhattan Amateur Art and Columbus Music Association, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development to read: "For Spacing/Rent."; now, therefore be it

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in

accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to a PEG Restoration relating to Day Care Centers in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cancer Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Mental Health Contracts Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Obesity Intervention Program Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Services Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves corrections to the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves corrections to the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 13.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to Res. No. 987 following the Report of the Committee on Finance for Res. No. 987 printed in these Minutes.)

Int. No. 658
By Council Members Sanders, James and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the waiver of public employee organizations' rights when submitting grievances to arbitration under the New York city collective bargaining law.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds that recent litigation has resulted in a judicial decision which holds that, when a public employee organization files a waiver to submit a grievance to arbitration pursuant to a collective bargaining agreement which the organization has with a public employer, the public employee organization waives its right to bring other administrative or judicial actions to address alleged violations of other statutes or rights not contained in the collective bargaining agreement. The Council finds that such a result is contrary to the original intent of the waiver provision of the New York City Collective Bargaining Law, and contrary to the New York City Office of Collective Bargaining's own interpretation of the local law. The Council further finds that such a result unfairly prejudices the city's public employee organizations and the members they represent and that similar waiver requirements exist in neither the New York State Taylor Law or in private employment. Legislation is therefore necessary to rectify this disparity, in order to clarify that a public employee organization waives only its right to submit an alleged violation of the collective bargaining agreement and no other right when it submits a grievance to arbitration at the New York City Office of Collective Bargaining.

§ 2. Subdivision d of section 12-312 of the administrative code of the city of New York is amended to read as follows:

d. As a condition to the right of a municipal employee organization to invoke impartial arbitration under such provisions, the grievant or grievants and such organization shall be required to file with the director a written waiver of the right, if any, of said grievant or grievants and said organization to submit the [underlying dispute] *determination of the alleged contractual dispute* to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award. *This subdivision shall not be construed to limit the rights of public employees or public employee organizations to enforce other claims in the appropriate administrative or judicial tribunal.*

§ 3. This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor

Int. No. 659

By Council Member Sanders, Fidler, James, Vacca, Williams, Mark-Viverito and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to reporting requirements for housing subsidies provided by the city of New York.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. There is an affordable housing crisis in New York City, especially for low- and moderate-income families making less than New York City's median income of \$38,870 for 2001. Developing housing for low- and moderate-income families requires subsidies through City programs and federal programs administered by the City. Reporting requirements regarding the use of these subsidies will assist the Mayor, Council and City agencies to develop and review housing programs in order to achieve the best use of the limited available resources.

§2. Title 26 of the administrative code of the city of New York is hereby amended by adding a new Chapter 9 to read as follows:

CHAPTER 10

REPORTING REQUIREMENTS FOR SUBSIDIZED HOUSING PROGRAMS

§26-901 Reporting.

a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "City agency" means a city, county, borough or other office, department, division, bureau, board or commission, or a corporation, commission or agency of government, the expenses of which are paid in whole or in part from the city treasury.

2. "Dwelling" means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

3. "Dwelling unit" means any residential accommodation in a multiple dwelling or private dwelling.

4. "Household" means all lawful occupants of a residential unit.

5. "Household income" means, for any household, the sum of the amount reported separately in the most recent individual or joint tax return for wage or salary income, net self-employment income, interest, dividends, rent received, royalties, social security or railroad retirement benefits; supplemental security income; public assistance or welfare payments; retirement or disability benefits and all other income for each member of the household.

6. "Median income for the city of New York" means the median income for the five counties of the city of New York as published in the american community survey of the United States census bureau.

7. "Multiple dwelling" shall mean a dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied, as the residence or home of three or more families living independently of each other. A multiple dwelling does not include a hospital, convent, monastery, asylum or public institution.

8. "Private dwelling" shall mean any building or structure designed and occupied for residential purposes by not more than two families. Private dwellings shall also be deemed to include a series of one- family or two-family dwelling units each of which faces or is accessible to a legal street or public thoroughfare, if each such dwelling unit is equipped as a separate dwelling unit with all essential services, and if each such unit is arranged so that it may be approved as a legal one-family or two-family dwelling.

9. "Project-based section 8 subsidy" means a project-based federal rental assistance payment, as described in subdivision b of section 982.1 of title 24 of the code of federal regulations.

10. "Residential project" means the acquisition, construction, development, rehabilitation or renovation of any property, including buildings, zoned for residential use for which any city agency provides any residential subsidy.

11. "Residential subsidy" means a benefit or incentive provided by any city agency to any person in connection with any residential project, including, but not limited to, loans, loan guarantees, loan participation, letters of credit, grants, sales or leases of property at less than fair market value, tax exemptions, tax abatements, the allocation by a city agency to a residential project of low-income housing tax credits or project-based section 8 subsidies, but shall not include tax exemptions or

tax abatements related to historic preservation or energy conservation, and benefits or incentives granted directly to a natural person or persons for the purchase of a one-to-four family dwelling as the principal residence of such person or persons.

b. The commissioner of housing preservation and development and the commissioner of finance shall jointly prepare an annual report which shall be submitted to the mayor and the council on or before the first day of January, regarding residential subsidies provided by any city agency during the immediately preceding fiscal year, including the fiscal year ending June 2003. Every city agency that provides a residential subsidy shall provide the information required in such report to the commissioner of housing preservation and development and the commissioner of finance within sixty days from the end of the fiscal year for which the report is being prepared. This report shall contain, but shall not be limited to, the following information:

1. The dollar amount of such residential subsidies by category of residential subsidy;

2. The dollar amount of residential subsidies by community district;

3. The dollar amount of residential subsidies provided to create rental dwelling units, including, but not limited to, those created by mutual housing associations;

4. The dollar amount of residential subsidies provided to sale programs, including but not limited to, those assisting in the purchase of one-to-four family dwellings, multiple dwellings, dwelling units owned as condominiums and dwelling units owned cooperatively;

5. The dollar amount of residential subsidies provided for each residential project; and

6. The number of dwelling units in residential projects receiving residential subsidies, divided according to the following household income groups as percentages of median income for the city of New York: 0-24; 25-40; 41-60; 61-90; 91-120; 121-150; 151-200; 201-250; 251-300; above 300%.

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

Referred to the Committee on Housing and Buildings

Int. No. 660

By Council Members Vallone, Jr., Brewer, Gentile, James, Lander, Levin, Williams and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to providing notice regarding permits for movie-making, telecasting and photography in public places.

Be it enacted by the Council as follows:

Section 1. Section 22-205 of the administrative code of the city of New York is hereby amended to read as follows:

§22-205 Permits for movie-making, telecasting, and photography in public places; violations; penalties. a. The [executive director] *commissioner* of [the office for economic development] *small business services* shall not issue to any applicant any permit for any activity subject to the provisions of [subdivision thirteen of section thirteen hundred] *paragraph (r) of subdivision one of section thirteen hundred one* of the charter, unless and until (1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the [executive director] *commissioner*, in the name and in behalf of the applicant, from the agency or agencies having jurisdiction and (2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant.

b. It shall be unlawful for any person to conduct, without a permit from such [executive director] *commissioner*, any activity with respect to which such [executive director] *commissioner* is authorized to issue a permit under the provisions of the charter referred to in subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

c. The department, upon the issuance of any permit under the auspices of such office, shall immediately notify in writing each community board(s) and council member(s), respectively, whose district will be affected and shall immediately post such notice on its website, disaggregated by community board.

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

Referred to the Committee on Technology

Int. No. 661

By Council Members Vann, Arroyo, Dickens, Fidler, James, Mendez, Williams, Foster, Dilan, Wills, Mark-Viverito, Comrie, Levin, Dromm, Ulrich and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to report on a monthly basis the location of all of their facilities.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. Monthly DHS Facility Location Report.

a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

- "DHS" shall mean the department of homeless services;
 - "DHS-administered facilities" shall mean city-administered facilities, including but not limited to hotels and shelters, which are managed directly by DHS or by a provider under contract or similar agreement with DHS;
 - "DHS drop-in centers" shall mean city-administered facilities that provide single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and/or housing placement services, but not overnight housing;
 - "DHS faith-based beds" shall mean city-administered facilities that provide overnight housing to individuals, are affiliated with one or more religious groups and receive client referrals through organizations under contract with DHS;
 - "DHS safe havens" shall mean city-administered facilities that provide low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a DHS outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing;
 - "DHS stabilization beds" shall mean city-administered facilities that provide a short-term housing option for a chronic street homeless individual while such individual works with his/her outreach team to locate a more permanent housing option; and
 - "DHS veterans shelters" shall mean city-administered facilities that provide short-term housing for people who actively served in the United States military.
- b. Monthly report of DHS facility locations. Beginning 60 days after the enactment of this law and on a monthly basis thereafter, the department shall submit to the Council and all New York City Community Boards a detailed report setting forth the street address, disaggregated by borough, of all DHS drop-in centers, DHS faith-based beds, DHS safe havens, DHS stabilization beds, DHS veterans shelters, and all other DHS-administered facilities.
- c. The information provided pursuant to subdivision b above shall also be published electronically on the department's website.

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare

Res. No. 988

Resolution calling on the New York State Legislature and the Governor to enact legislation that would require the foreclosing party in a mortgage foreclosure action to produce the pooling and service agreement at the commencement of a mortgage foreclosure action.

By Council Members Vann, Brewer, Fidler, James, Lander, Mendez, Williams and Mark-Viverito.

Whereas, After a dramatic rise in foreclosures from 2008, foreclosure activity will increase again as lenders and servicers gradually process the backlog of thousands of foreclosures that have been delayed due to improperly processed paperwork; and

Whereas, Securitization of home loans enabled mortgage lenders to disperse exposure to credit risk; and

Whereas, An unfortunate drawback to the proliferation of these complex mortgage-backed securities is that they have made it difficult for judges and lawyers to determine who actually owns the underlying properties in a typical securitized mortgage pool; and

Whereas, The Pooling and Servicing Agreement (PSA) is the primary contractual document between all parties involving the transfer of specific home loans from the originator to the servicer and ultimately to a trust, which then becomes the legal owner of a pool of mortgages; and

Whereas, This document prescribes how the trust must oversee the disbursement of the cash flows, monitors compliance with appropriate covenants by other parties to the agreement, and details the specific loan documents contained in each loan file that will be delivered to the Trustee or Document Custodian on behalf of the trust, establishing who holds the original note and where it may be found; and

Whereas, In New York State, in order for a homeowner in a mortgage foreclosure action to assert that the party initiating the foreclosure does not have a legal right to do so, he or she must include that claim in a written answer in the foreclosure proceeding and many homeowners do not file a written answer or do not have enough information to make that assertion; and

Whereas, The homeowner's time to serve and file an answer is not very long; usually 20 to 40 days after they receive the initial foreclosure papers, depending on the method of service; and

Whereas, After the time to answer has expired, a defendant may not later assert the standing defense unless he or she receives permission from the court to allow the filing of a late or amended answer, which generally requires that the defendant show 1) a reasonable excuse for the delay and 2) a meritorious defense to the foreclosure; and

Whereas, These motions are not easily made by pro se defendants, so the absence of legal representation for homeowners means that very few such motions are being made despite the widespread abuses of the foreclosure process by plaintiffs who would not be able to prove their right to foreclose; and

Whereas, The process of reversing a wrongful foreclosure is difficult once an auction has taken place and is almost impossible once the property is purchased by a third party; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature and the Governor to enact legislation that would require the foreclosing party in a mortgage foreclosure action to produce the pooling and service agreement at the commencement of a mortgage foreclosure action.

Referred to the Committee on Community Development

Res. No. 989

Resolution calling on the New York State Legislature and the Governor to enact legislation that would prohibit lenders from concealing mortgage assignments through the use of the Mortgage Electronic Registration System, Inc., known as MERS.

By Council Members Vann, Brewer, James, Lander, Mendez and Williams.

Whereas, In the mid-1990s, Fannie Mae, Freddie Mac and several large banks in the United States created the Mortgage Electronic Registration System, Inc. (MERS), an electronic-lien registry system built by the housing finance industry, to streamline the mortgage process; and

Whereas, Each mortgage that is entered into the MERS system has a unique mortgage identification number (MIN) used to track a mortgage loan throughout its life, from its origination through securitization; and

Whereas, Critics claim the decision to create MERS was made mostly to avoid paying recording fees charged by government agencies which required that all mortgage transfers and assignments be properly recorded and indexed in publicly available registries of deeds; and

Whereas, Its processing standards are designed for MERS to rapidly and accurately be recorded in the public records as mortgagee after loan origination or when a mortgage has been assigned to MERS; and

Whereas, The ability of MERS members to transfer mortgage loans to each other without recording these transactions is contingent on MERS being properly recorded as the mortgagee in the relevant public records; and

Whereas, MERS has served as a privately run, national registry of deeds under which MERS could act as the owner and depository of all mortgages entered into the system while the mortgage notes and loans themselves can be freely bought and sold on a secondary market, in which cash proceeds go to an investor; and

Whereas, The company's practices have begun to receive heavy scrutiny from both state prosecutors and federal regulators, in light of foreclosure documentation problems that surfaced last fall; and

Whereas, Ownership of mortgages have been obscured by lenders through the frequent use of the MERS to avoid the need to re-record mortgages each time a loan is assigned; and

Whereas, The complex nature of the system makes it difficult for both homeowners and advocates to determine who owns a loan; and

Whereas, United States Bankruptcy Judge Robert E. Grossman, serving in the Eastern District of New York, issued an opinion in February 2011 calling into question the rules and procedures that MERS uses to transfer mortgages and handle foreclosures on behalf of the largest United States banks; and

Whereas, Judge Grossman concluded that "MERS and its partners made the decision to create and operate under a business model that was designed in large part to avoid the requirements of the traditional mortgage recording process" thus rejecting any argument that because "MERS may be involved with fifty (50) percent of all residential mortgages in the county ... it should receive favorable treatment from the judiciary and turn a blind eye to the fact that this process does not comply with the law"; and

Whereas, New York State can give homeowners tools to better ensure that they do not lose their homes to lenders without the legal right to enforce a mortgage especially since it is often impossible at the commencement of a foreclosure action on a homeowner to determine whether the plaintiff owns the note and the mortgage; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature and the Governor to enact legislation that would prohibit lenders from concealing mortgage assignments through the use of the Mortgage Electronic Registration System, Inc., known as MERS.

Referred to the Committee on Community Development

Res. No. 990

Resolution calling upon the Federal Reserve Bank to rescind its proposed rule requiring borrowers to pay off the remaining principal on a mortgage before the lender is forced to cancel its security interest in the home.

By Council Members Vann, Brewer, James, Mealy, Mendez and Williams.

Whereas, During the past three years, millions of American homeowners have suffered the loss of their homes to mortgage foreclosure; and

Whereas, According to the United States Government Accountability Office, from 2005 through 2009, the foreclosure and default rates for the country reached their highest level in three decades; and

Whereas, It has been broadly reported that New York City has not suffered the depth and severity of the mortgage foreclosure crisis to the extent that other areas of the country have; and

Whereas, Whether or not this assertion is correct, since 2005, foreclosure filings in the City have more than doubled; and

Whereas, It should be a goal of the United States Government to promote home ownership and minimize foreclosures, especially those foreclosures which may be improper or fraudulent; and

Whereas, The Federal Reserve Bank (Fed) has proposed a rule pursuant to the authority delegated to the Fed by the Truth-in-Lending Act (15 U.S.C. 1604) that would not allow homeowners to use the right of rescission; and

Whereas, The right of recession is the ability of a borrower to convince a court to rescind a mortgage or home equity loan within three years of its being made on the grounds that the lender has violated the disclosure requirements set forth in the Truth-in-Lending Act (TILA) under certain circumstances, relating to the loan amount, interest rate and repayment terms; and

Whereas, The proposed rule would reverse TILA's right of rescission by requiring a homeowner to pay off the entire mortgage amount before a creditor is required to cancel its security interest in the home; and

Whereas, The Fed has promulgated the rule due to concern over costs that banks incurred when seeking to comply with TILA, but the Fed's proposed rule may have the unintended consequence of making the right of rescission available to only the wealthiest homeowners since people who are wealthy are far more likely to have or be able to acquire the means to pay off the remaining balance on the mortgage; and

Whereas, The extended right of rescission has been an important home-saving legal tool protecting borrowers against predatory loans; and

Whereas, While many foreclosure proceedings are based on correct information there are also many instances where that has not been the case; and

Whereas, At this time of record foreclosures and reports of false filings on behalf of the financial institutions seeking to foreclose on mortgages, the Fed should not seek to aid unscrupulous or careless lending institutions who may have violated provisions of TILA by eliminating the important consumer protection of the right of rescission; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Federal Reserve Bank to rescind its proposed rule requiring borrowers to pay off the remaining principal on a mortgage before the lender is forced to cancel its security interest in the home.

Referred to the Committee on Community Development

Int. No. 662

By Council Members Weprin, Arroyo, Dromm, Gentile, Koslowitz, Mealy, Mendez, Nelson, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the fines for commercial vehicles that park on residential streets.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision c of Section 19-170 of the administrative code of the city of New York is amended to read as follows:

2. A first violation of this section, when the commercial vehicle is a tractor-trailer combination, tractor, truck trailer or semi-trailer, shall be punishable by a monetary fine of [two hundred fifty] *five hundred* dollars. Any such subsequent violation of this section by the same owner, as defined in paragraph a of subdivision one of section two hundred thirty-nine of the vehicle and traffic law, within a six month period shall be punishable by a monetary fine of [five hundred] *seven hundred and fifty* dollars. *Any third violation by the same owner, as defined in paragraph a of subdivision one of section two hundred thirty-nine of the vehicle and*

traffic law, within a year of the first violation shall be punishable by a monetary fine of one thousand dollars.

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

Referred to the Committee on Transportation

Int. No. 663

By Council Members Weprin, Dromm, Fidler, James, Koslowitz, Nelson, Recchia and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to allowing violations to be issued based on vehicle identification numbers.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-204 of the administrative code of the city of New York is amended to read as follows:

b. The notice of violation shall be served personally upon the operator of a motor vehicle who is present at the time of service, and his or her name, together with the license designation as shown by the registration plates on said vehicle *or, if there is no such plate, the vehicle information number (VIN)*, shall be inserted therein. The notice of violation shall be served upon the owner of the motor vehicle if the operator is not present, by affixing such notice to said vehicle in a conspicuous place. Whenever such notice is so affixed, in lieu of inserting the name of the person charged with the violation in the space provided for the identification of said person, the words "owner of the motor vehicle bearing license" may be inserted to be followed by the license designation as shown by the registration plates *or, if there is no such plate, the vehicle information number* on said vehicle. Service of the notice of violation by affixation as herein provided shall have the same force and effect and shall be subject to the same penalties for disregard thereof as though the same was personally served with the name of the person charged with the violation inserted therein.

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

Referred to the Committee on Transportation

L.U. No. 445

By Council Member Comrie:

Uniform land use review procedure application no. C 110243 ZMM pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the Zoning Map Section no. 6b, Borough of Manhattan, Council District no. 9

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises.)

L.U. No. 446

By Council Member Comrie:

Application no. 20125028 HAK, an amended Urban Development Action Area Project located at 788-796 Lafayette Avenue and 123 Van Buren Street, Council District no. 36, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.)

L.U. No. 447

By Council Member Comrie:

Uniform land use review procedure application no. C 110365 HAX, an Urban Development Action Area Designation and Project, located at East 179th Street and Boston Road and the disposition of such property, Borough of the Bronx, Council District no. 15. 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. 448

By Council Member Comrie:

Uniform land use review procedure application no. C 110366 HAX, an Urban Development Action Area Designation and Project, located adjacent to 1087 East Tremont Avenue, and the disposition of such property, Borough of the Bronx, Council District no. 15. 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. 449

By Council Member Comrie:

Application no. 20115607 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates, to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 450

By Council Member Comrie:

Application no. 20115769 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Super Noodle, Inc., d/b/a Old Town Hot Pot, to establish, maintain and operate an unenclosed sidewalk café located at 70 Seventh Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 451

By Council Member Comrie:

Application no. C 110058 ZMK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an R6A District to an R7-3 District and establishing within a proposed R7-3 District a C2-4 District., Section No. 28b and 28d, Council District no. 47 .

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

L.U. No. 452

By Council Member Comrie:

Application no. C 110059 ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9, and R10 Districts), the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341 (Developments on land and platforms), and the rear yard requirements of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), in connection with a proposed mixed-use development on property located at 3602-3616 Surf Avenue (Zoning Lot A, Block 7065, Lots 6 & 12), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 453

By Council Member Comrie:

Application no. C 110060 (A) ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9, and R10 Districts), the height and setback, and ground floor streetscape requirements of Section 62-341 (Developments on land and platforms), in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in an R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 454

By Council Member Comrie:

Application no. C 110061 ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 (Permitted Obstructions in Courts) to allow balconies within courts, in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots, 15, 20 & 25), in an R7-3/C2-4 District, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25) , Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 455

By Council Member Comrie:

Application no. C 110062 (A) ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to modify the use requirements of Section 32-421 (Limitation on floors occupied by commercial uses) to allow commercial uses listed in Use Group 6, 7, 8, 9 or 14 on portions of the 2nd and 3rd floors of a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in an R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to

the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 456

By Council Member Comrie:

Application no. C 110252 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c, Borough of Brooklyn, Council District no. 27.

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

L.U. No. 457

By Council Member Comrie:

Application no. N 110307 ZRM submitted by the Century 21 Department Stores, LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning the waiver of accessory off-street loading berths within the Special Lower Manhattan District, Borough of Manhattan, Community District 1, Council District no. 1.

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

L.U. No. 458

By Council Member Comrie:

Application no. 20115023 HKM (N 110405 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Cities Service Building, First Floor Interior, located at 70 Pine Street (List No.443, LP-2442), (Block 41, Lot 1), Council District no.1 .

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 459

By Council Member Comrie:

Application no. 20115024 HKM (N 110404 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Cities Service Building, located at 70 Pine Street (List No.443, LP-2441), (Block 41, Lot 1), Council District no. 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 460

By Council Member Comrie:

Uniform land use review procedure application no. C 110235 ZSM, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Manhattan, Council District no. 1 to allow retail uses on portions of the ground floor and cellar of an existing 5-story building. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

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

ANNOUNCEMENTS:

Tuesday, September 6, 2011

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**
See Land Use Calendar Available Thursday, September 1, 2011
Committee Room – 250 Broadway, 16th FloorMark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Thursday, September 1, 2011
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

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

Committee on **HEALTH**..... **1:00 p.m.**
Agenda to be Announced
Committee Room – 250 Broadway, 14th Floor
Maria del Carmen Arroyo, Chairperson

Wednesday, September 7, 2011

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

Committee on **FINANCE**..... **12:00 P.M.**
Oversight – Examining the establishment of the Chinatown Business Improvement District
Emigrant Savings Bank – 49-51 Chambers Street
.....Domenic Recchia, Chairperson

Thursday, September 8, 2011

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 Thursday, September 8, 2011.

ALISA FUENTES, Deputy City Clerk
Acting Clerk of the Council

Editor’s Local Law Note: Int Nos. 248-A, 338-A, 452-A, 461-A, and 615-A (adopted at the July 28, 2011 Stated Council Meeting) were signed into law by the Mayor on August 17, 2011 as, respectively, Local Law Nos. 48, 49, 50, 51, and 52 of 2011. Int Nos. 541-A and 632-A (adopted at the August 17, 2011 Stated Council Meeting) were signed into law by the Mayor on August 30, 2011 as, respectively, Local Law Nos. 53 and 54 of 2011.

