

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Thursday October 13, 2016, 1:58 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Melissa Mark-Viverito, *Speaker*

Inez D. Barron	Vanessa L. Gibson	I. Daneek Miller
Joseph C. Borelli	David G. Greenfield	Annabel Palma.
Fernando Cabrera	Barry S. Grodenchik	Antonio Reynoso
Margaret S. Chin	Corey D. Johnson	Donovan J. Richards
Andrew Cohen	Ben Kallos	Ydanis A. Rodriguez
Costa G. Constantinides	Andy L. King	Helen K. Rosenthal
Robert E. Cornegy, Jr	Peter A. Koo	Rafael Salamanca, Jr
Elizabeth S. Crowley	Karen Koslowitz	Ritchie J. Torres
Laurie A. Cumbo	Rory I. Lancman	Mark Treyger
Chaim M. Deutsch	Bradford S. Lander	Eric A. Ulrich.
Inez E. Dickens	Stephen T. Levin	James Vacca
Daniel Dromm	Mark Levine	Paul A. Vallone
Rafael L. Espinal, Jr	Alan N. Maisel	James G. Van Bramer
Mathieu Eugene	Steven Matteo	Jumaane D. Williams
Julissa Ferreras-Copeland	Darlene Mealy	Ruben Wills
Daniel R. Garodnick	Carlos Menchaca	
Vincent J. Gentile	Rosie Mendez	

Absent: Council Member Rose.

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

*There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by: Rabbi Mark Kaiserman, The Reform Temple of Forest Hills, 71-11 112<sup>th</sup> Street, Forest Hills, N.Y. 11375.

Yesterday was Yom Kippur, the holiest day on the Jewish calendar,  
so needless to say, I'm quite tired.  
It is a day that speaks of repentance and regret, holiness and hope.  
Our prayers are often directed to fate as to what is in store for the year to come,  
yet we know truly our future is also defined by our own actions and our intentions.  
As this Council meets, they will be confronted with many things out of their control,  
God give them the strength to recognize the potency of their responses.  
Let God's will not be our shield but our inspiration;  
let "it was meant to be" not be our credo but inspire us as to what we can do next.  
Oh God shelter and safeguard our public servants,  
watch over our community, the City of New York,  
and all those who seek a better future  
and let us all find the power to weather any storm  
because we know tomorrow's possibilities are endless  
and we work together.  
Amen.

Council Member Koslowitz moved to spread the invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) asked for a Moment of Silence in memory of the following:

Brooklyn District Attorney Kenneth P. Thompson, 50, died on October 9, 2016. The Speaker (Council Member Mark-Viverito) praised him as an outstanding public servant and as a champion for criminal justice reform and a fair court system. She sent her deepest condolences to his family and to those who knew him.

The Speaker (Council Member Mark-Viverito) also noted the death and devastation caused by Hurricane Matthew across the Caribbean, particularly in Haiti, and across Florida, North Carolina, and the southeastern U.S. coast. She asked those assembled in the Chambers to remember all who those whose lives were lost.

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### ADOPTION OF MINUTES

Council Member Dromm moved that the Minutes of the Stated Meeting of September 14, 2016 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-449

**Communication from the Mayor - Submitting the name of Laurie Hawkinson to the Council for its advice and consent regarding her appointment as a member of the New York City Art Commission, pursuant to Sections 31 and 851 of the New York City Charter.**

The Honorable Melissa Mark-Viverito  
Council Speaker  
City Hall  
New York, NY 10007

Dear Speaker Mark-Viverito

Pursuant to Sections 31 and 851 of the New York City Charter, I am pleased to present the name of Laurie Hawkinson to the City Council for advice and consent in anticipation of her appointment as a member of the New York City Art Commission, known as the Public Design Commission. When appointed, Ms. Hawkinson will serve for the remainder of a three-year term expiring on December 31, 2016.

I send my thanks to you and all Council Members for reviewing this Public Design Commission appointment.

Sincerely,

Bill de Blasio  
Mayor

BDB:tf

cc: Laurie Hawkinson  
Alicia Glen, Deputy Mayor for Housing and Economic Development  
Justin G. Moore, Executive Director, New York City Public Design Commission  
Signe Nielsen, President, New York City Public Design Commission

Referred to the Committee on Rules, Privileges and Elections.

**COMMUNICATION FROM CITY, COUNTY AND BOROUGH OFFICES**

M-450

**Communication from the Department of Housing Preservation and Development - Submitting Third Party Transfer Program Brooklyn, In Rem Action No. 51, Community District No. 5, Council District No. 42.**

**(For text, please refer to the City Council website at <http://www.council.nyc.us>)**

Referred to the Committee on Housing and Buildings.

M-451

**Communication from the Department of Housing Preservation and Development - Submitting Third Party Transfer Program Manhattan, In Rem Action No. 42, Community District No. 12 Council District No. 10.**

**(For text, please refer to the City Council website at <http://www.council.nyc.us>)**

Referred to the Committee on Housing and Buildings.

M-452

**Communication from the Kings County Democratic Committee recommending the name of John Flateau to the Council regarding his re-appointment to the New York City Board of Elections pursuant to § 3-204 of the New York State Election Law.**

September 27, 2016

Hon. Michael McSweeney  
Clerk of the Council of the City of New York  
141 Worth Street  
New York, NY 10013

Re: Kings County Democratic Party recommendation of a suitable and qualified candidate to be appointed as a Commissioner of the Board of Elections in the City of New York

Dear Michael,

Please find, enclosed herewith, the Certification of the Kings County Democratic County Committee naming Commissioner John Flateau of the Board of Elections in the City of New York as a suitable and qualified candidate for reappointment by the Council of the City of New York. Mr. Flateau's current term of office is set to expire on December 31, 2016.

If you are in need of any additional information or further documentation, you need only ask. Please acknowledge receipt via letter or email to [bldyndem@aol.com](mailto:bldyndem@aol.com).

Your assistance with regard to this matter will be most gratefully appreciated.

Best regards.

Sincerely,

Jeffrey C. Feldman  
Executive Director

Referred to the Committee on Rules, Privileges and Elections.

M-453

**Communication from the Queens County Democratic Committee recommending the name of Jose M. Araujo to the Council regarding his appointment to the New York City Board of Elections pursuant to § 3-204 of the New York State Election Law.**

September 22, 2016

Hon. Michael McSweeney  
City Clerk, Clerk of the Council-Executive Office  
141 Worth Street  
New York, N.Y. 10013

Dear Mr. McSweeney:

Pursuant to Section 3-204 of the Election Law of the State of New York, I enclose herewith a certificate of party recommendation setting forth the name of JOSE M. ARAUJO as Elections Commissioner, which was duly voted upon at a meeting of the Democratic County Committee of Queens County held on September 22, 2016 at Antun's, 96-43 Springfield Boulevard, New York.

Thank you for your cooperation.

Sincerely,

MICHAEL H. REICH  
Executive Secretary  
Queens County Democratic  
Organization

MHR:jp  
Enc.

Referred to the Committee on Rulers, Privileges and Elections.

**LAND USE CALL-UPS**

M-454

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

**Pursuant to Rule 11.20(c) of the Council Rules 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 application no. C 160367 ZSX shall be subject to Council review. This item is related to application nos. C 160365 ZMX and N 160366 ZRX, which are subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.**

Coupled on Call-Up Vote.

M-455

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

**Pursuant to Rule 11.20(c) of the Council Rules 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 application no. C 160368 ZSX shall be subject to Council review. This item is related to application nos. C 160365 ZMX and N 160366 ZRX which are subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.**

Coupled on Call-Up Vote.

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

At this point, the Public Advocate (Ms. James) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

**REPORTS OF STANDING COMMITTEES****Report of the Committee on Civil Service and Labor**

Report for Int No 1011-A

**Report of the Committee on Civil Service and Labor 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 a 90-day transition period for displaced food service workers.**

The Committee on Civil Service and Labor, to which the annexed amended proposed local law was referred on November 24, 2015 (Minutes, page 4147), respectfully

## **REPORTS:**

### **INTRODUCTION**

On October 11, 2016, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, will hold a second hearing on Proposed Introduction No. 1011-A, A Local Law to amend the administrative code of the city of New York, in relation to a 90-day transition period for displaced food service workers. The Committee held a first hearing on a then Preconsidered version of the bill on November 23, 2015.

### **BACKGROUND**

Worker retention laws and policies are designed to protect workers when there is a change in ownership of a business or a change in service contracts.<sup>1</sup> The Partnership for Working Families has stated, “Worker retention policies protect the welfare of working families, they provide a stable and knowledgeable workforce for contractors or business owners, and thus maintain the provision of reliable service to clientele.”<sup>2</sup> Worker retention provisions operate to help employees keep their jobs, sometimes for a transitional period of time, if there is a change in ownership of a business or a contract holder.<sup>3</sup>

This bill is designed to extend the protections already provided to displaced building service workers under Administrative Code § 22-505 (informally known as the Displaced Building Service Workers Act) to food service workers<sup>4</sup> and grocery workers under Code § 22-507.<sup>5</sup> Section 22-505 was enacted in 2002 after the events of 9/11 in order to protect building service workers in the City from unfair loss of employment in a market with a high rate of building contract turnover and to promote building safety and security by retaining knowledgeable staff. It provides for a 90-day retention period and continued employment of building service workers who may be displaced in the event of a change in ownership of a building or a change in a building service contract. § 22-505 has been enforced by the National Labor Relations Board as recently as August of 2015.<sup>6</sup> The Grocery Worker Retention Act was passed last year.

New York City was not the first city to pass legislation for the retention of workers. In 1994, Washington, D.C., passed a worker retention law that covers contractors that employ 25 or more persons and perform food, janitorial, maintenance, or nonprofessional health care services. The D.C. legislation also expressly includes employees hired by a contractor as food service workers.<sup>7</sup> The provisions of the D.C. law are very similar to the provisions of § 22-505, in that after a 90-day transition period, employees deemed satisfactory by the successor employer are to be retained. Several other jurisdictions also have put worker retention laws into effect, including the District of Columbia and the State of California; cities such as Philadelphia, PA, Providence, RI, New Haven, CT, and the California cities of Los Angeles, San Francisco, Oakland, Long Beach, Berkeley, San Jose, Santa Cruz, San Leandro, Gardena, and Emeryville; and counties such as Los Angeles, CA, Santa Cruz, CA, and Westchester, NY.

This bill would require a 90-day retention period for food service workers in venues such as corporate cafeterias, arenas and cultural institutions when a food service contractor is terminated. After 90 days, the new contractor must evaluate the workers and shall retain them if they are deemed satisfactory.

Since the first hearing on this legislation, the bill has been amended to be a new section of the code, rather than an amendment to the section of the code for the Displaced Building Service Workers.

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<sup>1</sup> Partnership for Working Families, “Policy & Tools: Worker Retention Policies,” available at <http://www.forworkingfamilies.org/resources/policy-tools-worker-retention-policies>. (Last accessed on 09-22-2015.)

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

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

<sup>4</sup> Local Law 39 of 2002.

<sup>5</sup> Local Law 46 of 2013

<sup>6</sup> *GVS Properties, LLC*, 29-CA-077359; 362 NLRB No. 194 (Aug. 27, 2015).

<sup>7</sup> DC ST § 32-101(a)(1).

**BILL SUMMARY**

Proposed Int. No. 1011-A would, in the event of a change in a food service contract, require a successor contractor to retain the former contractor's food service workers for a 90-day transition period, after which time the successor contractor must evaluate the employees and offer them continued employment. This would apply to corporate cafeterias, arenas and cultural institutions, however, not to restaurants.

Subdivision a of the bill would be definitions, as follows:

**Covered entity.** The term "covered entity" would mean any person who enters into a food service contract for the provision of food service at premises located within the city.

**Food service.** The term "food service" would mean the on-site preparation, service and clean-up of food or beverages to persons.

**Food service contract.** The term "food service contract" would mean a contract for a term of at least 12 months between a covered entity and a food service contractor for the provision of food service that requires that:

- (i) the food service contractor provide all food service workers;
- (ii) the prices for food or beverages sold on the premises of the covered entity be subject to the review and agreement of the covered entity; and
- (iii) the food service contractor reports the gross receipts or gross sales generated pursuant to the contract to the covered entity.

**Food service contractor.** The term "food service contractor" would mean any person who enters into a food service contract to provide food service to a covered entity.

**Food service worker.** The term "food service worker" would mean any person who has been employed by a food service contractor to provide food service pursuant to a food service contract on a full or part-time basis for at least 90 days immediately preceding any transition in employment subject to this section, provided that such term does not include persons who are managerial, supervisory or confidential employees, or persons regularly scheduled to work fewer than eight hours per week.

**Former food service contractor.** The term "former food service contractor" would mean any person who has entered into a food service contract with a covered entity prior to a termination of such contract.

**Person.** The term "person" would mean any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ persons or enter into service contracts, but it does not include the city, the state of New York, the federal government any other governmental entity, or any individual or entity managing real property for a governmental entity.

**Successor food service contractor.** The term "successor food service contractor" would mean any person who has entered into a food service contract with a covered entity after the termination of a substantially similar food service contract by the covered entity.

Subdivision b of the bill provides for the retention period's procedures. The first paragraph of this subdivision requires that no less than 15 calendar days before terminating any food service contract, a covered entity would be required to request the former food service contractor to provide to the successor food service contractor and the covered entity a full and accurate list containing the name, address, date of hire, and job category of each food service worker who provided the food service pursuant to such contract. The former food service contractor would then be required to provide such list within 72 hours of receipt of the request by the covered employer. At the same time that the former food service contractor provides such list, the former food service contractor would be required to post the list in a notice to the food service workers that also sets forth the rights provided by this section, in the same location and manner that other statutorily required notices to employees are posted at the affected premises. Such notice would be required to also be provided to the food service workers' collective bargaining representative, if any.

Paragraph 2 of such subdivision would require that, upon termination of a food service contract, the successor food service contractor would be required to retain those food service workers who provided the food service pursuant to such contract for a 90-day transition employment period.

The third paragraph would require allow for removal of workers during the retention period if at any time the successor food service contractor determines that fewer food service workers are required to perform the food service pursuant to such contract than had been performing such service under the terminated food service contract, such successor food service contractor shall retain the food service workers by seniority within job classification; provided, that during such 90-day transition period, the successor food service

contractor shall maintain a preferential hiring list of those food service workers not retained at the sites who shall be given a right of first refusal to any jobs within their classifications that become available during that period.

The next paragraph would require that, except as provided in the previous paragraph of this subdivision, during such 90-day period the successor food service contractor would not be able to discharge without cause a food service worker retained pursuant to this section.

The fifth and final paragraph of the bill would require that at the end of the 90-day transition period, the successor food service contractor would be required to complete a written performance evaluation for each food service worker retained pursuant to this section. If a food service worker's performance during such 90-day period is deemed satisfactory, the successor food service contractor "shall" offer such food service worker continued employment under the terms and conditions established by the successor food service contractor.

Subdivision c of the bill pertains to remedies in case of violation of the law. The first paragraph for such section would require that a food service worker who has been discharged or not retained in violation of this section would be permitted to bring an action in supreme court against a successor food service contractor for violation of any obligation imposed pursuant to this section.

Paragraph 2 of subdivision c would state that the court would have authority to order reinstatement of any food service worker who has been discharged or not retained in violation of this section.

The third paragraph of this section would require that if the court finds that by reason of a violation of any obligation imposed pursuant to subdivision b of this section, a food service worker has been discharged or not retained in violation of this section, it shall award:

(a) Back pay for each day during which the violation continues, calculated at a rate of compensation not less than the higher of (i) the average regular rate of pay received by the food service worker during the last three years of the food service worker's employment in the same job category; or (ii) the final regular rate received by the food service worker while employed either under the terminated food service contract or under the food service contract with the successor food service contractor, regardless of whether such food service worker obtained an alternate source of income that was less than, equal to, or greater than the rate calculated pursuant to this subparagraph;

(b) The cost of benefits the successor food service contractor would have incurred for the food service worker under the successor food service contractor's benefit plan; and

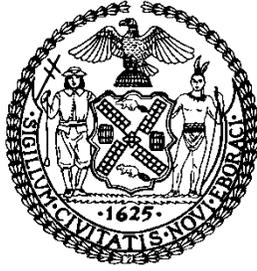
(c) The food service worker's reasonable attorney's fees and costs.

The final paragraph of such subdivision would state that in any such action, the court would have authority to order the covered entity or former food service contractor to provide the successor food service contractor with the information required pursuant to subdivision b of this section.

Subdivision d of this section would pertain to collective bargaining. The provisions of this section would not apply to a successor food service contractor that, on or before the effective date of the commencement of food service by such successor food service contractor, enters into a collective bargaining agreement covering the food service workers or agrees to assume, or to be bound by, the collective bargaining agreement of the former food service contractor covering such food service workers, provided that such collective bargaining agreement provides terms and conditions regarding the discharge or laying off of employees.

The final section of the bill is the enactment clause. The clause provides that this local law takes effect immediately upon enactment into law.

**(The following is the text of the Fiscal Impact Statement for Int No. 1011-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1011-A  
COMMITTEE: Civil Service and Labor**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to a 90-day transition period for displaced food service workers

**SPONSOR(S):** Council Members Rodriguez, Chin, Eugene, Lancman, Miller, Van Bramer, Levine, Dickens, Cabrera, Dromm, Reynoso, King, Kallos, Levin, Salamanca, Koslowitz, Menchaca, Cornegy, Espinal, Torres, Grodenchik, Lander, Palma, Rose, Richards, Crowley, Johnson, Williams, Cohen, Barron, and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would provide for a 90-day transition period and continued employment for food service workers who may be displaced upon a change in building ownership or change in a food service contract. After the 90-day transition period, the successor food service contractor would be required to evaluate the employees and offer continued employment to those deemed satisfactory.

This legislation would require the former food service contractor to provide the new contractor with a list – within 72 hours of its request – of each employee’s name, address, date of hire, and employment classification. This list would also be posted in a notice to the food service workers that sets forth their rights, and should also be provided to the employees’ collective bargaining representative, if any.

The successor food service contractor would be required to retain each eligible employee for the transitional period and not discharge them without cause. If during the transition period the successor contractor determines it needs fewer employees than were required before, such successor employer would retain employees by seniority within each job classification. Further, the successor contractor would be required to maintain a preferential hiring list of the food service workers who were not retained and they would be offered any jobs within their classification that become available. At the end of the transition period, the successor contractor would be required to complete a written performance evaluation for each eligible employee, and if an employee’s performance was deemed satisfactory, the successor contractor should offer continued employment to the eligible food service worker.

There are no penalties for violation, but any food service worker who has been discharged or not retained in violation of this legislation may bring a court action against a former food service contractor for violation of any obligation imposed pursuant to this legislation. The court can reinstate any food service worker who may have been wrongfully discharged or not retained.

This legislation exempts successor food service contractors who enter into a collective bargaining agreement covering the eligible food service workers or who agree to assume, or be bound by, the contract of the predecessor food service contractor covering the eligible employees if that contract specifies the terms and conditions regarding the discharge or laying off of employees.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenue resulting from this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from this legislation because the requirements imposed by this legislation would not apply to the City or any entity managing real property for the City.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** City Council Finance Division  
Mayor's Office of Legislative Affairs

**ESTIMATE PREPARED BY:** Kendall Stephenson, Legislative Financial Analyst, Finance Division

**ESTIMATE REVIEWED BY:** Paul Sturm, Principal Legislative Financial Analyst, Finance Division  
Raymond Majewski, Chief Economist/Deputy Director, Finance Division  
Rebecca Chasan, Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was considered by the Committee on Civil Service and Labor as a Preconsidered Intro. on November 23, 2015 and the legislation was laid over. On November 24, 2015, the legislation was introduced to the full Council as Intro. 1011 and referred to the Committee on Civil Service and Labor. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1011-A will be considered by the Committee on Civil Service and Labor at a hearing on October 11, 2016. Upon successful vote by the Committee, Proposed Intro. 1011-A will be submitted to the full Council for a vote on October 13, 2016.

**DATE PREPARED:** October 6, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 1011-A:)**

Int. No. 1011-A

By Council Members Rodriguez, Chin, Eugene, Lancman, Miller, Van Bramer, Levine, Dickens, Cabrera, Dromm, Reynoso, King, Kallos, Levin, Salamanca, Koslowitz, Menchaca, Cornegy, Espinal, Torres, Grodenchik, Lander, Palma, Rose, Richards, Crowley, Johnson, Williams, Cohen, Barron and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a 90-day transition period for displaced food service workers**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 22-508 to read as follows:

§ 22-508 *Food service workers.* a. For purposes of this section, the following terms have the following meanings:

*Covered entity.* The term “covered entity” means any person who enters into a food service contract for the provision of food service at premises located within the city.

*Food service.* The term “food service” means the on-site preparation, service and clean-up of food or beverages to persons.

*Food service contract.* The term “food service contract” means a contract for a term of at least 12 months between a covered entity and a food service contractor for the provision of food service that requires that:

- (i) the food service contractor provide all food service workers;
- (ii) the prices for food or beverages sold on the premises of the covered entity be subject to the review and agreement of the covered entity; and
- (iii) the food service contractor reports the gross receipts or gross sales generated pursuant to the contract to the covered entity.

*Food service contractor.* The term “food service contractor” means any person who enters into a food service contract to provide food service to a covered entity.

*Food service worker.* The term “food service worker” means any person who has been employed by a food service contractor to provide food service pursuant to a food service contract on a full or part-time basis for at least 90 days immediately preceding any transition in employment subject to this section, provided that such term does not include persons who are managerial, supervisory or confidential employees, or persons regularly scheduled to work fewer than eight hours per week.

*Former food service contractor.* The term “former food service contractor” means any person who has entered into a food service contract with a covered entity prior to a termination of such contract.

*Person.* The term “person” means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ persons or enter into service contracts, but it does not include the city, the state of New York, the federal government any other governmental entity, or any individual or entity managing real property for a governmental entity.

*Successor food service contractor.* The term “successor food service contractor” means any person who has entered into a food service contract with a covered entity after the termination of a substantially similar food service contract by the covered entity.

b. *Terminated food service contract.* 1. No less than 15 calendar days before terminating any food service contract, a covered entity shall request the former food service contractor to provide to the successor food service contractor and the covered entity a full and accurate list containing the name, address, date of hire, and job category of each food service worker who provided the food service pursuant to such contract. The former food service contractor shall provide such list within 72 hours of receipt of the request by the covered employer. At the same time that the former food service contractor provides such list, the former food service contractor shall post the list in a notice to the food service workers that also sets forth the rights provided by this section, in the same location and manner that other statutorily required notices to employees are posted at the affected premises. Such notice shall also be provided to the food service workers’ collective bargaining representative, if any.

2. Upon termination of a food service contract, the successor food service contractor shall retain those food service workers who provided the food service pursuant to such contract for a 90-day transition employment period.

3. If at any time the successor food service contractor determines that fewer food service workers are required to perform the food service pursuant to such contract than had been performing such service under the terminated food service contract, such successor food service contractor shall retain the food service workers by seniority within job classification; provided, that during such 90-day transition period, the successor food service contractor shall maintain a preferential hiring list of those food service workers not retained at the sites who shall be given a right of first refusal to any jobs within their classifications that become available during that period.

4. Except as provided in paragraph 3 of this subdivision, during such 90-day period the successor food service contractor shall not discharge without cause a food service worker retained pursuant to this section.

5. *At the end of the 90-day transition period, the successor food service contractor shall complete a written performance evaluation for each food service worker retained pursuant to this section. If a food service worker's performance during such 90-day period is satisfactory, the successor food service contractor shall offer such food service worker continued employment under the terms and conditions established by the successor food service contractor.*

*c. Remedies. 1. A food service worker who has been discharged or not retained in violation of this section may bring an action in supreme court against a successor food service contractor for violation of any obligation imposed pursuant to this section.*

*2. The court shall have authority to order reinstatement of any food service worker who has been discharged or not retained in violation of this section.*

*3. If the court finds that by reason of a violation of any obligation imposed pursuant to subdivision b of this section, a food service worker has been discharged or not retained in violation of this section, it shall award:*

*(a) Back pay for each day during which the violation continues, calculated at a rate of compensation not less than the higher of (i) the average regular rate of pay received by the food service worker during the last three years of the food service worker's employment in the same job category; or (ii) the final regular rate received by the food service worker while employed either under the terminated food service contract or under the food service contract with the successor food service contractor, regardless of whether such food service worker obtained an alternate source of income that was less than, equal to, or greater than the rate calculated pursuant to this subparagraph;*

*(b) The cost of benefits the successor food service contractor would have incurred for the food service worker under the successor food service contractor's benefit plan; and*

*(c) The food service worker's reasonable attorney's fees and costs.*

*4. In any such action, the court has authority to order the covered entity or former food service contractor to provide the successor food service contractor with the information required pursuant to subdivision b of this section.*

*d. The provisions of this section do not apply to a successor food service contractor that, on or before the effective date of the commencement of food service by such successor food service contractor, enters into a collective bargaining agreement covering the food service workers or agrees to assume, or to be bound by, the collective bargaining agreement of the former food service contractor covering such food service workers, provided that such collective bargaining agreement provides terms and conditions regarding the discharge or laying off of employees.*

§ 2. This local law takes effect immediately.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, October 11, 2016. *Other Council Members Attending: Council Member Wills.*

On motion of the Speaker (Council Member Mark-Viverito), 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**

Report for Int No 1282

**Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in eight business improvement districts and two special assessment districts.**

The Committee on Finance, to which the annexed proposed amended local law was referred on September 28, 2016 (Minutes, page 3209), respectfully

### REPORTS:

On September 28, 2016, the Finance Committee adopted Resolution 1228 that set October 13, 2016 as the date to consider a local law that would increase the annual expenditures of eight Business Improvement Districts (“BIDs”) and two Special Assessment Districts (“SADs”)<sup>1</sup>, collectively referred to herein as “the BIDs,” as of July 1, 2016. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the ten BIDs.

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

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

Although this is the only relevant legal requirement for the provision of notice, the Finance Committee Chair has informed the Department of Small Business Services that she desires written notices of the proposed increases and the hearing date to be mailed to property owners within the BIDs, and will only consider budget increases for those BIDs providing such additional notice. The Chair has requested that this procedure be followed with regard to the increases that are the subject of this local law.

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

### **BID ASSESSMENT INCREASE REQUESTS** **FISCAL YEAR 2017**

BID Name	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request	CM District (s)	Increase Justification
	Increase Amount			% Increase		
165th Street	2013	\$200,000	\$250,000	\$50,000	24, 27	Assessment increase is in response to rising costs associated with mandatory maintenance of brick pavers on 165th Street Mall. A portion of this increase will be

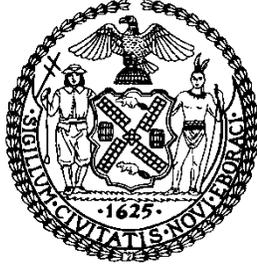
<sup>1</sup> Prior to the creation of the BID system as it is known today, in the 1970’s New York State created fourteen SADs which collected assessments from property owners to pay for pedestrian malls and street improvements. Four of these SADs were located in New York City, with the first being the Fulton Mall in Brooklyn which was established in 1976. In 1982, pursuant to authorization by State law, the Council adopted legislation governing the formation of BIDs.

	\$31,276			<b>25.0%</b>	Rory Lancman, I. Daneek Miller	used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
<b>Atlantic Avenue</b>	None	\$240,000	<b>\$390,000</b>	<b>\$150,000</b>	33, 39	Assessment increase will enhance marketing efforts and hire part-time marketing staff; streetscape improvements; consistent horticultural displays; expand holiday light decorations and host additional public events. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	N/A			<b>62.5%</b>	Stephen Levin, Brad Lander	
<b>Bayside Village</b>	2012	\$155,000	<b>\$230,000</b>	<b>\$75,000</b>	19	Assessment increase will expand successful programs: weekend walks, coupon books, and neighborhood events throughout the year. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	\$65,500			<b>48.39%</b>	Paul Vallone	
<b>Court-Livingston-Schermerhorn</b>	None	\$700,000	<b>\$907,000</b>	<b>\$207,000</b>	33	Assessment increase will expand the security program and hire an additional security guard. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	N/A			<b>29.57%</b>	Stephen Levin	
<b>Fashion Center</b>	2013	\$7,800,000	<b>\$8,800,000</b>	<b>\$1,000,000</b>	3, 4	Assessment increase will fund district advertising campaign; information kiosk technology upgrade; streetscape elements in pedestrian plazas: additional furniture, expanded horticulture and maintenance. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	\$2,050,000			<b>12.82%</b>	Corey Johnson, Daniel Garodnick	

<b>Fifth Avenue</b>	2013	\$2,905,000	<b>\$3,207,000</b>	<b>\$302,000</b>	4	Assessment increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	\$189,280			<b>10.4%</b>	Daniel Garodnick	
<b>Jamaica Center</b>	2005	\$737,500	<b>\$1,017,500</b>	<b>\$280,000</b>	24, 27	Assessment increase is in response to rising costs associated with mandatory maintenance of brick pavers on Jamaica Avenue and further retail attraction and economic development initiatives. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	\$147,500			<b>37.97%</b>	Rory Lancman, I. Daneek Miller	
<b>Madison Avenue</b>	2005	\$1,757,000	<b>\$2,100,000</b>	<b>\$343,000</b>	4	Assessment increase will enhance marketing and public relations programming; explore new wayfinding kiosks for visitors; and activate new office space. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	\$407,000			<b>19.52%</b>	Daniel Garodnick	
<b>MetroTech</b>	2016*	\$3,624,492	<b>\$4,274,492</b>	<b>\$650,000</b>	33, 35	Assessment increase will study feasibility of a new street kiosk. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage. <i>*Note: This increase applies only to the North Sub-District, which has not increased its assessment since 2006, not the newly expanded area of the MetroTech BID. The South Sub-District will not experience an increase in assessment.</i>
	\$1,000,000			<b>24.77%</b>	Stephen Levin, Laurie Cumbo	

<b>Woodhaven</b>	2005	\$218,000	<b>\$275,000</b>	<b>\$57,00</b>	30, 32	Assessment increase will increase security hours; expand sanitation services; add streetscape elements, hold additional public events, and revamp holiday lighting. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	\$58,000			<b>26.15%</b>	Elizabeth Crowley, Eric Ulrich	

(The following is the text of the Fiscal Impact Statement for Int No. 1282:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT

INTRO. NO.: 1282

COMMITTEE: Finance

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in eight business improvement districts and two special assessment districts.

**SPONSORS:** Council Members Ferreras-Copeland (by request of the Mayor)

**SUMMARY OF LEGISLATION:** The proposed local law amends the Administrative Code of the city of New York to increase the budget amounts of eight Business Improvement Districts (“BIDs”) and two Special Assessment Districts (“SADs”), collectively referred to as “the BIDs,” throughout the City. The budgets are funded by special assessments on properties within the BID and pay for additional services beyond those which the City provides. The special assessments are collected with the City’s property tax collection system and passed through to the BIDs.

**EFFECTIVE DATE:** This local law would take effect immediately and is retroactive to and deemed to have been in full effect as of July 1, 2016.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2017

**FISCAL IMPACT STATEMENT:**

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY17
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES AND EXPENDITURES:** There will be no net impact on revenues or expenditures resulting from the enactment of this legislation. The BID assessments are charges separate from the City's property tax levy and thus do not impact the General Fund. The assessments are levied on the businesses located in the impacted BIDs. The BIDs' budgets for Fiscal 2017 will increase from the Fiscal 2016 amounts (see below) as a result of this

<b>BID Name</b>	<b>Authorized Assessment</b>	<b>Requested Assessment</b>
<b>165<sup>th</sup> Street</b>	<b>\$200,000</b>	<b>\$250,000</b>
<b>Atlantic Avenue</b>	<b>\$240,000</b>	<b>\$390,000</b>
<b>Bayside Village</b>	<b>\$155,000</b>	<b>\$230,000</b>
<b>Court – Livingston – Schermerhorn</b>	<b>\$700,000</b>	<b>\$907,000</b>
<b>Fashion Center</b>	<b>\$7,800,000</b>	<b>\$8,800,000</b>
<b>Fifth Avenue</b>	<b>\$2,905,000</b>	<b>\$3,207,000</b>
<b>Jamaica Center</b>	<b>\$737,500</b>	<b>\$1,017,500</b>
<b>Madison Avenue</b>	<b>\$1,757,000</b>	<b>\$2,100,000</b>
<b>MetroTech</b>	<b>\$3,624,492</b>	<b>\$4,274,492</b>
<b>Woodhaven</b>	<b>\$218,000</b>	<b>\$275,000</b>

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** BID special assessments

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Department of Small Business Services

**ESTIMATE PREPARED BY:** William Kyeremateng, Economist, Finance Division

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director, Finance Division  
Rebecca Chasan, Chief Counsel, Finance Division

**LEGISLATIVE HISTORY:** Intro. No. 1282 was introduced to the full Council on September 28, 2016 and referred to Committee on Finance. On October 13, 2016, the Committee on Finance will consider and vote on Intro. No. 1282, and upon a successful vote, the legislation will be considered by, and voted on by, the full Council.

**DATE PREPARED:** October 11, 2016

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int No. 1282:)**

Int. No. 1282

By Council Member Ferreras-Copeland (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in eight business improvement districts and two special assessment districts**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 25-421.1 of the administrative code of the city of New York, as amended by local law number 16 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Metrotech Area business improvement district beginning on July 1, [2015] 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three million six hundred twenty-four thousand four hundred ninety-two dollars (\$3,624,492)] *four million two hundred seventy-four thousand four hundred ninety-two dollars (\$4,274,492), of which three million two hundred seventy-four thousand four hundred ninety-two dollars (\$3,274,492) may be expended in the north subdistrict, and one million dollars (\$1,000,000) may be expended in the south subdistrict.*

§ 2. Subdivision a of section 25-430.1 of the administrative code of the city of New York, as added by local law number 133 for the year 2005, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Woodhaven business improvement district beginning on July 1, [2005] 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred eighteen thousand dollars (\$218,000)] *two hundred seventy-five thousand dollars (\$275,000).*

§ 3. Subdivision a of section 25-431.1 of the administrative code of the city of New York, as amended by local law number 3 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fifth Avenue Association business improvement district beginning on July 1, [2012] 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million nine hundred five thousand dollars (\$2,905,000)] *three million two hundred seven thousand dollars (\$3,207,000).*

§ 4. Subdivision a of section 25-432.1 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fashion Center business improvement district beginning on July 1, [2013] 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [seven million eight hundred thousand dollars (\$7,800,000)] *eight million eight hundred thousand dollars (\$8,800,000).*

§ 5. The administrative code of the city of New York is amended by adding a new section 25-447.2 to read as follows:

*a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Madison Avenue business improvement district beginning on July 1, 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two million one hundred thousand dollars (\$2,100,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Madison Avenue business improvement district plan.*

§ 6. The administrative code of the city of New York is amended by adding a new section 25-472.1 to read as follows:

*a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Court-Livingston-Schermerhorn business improvement district beginning on July 1, 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of nine hundred seven thousand dollars (\$907,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Court-Livingston-Schermerhorn business improvement district plan.*

§ 7. Subdivision a of section 25-474.1 of the administrative code of the city of New York, as added by local law number 9 for the year 2012, is amended to read as follows:

*a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Bayside Village business improvement district beginning on July 1, [2011] 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one hundred fifty-five thousand dollars (\$155,000)] two hundred thirty thousand dollars (\$230,000).*

§ 8. The administrative code of the city of New York is amended by adding a new section 25-481.1 to read as follows:

*a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Atlantic Avenue business improvement district beginning on July 1, 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of three hundred ninety thousand dollars (\$390,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Atlantic Avenue business improvement district plan.*

§ 9. Subdivision a of section 25-601 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, is amended to read as follows:

*a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the one hundred sixty-fifth street mall special assessment district beginning on July 1, [2013] 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred thousand dollars (\$200,000)] two hundred fifty thousand dollars (\$250,000).*

§ 10. Subdivision a of section 25-604 of the administrative code of the city of New York, as amended by local law number 30 for the year 2005, is amended to read as follows:

*a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Jamaica Center mall special assessment district beginning on July 1, 2016, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded*

by such increased expenditure, there is hereby authorized in *such district an annual expenditure of one million seventeen thousand five hundred dollars (\$1,017,500), of which eight hundred twenty-one thousand six hundred thirty-one dollars (\$821,631) may be expended in subdistrict 1 of such district [an annual expenditure of five hundred ninety-five thousand five hundred dollars (\$595,500)], and one hundred ninety-five thousand eight hundred sixty-nine dollars (\$195,869) may be expended in subdistrict 2 of such district [an annual expenditure of one hundred forty-two thousand dollars (\$142,000)].*

§ 11. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2016.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, October 13, 2016. *Other Council Members Attending: Vallone.*

On motion of the Speaker (Council Member Mark-Viverito), 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 General Welfare**

Report for Int No. 552-A

#### **Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the collection of data regarding sexual orientation and gender identity.**

The Committee on General Welfare, to which the annexed amended proposed local law was referred on November 25, 2014 (Minutes, page 4155), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On October 11, 2016, Committee on General Welfare, chaired by Council Member Stephen Levin held a hearing on Int. No. 552-A, A Local Law to amend the New York city charter, in relation to the collection of data related to sexual orientation and gender identity. The Committee passed the bill by a vote of six in the affirmation, zero in the negatives and zero abstentions. This was the second hearing on the bill, the first hearing was held on May 11, 2015, jointly with the Committee on Governmental Operations. At the hearing representatives from the Mayor's Office of Operations and the Mayor's Office of Immigration Affairs testified. Amendments were made to the bill after the hearing.

#### **BACKGROUND**

Demographic data provides an essential evidence base for the thoughtful development and evaluation of policies.<sup>1</sup> To improve the lives of individuals, policy and fiscal decisions should rely on data that gives lawmakers and others a real sense of the makeup of a particular community, where and how certain individuals live, and how their lives are changing.<sup>2</sup> It is in part through the collection and dissemination of data that communities can define themselves, identify inequities, challenge misconceptions, and gain access to valuable

<sup>1</sup> Wendy Baldwin, "Demographic Data for Development: Overview Report," Population Council, 2009, *available at* <http://www.hewlett.org/uploads/files/Finaloverviewreport.pdf>, last accessed on 5/5/15.

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

resources.<sup>3</sup> Official statistics are numerical data-sets produced by governmental agencies mainly for administrative purposes, including the Census, crime figures, health data, income and employment rates, as well as those based on government-sponsored social surveys.<sup>4</sup> Statistics provide quantitative or qualitative information on various areas across diverse populations, including economic and social development, living conditions, health, education and the environment. Accessible data can even serve as a public good, as it can be useful for policy decision-making, evaluations, and assessments.<sup>5</sup>

There is limited data available on the percentage of the population that identifies as lesbian, gay, bisexual and/or transgender (LGBT). Although the United States Census Bureau recently began collecting information on same-sex households and the number of such households that are composed of same-sex spouses, the census does not track sexual orientation.<sup>6</sup> The most recent data from the Census Bureau's 2013 American Community Survey found that there are 54,515 same-sex households in New York, 45.5% of which are composed of same-sex spouses.<sup>7</sup> A recent analysis of Gallup survey data provides the most detailed estimates to date of where people who identify as LGBT reside.<sup>8</sup> According to the Gallup data, 4% of the population of the New York metro area identifies as LGBT.<sup>9</sup>

It has become apparent that there is a lack of particularized demographic data regarding these various sub-demographic groups. Specific, disaggregated demographic data is necessary in order for policymakers to accurately diagnose deficiencies and target solutions that address the concerns of all members LGBT population. The proposed legislation, discussed below, seeks to gather additional demographic data about the residents of New York by requiring City agencies to collect voluntary information about these communities. These efforts may enable City agencies to provide more appropriate and effective services to the targeted communities.

#### **Int. No. 552-A**

Int. No. 552-A would require the Department of Social Services, the Administration for Children's Services, the Department of Homeless Services, the Department of Health and Mental Hygiene, the Department for the Aging, the Department of Youth and Community Development, the Department of Education, and any other agencies designated by the Mayor to provide to all persons served by the agency with a standardized, anonymous and voluntary demographic information survey that contains questions regarding sexual orientation, including questions as to heterosexual, lesbian, gay, bisexual or asexual status or other, with an option to write-in a response, and gender identity, including questions as to transgender, cisgender or intersex status or other, with an option to write-in a response. The survey would only be provided to individuals 14 years of age or older. The legislation would require the Mayor's Office of Operations (Operations) and the Mayor's Office of Immigrant Affairs (MOIA) to create the survey form and update it as necessary based on changing demographics. Since introduction, Int. No. 552-A was amended to include the provision of this standardized survey in order to capture data from various social services programs that disseminate forms that the City cannot amend due to State and Federal restrictions, which were not considered in the original version of the legislation.

Int. No. 552-A would also require Operations to conduct a review within six months after the effective date of the proposed local law, and annually thereafter, of all forms issued by the prescribed agencies and any other agencies designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services, and contain content and/or language in relation to collecting information that is within the administering city agency's authority to edit or amend.

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

<sup>4</sup> Geoff Payne & Judy Payne, Key Concepts in Social Research, 2004 available at <http://srmo.sagepub.com/view/key-concepts-in-social-research/n34.xml>, last accessed on 5/5/15.

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

<sup>6</sup> "The Metro Areas With the Largest, and Smallest, Gay Populations," THE NEW YORK TIMES, Mar. 20, 2015, available at <http://www.nytimes.com/2015/03/21/upshot/the-metro-areas-with-the-largest-and-smallest-gay-population.html?abt=0002&abg=1>.

<sup>7</sup> United States Census Bureau, Characteristics of Same-Sex Couple Household: 2013, available at <http://www.census.gov/hhes/samesex/>, last visited 5/5/15.

<sup>8</sup> "The Metro Areas With the Largest, and Smallest, Gay Populations," *supra*, n. 9.

<sup>9</sup> *Id.*

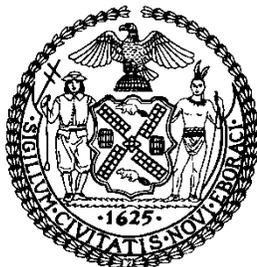
The legislation would require Operations to ensure that when practicable the forms are updated to request responses to questions about sexual orientation and gender identity. Int. No. 552-A would also require Operations to submit to the Council within 60 days of the review a list of all such documents and indicate which will be updated. Int. No. 552-A would require all such documents to be amended to ask questions about sexual orientation and gender identity within five years of the date of the local law. Since introduction, Int. No. 552-A was amended to include the annual review of documents that are within agencies' authority to amend and the five-year timeframe.

No later than 60 days after the effective date of the local law, Int. No. 552-A would require Operations to submit to the Mayor and the Speaker of the Council a plan to provide a mandatory training program and develop a manual for agency staff on how to invite persons served by such agencies to complete the survey.

No later than six months after the effective date and annually thereafter, Int. No. 552-A would require Operations to submit to the Council and make publically available the total number of individuals who have identified their sexual orientation and gender identity, disaggregated with respect to each response option, agency, and program. Since introduction, Int. No. 552-A was amended to also include a requirement that no later than six months after the effective date and annually thereafter, each agency that provides the survey form pursuant to the local law would evaluate its provision of services in consideration of the data collected pursuant to this local law and submit a report to the Council on any new or modified services developed based on the data.

Int. No. 552-A would take effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter relating to the collection of demographic data regarding multiracial identification, as proposed in introduction number 251-A, takes effect.

**(The following is the text of the Fiscal Impact Statement for Int No. 552-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 552-A**

**COMMITTEE: General Welfare**

**TITLE:** To amend the New York city charter, in relation to the collection of data regarding sexual orientation and gender identity.

**SPONSOR(S):** By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Chin, Constantinides, Lander, Levine, Cohen, Rodriguez, Vallone, Ferreras-Copeland, Koslowitz, Lancman, Rosenthal, Levin, Reynoso, Kallos, Cabrera, Miller, Richards, Rose, Vacca, Williams, Cumbo, Cornegy, Gentile, Palma, Crowley, Espinal, Maisel, Dickens, Ulrich and the Public Advocate (Ms. James)

**SUMMARY OF LEGISLATION:** Proposed Intro. 522-A would require the Department of Social Services, the Administration for Children's Services, the Department of Homeless Services, the Department of Health and Mental Hygiene, the Department for the Aging, the Department for Youth and Community Development, the Department of Education and any other agencies that collect demographic information from City residents seeking social services to provide all people seeking services who are over 14 years old or a head of household with a standardized, anonymous, and voluntary survey that includes questions regarding sexual orientation and

gender identity. The survey form would be created by the Office of Operations and Office of Immigrant Affairs.

The bill would require the Office of Operations to submit a plan to provide a mandatory training program and develop a manual for agency staff on how to complete the survey to the Mayor and the Speaker of the City Council no later than 60 days after it goes into effect. It would also require the Office of Operations to conduct an annual review of all forms issued by the aforementioned agencies to check for necessary updates. In addition, within 18 months after the local law goes into effect, the Office of Operations would be required to make the data collected on the survey available on the Open Data Portal.

Lastly, each agency that provides the survey would be required to evaluate its provision of services based on the data collected and the Office of Operations would then submit to the Council a report on any new or modified services developed by any agencies based on such data.

**EFFECTIVE DATE:** This local law would take effect on the same date as the local law as proposed in Intro. No. 251-A takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Office of Operations and all the other agencies mentioned already collect demographic information and can use existing resources to implement the provisions of this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Nameera Nuzhat, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Counsel  
Dohini Sompura, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on November 25, 2014 as Intro. No. 552 and referred to the Committee on General Welfare. The Committee on General Welfare considered the legislation at a hearing held jointly with the Committee on Governmental Operations on May 11, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 552-A, will be voted on by the Committee at a hearing on October 11, 2016. Upon successful vote by the Committee, Proposed Intro. No. 552-A will be submitted to the full Council for a vote on October 13, 2016.

**DATE PREPARED:** October 7, 2016.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 552-A:)**

Int. No. 552-A

By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Chin, Constantinides, Lander, Levine, Cohen, Rodriguez, Vallone, Ferreras-Copeland, Koslowitz, Lancman, Rosenthal, Levin, Reynoso, Kallos, Cabrera, Miller, Richards, Rose, Vacca, Williams, Cumbo, Cornegy, Gentile, Palma, Crowley, Espinal, Maisel, Dickens, Barron, Ulrich and the Public Advocate (Ms. James).

**A Local Law to amend the New York city charter, in relation to the collection of data regarding sexual orientation and gender identity**

*Be it enacted by the Council as follows:*

Section 1. Legislative Findings. The Council finds that it is unclear how many individuals who identify themselves as lesbian, gay, bisexual, transgender and questioning (LGBTQ) receive services from various New York City agencies. It is the intent of the Council, therefore, to ensure that City agencies capture this information and utilize it to tailor programs to best serve the LGBTQ community. Accordingly, the Council finds that it is necessary for City agencies to issue forms to capture data on individuals' sexual orientation and gender identity. Since gender identity alone is not always an indicator of whether a person is transgender, cisgender, or intersex, the Council also finds that such forms should include questions to this effect. Although the data collected by City agencies may not initially present a fully accurate representation of New York City's LGBTQ and gender non-conforming communities, over time the normalization of the collection of such data will lead to more accurate statistics regarding these communities. As the stigma against the LGBTQ community gradually erodes, evidenced by the fact that the U.S. Census began collecting data on married same-sex households in 2010, individuals are increasingly willing to identify themselves as LGBTQ.

§ 2. Section 15 of chapter 1 of the New York city charter is amended by adding a new subdivision k to read as follows:

*k. 1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor that directly or by contract collect demographic information via form documents from city residents seeking social services shall provide all persons seeking such services who are either at least 14 years old or identify as the heads of their own households with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status or other, with an option to write in a response and gender identity, including transgender, cisgender or intersex status or other, with an option to write in a response.*

*2. Such survey form shall be created by the office of operations and office of immigrant affairs and may be updated as deemed necessary by those agencies based on changing demographics.*

*3. No later than 60 days after the effective date of this local law, the office of operations shall submit to the mayor and the speaker of the city council a plan to provide a mandatory training program and develop a manual for agency staff on how to invite persons served by such agencies to complete the survey. Such training and manual shall include, but not be limited to, the following:*

- (a) an overview of the categories of sexual orientation and gender identity;*
- (b) providing constituents the option of completing the survey in a private space and filling out any paperwork without oral guidance from city agency staff;*
- (c) explaining to constituents that completing the survey is voluntary;*

(d) explaining to constituents that any data collected from such survey will not be connected to the individual specifically; and

(e) discussions regarding addressing constituents by their self-identified gender.

4. Beginning no later than six months after the effective date of this local law, and annually thereafter, the office of operations shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision and any other agencies so designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend. The office of operations shall submit to the council within 60 days of such review, a list of all forms reviewed and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated. When practicable, when such forms are updated they shall request voluntary responses to questions about sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status, or other, and gender identity, including transgender, cisgender and intersex status or other. All forms identified as eligible for updating during the review required pursuant to this paragraph shall be updated to invite responses to questions about sexual orientation and gender identity no later than five years from the effective date of the local law that added this section. All forms not eligible for updating shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by subdivision k, paragraph 1 of this local law.

5. Beginning no later than 18 months after the effective date of this local law, and annually thereafter, the office of operations shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their sexual orientation or gender identity on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

6. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this local law and the office of operations shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

7. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

§ 3. This local law takes effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter relating to the collection of demographic data regarding ancestry and languages spoken, as proposed in introduction number 251-A, takes effect.

STEPHEN T. LEVIN, *Chairperson*; ANNABEL PALMA, RUBEN WILLS, VANESSA L. GIBSON, COREY D. JOHNSON, RITCHIE J. TORRES; Committee on General Welfare, October 11, 2016. *Other Council Members Attending: Cornegy, Dromm, Constantinides and Miller.*

On motion of the Speaker (Council Member Mark-Viverito), 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 Governmental Operations

Report for Int No. 251-A

### Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the collection of demographic data regarding ancestry and languages spoken.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on April 10, 2014 (Minutes, page 1100), respectfully

#### REPORTS:

#### INTRODUCTION

On October 11, 2016, the Committee on Governmental Operations, chaired by Council Member Benjamin Kallos, held a hearing on two bills and a resolution: Int. No. 251-A, A Local Law to amend the New York city charter, in relation to the collection of demographic data regarding ancestry and languages spoken; Int. No. 551-A, A Local Law to amend the New York city charter, in relation to the collection of demographic data regarding multiracial identification, and Res. No. 472, A Resolution calling on the state and federal governments to amend their official forms and databases to accommodate multiracial identification in all instances where racial identification is required. The Committee passed both bills and the resolution by a vote of five in the affirmation, zero in the negatives and zero abstentions. This was the second hearing on the bills and resolution; the first hearing was held on May 11, 2015, jointly with the Committee on General Welfare. At the hearing representatives from the Mayor's Office of Operations and the Mayor's Office of Immigration Affairs testified. Amendments were made to the bills after the hearing.

#### BACKGROUND

Demographic data provides an essential evidence base for the thoughtful development and evaluation of policies.<sup>1</sup> To improve the lives of individuals, policy and fiscal decisions should rely on data that gives lawmakers and others a real sense of the makeup of a particular community, where and how certain individuals live, and how their lives are changing.<sup>2</sup> It is in part through the collection and dissemination of data that communities can define themselves, identify inequities, challenge misconceptions, and gain access to valuable resources.<sup>3</sup> Official statistics are numerical data-sets produced by governmental agencies mainly for administrative purposes, including the Census, crime figures, health data, income and employment rates, as well as those based on government-sponsored social surveys.<sup>4</sup> Statistics provide quantitative or qualitative information on various areas across diverse populations, including economic and social development, living conditions, health, education and the environment. Accessible data can even serve as a public good, as it can be useful for policy decision-making, evaluations, and assessments.<sup>5</sup>

It has become apparent that there is a lack of particularized demographic data regarding these various sub-demographic groups. Specific, disaggregated demographic data is necessary in order for policymakers to accurately diagnose deficiencies and target solutions that address the concerns of all members of various ethnic groups, multiracial and lesbian, gay, bisexual and/or transgender (LGBT) populations. The proposed legislation, discussed below, seeks to gather additional demographic data about the residents of New York by

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<sup>1</sup> Wendy Baldwin, "Demographic Data for Development: Overview Report," Population Council, 2009, *available at* <http://www.hewlett.org/uploads/files/Finaloverviewreport.pdf>, last accessed on 5/5/15.

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

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

<sup>4</sup> Geoff Payne & Judy Payne, Key Concepts in Social Research, 2004 *available at* <http://srmo.sagepub.com/view/key-concepts-in-social-research/n34.xml>, last accessed on 5/5/15.

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

requiring City agencies to collect voluntary information about these communities. These efforts may enable City agencies to provide more appropriate and effective services to the targeted communities.

**Int. No. 251-A**

Int. No. 251-A would require the Department of Social Services, the Administration for Children's Services, the Department of Homeless Services, the Department of Health and Mental Hygiene, the Department for the Aging, the Department of Youth and Community Development, the Department of Education, and any other agencies designated by the Mayor to provide to all persons served by the agency with a standardized, anonymous and voluntary demographic information survey that contains questions regarding ancestry and languages spoken. The legislation would require the Mayor's Office of Operations (Operations) and the Mayor's Office of Immigrant Affairs (MOIA) to create the survey form and update it as necessary based on changing demographics. Since introduction, Int. No. 251-A was amended to include the provision of this standardized survey in order to capture data from various social services programs that disseminate forms that the City cannot amend due to State and Federal restrictions, which were not considered in the original version of the legislation.

Int. No. 251-A would also require Operations to conduct a review within six months after the effective date of the proposed local law and annually thereafter of all forms issued by the prescribed agencies and any other agencies designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services, and contain content and/or language in relation to collecting information that is within the administering city agency's authority to edit or amend. The legislation would require Operations to ensure that when practicable the forms are updated to request responses to questions about ancestry and languages spoken. Int. No. 251-A would also require Operations to submit to the Council within 60 days of the review a list of all such documents and indicate which will be updated. Int. No. 251-A would require all such documents to be amended to ask questions about ancestry and languages spoken within five years of the date of the local law. Since introduction, Int. No. 251-A was amended to include the annual review of documents that are within agencies' authority to amend and the five-year timeframe.

No later than six months after the effective date and annually thereafter, Int. No. 251-A would require Operations to submit to the Council and make publically available the total number of individuals who have identified their ancestry and languages spoken, disaggregated with respect to each response option, agency, and program. Since introduction, Int. No. 251-A was amended to also include a requirement that no later than six months after the effective date and annually thereafter, each agency that provides the survey form pursuant to the local law would evaluate its provision of services in consideration of the data collected pursuant to this local law and submit a report to the Council on any new or modified services developed based on the data.

Int. No. 251-A previously only required the collection of demographic data on Asian Pacific American sub-demographic groups. The legislation was amended to include questions regarding ancestry and languages spoken more broadly and requires, at a minimum, the collection of the 30 largest ancestry groups and languages spoken in the City of New York based on data from the United States Census Bureau. Int. No. 251-A also requires the data collection to include an "other" options to allow respondents to write-in a response. Int. No. 251-A would require the categories included to be updated as the top 30 largest ancestry groups reflected by the United States Census changes.

Int. No. 251-A would take effect 180 days after enactment.

**Int. No. 551-A**

Int. No. 551-A would require the Department of Social Services, the Administration for Children's Services, the Department of Homeless Services, the Department of Health and Mental Hygiene, the Department for the Aging, the Department of Youth and Community Development, the Department of Education, and any other agencies designated by the Mayor to provide to all persons served by the agency with a standardized, anonymous and voluntary demographic information survey that contains an option for multiracial ancestry or ethnic origin. The legislation would require Operations and MOIA to create the survey form and update it as necessary based on changing demographics. Since introduction, Int. No. 551-A was amended to include the provision of this standardized survey in order to capture data from various social

services programs that disseminate forms that the City cannot amend due to State and Federal restrictions, which were not considered in the original version of the legislation.

Int. No. 551-A would also require Operations to conduct a review within six months after the effective date of the proposed local law and annually thereafter of all forms issued by the prescribed agencies and any other agencies designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services, and contain content and/or language in relation to collecting information that is within the administering city agency's authority to edit or amend. The legislation would require Operations to ensure that when practicable the forms are updated to request responses to questions about multiracial ancestry or ethnic origin. Int. No. 551-A would also require Operations to submit to the Council within 60 days of the review a list of all such documents and indicate which will be updated. Int. No. 551-A would require all such documents to be amended to ask questions about multiracial ancestry or ethnic origin within five years of the date of the local law. Since introduction, Int. No. 551-A was amended to include the annual review of documents that are within agencies' authority to amend and the five-year timeframe.

No later than six months after the effective date and annually thereafter, Int. No. 551-A would require Operations to submit to the Council and make publically available the total number of individuals who have identified their multiracial ancestry or ethnic origin, disaggregated with respect to each response option, agency, and program. Since introduction, Int. No. 551-A was amended to also include a requirement that no later than six months after the effective date and annually thereafter, each agency that provides the survey form pursuant to the local law would evaluate its provision of services in consideration of the data collected pursuant to this local law and submit a report to the Council on any new or modified services developed based on the data.

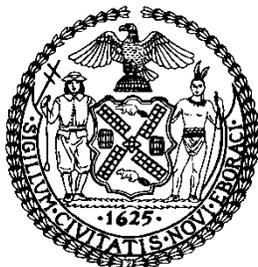
Int. No. 551-A would take effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter relating to the collection of demographic data regarding ancestry and languages spoken, as proposed in introduction number 251-A, takes effect.

#### **Res. No. 472**

Resolution Number 472 calls upon state and federal governments to amend their official forms and databases to allow for the multiracial identification for individuals in all circumstances where racial identification is required.

As discussed above, the data show that the United States is becoming a more integrated, multiracial society, with a notable increase in the number of individuals identifying as more than one race. Despite evidence of this growing population, many state and federal agency documents do not provide for an option for multiracial identification on form documents. For example, the Federal Bureau of Investigation only allows an individual who has been fingerprinted to identify as one of the five categories – Asian or Pacific Islander, Black, American Indian or Alaskan Native, Unknown, and White. Such a limited recognition of race where statistical data clearly show a growing segment of the population should be addressed. In light of this information, the Council calls for such efforts to be made and changes implemented on form documents at the state and federal levels.

**(The following is the text of the Fiscal Impact Statement for Int No. 251-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION**

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 251-A**

**COMMITTEE: Governmental Operations**

**TITLE:** Local Law to amend the New York City charter, in relation to the collection of demographic data regarding ancestry and languages spoken.

**SPONSORS:** By Council Members Dromm, Palma, Chin, Constantinides, Koo, Levine, Mendez, Richards, Levin, Van Bramer, Lancman, Menchaca, Vacca, Rodriguez, Ferreras-Copeland, Koslowitz, Torres, Vallone, Lander, Dickens, Kallos, Treyger, King, Reynoso, Cohen, Greenfield, Williams, Rosenthal, Cumbo, Johnson, Rose, Eugene and Garodnick

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 251-A requires the Department of Social Services, the Administration for Children’s Services, the Department of Homeless Services, the Department of Health and Mental Hygiene, the Department for the Aging, the Department for Youth and Community Development, the Department of Education and any other agencies designated by the mayor that directly or by contract collects demographic information via form documents from city residents seeking social services to provide all persons seeking such services with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding ancestry and languages spoken. The survey form would be created by the Office of Operations and Office of Immigrant Affairs.

The bill would require the Office of Operations to submit a plan to provide a mandatory training program and develop a manual for agency staff on how to complete the survey to the Mayor and the Speaker of the City Council no later than 60 days after it goes into effect. It would also require the Office of Operations to conduct an annual review of all forms issued by the aforementioned agencies to check for necessary updates. In addition, within 18 months after the local law goes into effect, the Office of Operations would be required to make the data collected on the survey available on the Open Data Portal.

Lastly, each agency that provides the survey would be required to evaluate its provision of services based on the data collected and the Office of Operations would then submit to the Council a report on any new or modified services developed by any agencies based on such data.

**EFFECTIVE DATE:** This local law would take effect 180 days after enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective 18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that this bill would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that this bill would have no impact on expenditures as the required work can be handled using existing agency resources.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Chief Counsel  
Nathan Toth, Deputy Director

**HISTORY:** This legislation was introduced to the full Council on April 10, 2014 as Intro. No. 251 and referred to the Committee on Governmental Operations. The Committee on Governmental Operations jointly with the Committee on General Welfare held a hearing on Intro. No. 251 on May 11, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 251-A, will be considered by the Committee on Governmental Operations on October 11, 2016. Upon successful vote of the Committee, Proposed Intro. No. 251-A will be submitted to the full Council for a vote on October 13, 2016.

**DATE PREPARED:** October 7, 2016

**(For text of Int No. 551-A and its Fiscal Impact Statement, please see the Report of the Committee on Governmental Operations for Int No. 551-A printed in these Minutes; for text of Res No. 472, please see the Report of the Committee on Governmental Operations for Res No. 472 printed in the voice-vote Resolutions section of these Minutes; for text of Int No. 251-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int Nos. 251-A, 551-A, and Res No. 472.*

**(The following is the text of Int No. 251-A:)**

Int. No. 251-A

By Council Members Dromm, Palma, Chin, Constantinides, Koo, Levine, Mendez, Richards, Levin, Van Bramer, Lancman, Menchaca, Vacca, Rodriguez, Ferreras-Copeland, Koslowitz, Torres, Vallone, Lander, Dickens, Kallos, Treyger, King, Reynoso, Cohen, Greenfield, Williams, Rosenthal, Cumbo, Johnson, Rose, Eugene, Garodnick, Gentile and Barron.

**A Local Law to amend the New York city charter, in relation to the collection of demographic data regarding ancestry and languages spoken**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings. New York City's diversity is one of its primary strengths, but existing data often do not provide City government and others with full information about the demographics of the individuals served by City agencies. Detailed information about the ancestral/ethnic and linguistic makeup of an agency's client population can help agencies and community organizations to make ongoing adjustments to their outreach and service delivery models. This legislation will help the City and its partners to better understand and serve residents of all backgrounds and identities.

§ 2. Section 15 of chapter 1 of the New York city charter is amended by adding a new subdivision i to read as follows:

*i. 1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department*

for youth and community development, the department of education and any other agencies designated by the mayor that directly or by contract collect demographic information via form documents from city residents seeking social services shall provide all persons seeking such services with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding ancestry and languages spoken.

2. The questions shall include options allowing respondents to select from:

(a) at least the top 30 largest ancestry groups and languages spoken in the city of New York based on data from the United States census bureau; and

(b) "other," with an option to write in a response.

3. Such survey form shall be created by the office of operations and office of immigrant affairs and may be updated as deemed necessary by those agencies based on changing demographics.

4. Beginning no later than six months after the effective date of this local law, and annually thereafter, the office of operations shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision and any other agencies so designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend. The office of operations shall submit to the council, within 60 days of such review, a list of all forms reviewed and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated. When practicable, when such forms are updated they shall request voluntary responses to questions about ancestry and languages spoken. All forms identified as eligible for updating during the review required pursuant to this paragraph shall be updated to invite responses to questions about ancestry and languages spoken no later than five years from the effective date of the local law that added this section. All forms not eligible for updating shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by subdivision i, paragraph 1 of this local law.

5. Beginning no later than 18 months after the effective date of this local law, and annually thereafter, the office of operations shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their ancestry or languages spoken on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

6. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this local law and the office of operations shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

7. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

§ 3. This local law takes effect 180 days after it becomes law.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, October 11, 2016. *Other Council Members Attending: Council Member Dromm.*

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

Report for Int No. 551-A

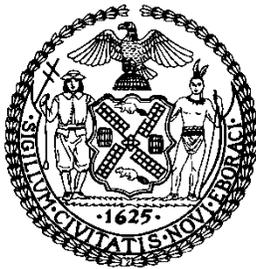
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the collection of demographic data regarding multiracial identification**

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on November 25, 2014 (Minutes, page 4151), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 251-A)

*The following is the text of the Fiscal Impact Statement for Int No. 551-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION**

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 551-A  
COMMITTEE: Governmental Operations**

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**TITLE:** Local Law to amend the New York city charter, in relation to the collection of demographic data regarding multiracial identification.

**SPONSORS:** By Council Members Chin, Johnson, Kallos, Constantinides, Dromm, Gentile, Lander, Levine, Mendez, Richards, Reynoso, Koslowitz, Miller, Levin, Rodriguez, Vallone, Palma, Lancman, Ferreras-Copeland, Koo, Rose, Espinal, Cumbo, Crowley, Torres, Menchaca, Rosenthal, Van Bramer, Cohen, and Williams

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 551-A requires the Department of Social Services, the Administration for Children’s Services, the Department of Homeless Services, the Department of Health and Mental Hygiene, the Department for the Aging, the Department for Youth and Community Development, the Department of Education and any other agencies designated by the mayor that directly or by contract collects demographic information via form documents from city residents seeking social services to provide all persons seeking such services with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding multiracial identification. The survey form would be created by the Office of Operations and Office of Immigrant Affairs.

The bill would require the Office of Operations to submit a plan to provide a mandatory training program and develop a manual for agency staff on how to complete the survey to the Mayor and the Speaker of the City Council no later than 60 days after it goes into effect. It would also require the Office of Operations to conduct an annual review of all forms issued by the aforementioned agencies to check for necessary updates. In addition, within 18 months after the local law goes into effect, the Office of Operations would be required to make the data collected on the survey available on the Open Data Portal.

Lastly, each agency that provides the survey would be required to evaluate its provision of services based on the data collected and the Office of Operations would then submit to the Council a report on any new or modified services developed by any agencies based on such data.

**EFFECTIVE DATE:** This local law would take effect on the same date as the local law as proposed in Intro. No. 251-A takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective 18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that this bill would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that this bill would have no impact on expenditures as the required work can be handled using existing agency resources.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Chief Counsel  
Nathan Toth, Deputy Director

**HISTORY:** This legislation was introduced to the full Council on November 25, 2014 as Intro. No. 551 and

referred to the Committee on Governmental Operations. The Committee on Governmental Operations jointly with the Committee on General Welfare held a hearing on Intro. No. 551 on May 11, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 551-A, will be considered by the Committee on Governmental Operations on October 11, 2016. Upon successful vote of the Committee, Proposed Intro. No. 551-A will be submitted to the full Council for a vote on October 13, 2016.

**DATE PREPARED:** October 7, 2016

*Accordingly, this Committee recommended its adoption, as adopted.*

**(The following is the text of Int No. 551-A:)**

Int. No. 551-A

By Council Members Chin, Johnson, Kallos, Constantinides, Dromm, Gentile, Lander, Levine, Mendez, Richards, Reynoso, Koslowitz, Miller, Levin, Rodriguez, Vallone, Palma, Lancman, Ferreras-Copeland, Koo, Rose, Espinal, Cumbo, Crowley, Torres, Menchaca, Rosenthal, Van Bramer, Williams, Cohen and Barron.

**A Local Law to amend the New York city charter, in relation to the collection of demographic data regarding multiracial identification**

*Be it enacted by the Council as follows:*

Section 1. Section 15 of chapter 1 of the New York city charter is amended by adding a new subdivision j to read as follows:

*j. 1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor that directly or by contract collect demographic information via form documents from city residents seeking social services shall provide all persons seeking such services with a standardized, anonymous and voluntary demographic information survey form that contains an option for multiracial ancestry or ethnic origin. Such survey form shall be created by the office of operations and office of immigrant affairs and may be updated as deemed necessary by those agencies based on changing demographics.*

*2. Beginning no later than six months after the effective date of this local law, and annually thereafter, the office of operations shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision and any other agencies so designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend. The office of operations shall submit to the council, within 60 days of such review, a list of all forms reviewed and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated. When practicable, the office of operations shall ensure that when such forms are updated they shall request voluntary responses to questions about multiracial ancestry or ethnic origin. All forms identified as eligible for updating during the review required pursuant to this paragraph shall be updated to invite responses to questions about multiracial ancestry or ethnic origin no later than five years from the effective date of the local law that added this section. All forms not eligible for updating shall be provided in*

conjunction with the standardized, anonymous and voluntary demographics information survey form as established by subdivision j, paragraph 1 of this local law.

3. Beginning no later than 18 months after the effective date of this local law, and annually thereafter, the office of operations shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their multiracial ancestry or ethnic origin on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

4. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this local law and the office of operations shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

5. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

§ 2. This local law takes effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter relating to the collection of demographic data regarding ancestry and languages spoken, as proposed in introduction number 251-A, takes effect.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, October 11, 2016. *Other Council Members Attending: Council Member Dromm.*

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

### **Report of the Committee on Housing and Buildings**

Report for Int No. 1160

#### **Report of the Committee on Housing and Buildings in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to the installation of sub-meters in certain tenant spaces.**

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on April 20, 2016 (Minutes, page 1091), respectfully

#### **REPORTS:**

#### **Introduction**

On October 13, 2016, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing to consider Int. No. 1160, Proposed Int. No. 1163-A, and Int. No. 1165.

The Committee previously considered these bills on June 22, 2016. The Committee received testimony from representatives of the Department of Buildings (DOB), members of the real estate industry, energy conservation advocates and other interested members of the public.

### **Int. No. 1160**

Currently, by January 1, 2025, owners of buildings 50,000 gross square feet or larger are required to have installed electrical sub-meters in all tenant spaces which are 10,000 gross square feet or larger (other than dwelling units). Int. No. 1160 would expand the requirements to owners of buildings 25,000 gross square feet or larger and to tenant spaces (other than dwelling units) 5,000 gross square feet or larger.

Section one of Int. No. 1160 would amend section 28-311.2 of the New York City Administrative Code (the Code). Section 28-311.2 contains definitions. Int. No. 1160 would amend the definition of covered building by reducing the size threshold for such buildings from 50,000 gross square feet to 25,000 gross square feet. It would also amend the definition of covered tenant space to reduce the size threshold for such space from 10,000 gross square feet to 5,000 gross square feet.

Section two of Int. No. 1160 would make various technical edits to section 28-311.3 of the code.

Section three of Int. No. 1160 would make various technical edits to section 28-311.5 of the code.

Section four of Int. No. 1160 would make various technical edits to section 28-315.3.1 of the code.

Section five of Int. No. 1160 contains the enactment clause and provides that the law takes effect immediately.

### **Proposed Int. No. 1163-A**

Currently, owners of buildings 50,000 gross square feet or larger are required to “benchmark” annually, which means that they report descriptive information about their building, as well as the total energy usage for such building, to the City for comparison against other buildings of a similar type. The descriptive building information (square footage, number of stoves, etc.) only has to be uploaded once and is thereafter saved in the facility profile. Such information only needs to be updated if there is a substantive change (square footage, borough-block-lot number, etc.).

Proposed Int. No. 1163-A bill would expand the City’s benchmarking requirement to buildings 25,000 gross square feet or larger and require the Department of Buildings to establish a system to assist such buildings in meeting their benchmarking requirements.

Section one of Proposed Int. No. 1163-A would amend section 28-309.2 of the Code. Section 28-309.2 contains definitions. Proposed Int. No. 1163-A would amend the definition of “city building” to reduce the size threshold for exclusion from such definition from 50,000 gross square feet to 25,000 gross square feet for buildings which participate in programs administered by the Department of Housing Preservation and Development. Proposed Int. No. 1163-A would also amend the definition of covered building by reducing the size threshold for such buildings from 50,000 gross square feet to 25,000 gross square feet.

Section two of Proposed Int. No. 1163-A would amend section 28-309.4. Section 28-309.4 requires owners of covered buildings to annually benchmark their buildings beginning May 1, 2011. Proposed Int. No. 1163-A would require the first mandatory benchmark for a covered building, other than a city building, which is less than 50,000 gross square feet to be completed on or before May 1 of the first year that commences after DOB determines and sets forth in a rule that the utility company providing energy to such building will, upon request of an owner, directly upload information necessary to benchmark such buildings.<sup>1</sup>

Section two of Proposed Int. No. 1163-A would also amend section 28-309.4.1 and repeal sections 28-309.4.1.1, 28-309.4.1.2, 28-309.4.1.3 and 28-309.4.1. These sections currently lay out the obligation of

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<sup>1</sup> Direct uploads of energy information involve the utility serving such building uploading the energy use information to the benchmarking tool after the building owner makes a request for such information. It is the Council’s understanding that most of the utilities serving the City of New York intend to begin offering this service in 2018 at no cost and we expect that they will continue that policy.

owners of covered buildings to request, and include in their benchmarking reports, information from tenants about any separately metered energy use. Proposed Int. No. 1163-A would instead require owners of covered buildings to obtain such information from the utility. If the utility does not have a program to provide such information, the owner would then be required to make reasonable efforts to obtain such information from tenants. Tenants would have an obligation to provide such information.

Section two of Proposed Int. No. 1163-A would also amend section 28-309.4.2 of the Code. Section 28-309.4.2 requires owners to retain certain documents. The proposed legislation would require that where energy use within separately metered tenant spaces is omitted, records would have to be maintained documenting the owner's efforts to obtain such information.

Section two of Proposed Int. No. 1163-A would also amend section 28-309.4.3 of the code. Section 28-309.4.3 makes it a lesser violation for owners of covered buildings to fail to benchmark.<sup>2</sup> The proposed legislation would allow DOB to reject a benchmarking report which is substantially inaccurate or incomplete and to hold the owner who submitted such report liable for a violation as if no benchmarking had been performed. It would also add an exception to section 28-309.4.3, barring the imposition of a civil penalty on an owner of a covered building for a violation issued under such section where (i) such covered building is less than 50,000 gross square feet, (ii) such owner requested benchmarking assistance in connection with such covered building at least 60 days before the due date of the benchmarking report and (iii) such owner corrects such violation within 60 days after the date of the notice of violation.

Section three of Proposed Int. No. 1163-A would make various technical amendments to section 28-309.5.1 of the code.

Section four of the proposed legislation would make various technical amendments to section 28-309.8 of the code.

Section five of the proposed legislation would amend section 28-309.9 of the code. Section 28-309.9 required DOB to issue a report on benchmarking by December 21<sup>st</sup> of 2011, 2012, and 2013. Proposed Int. No. 1163-A would require such report to be issued annually.

Section six of Proposed Int. No. 1163-A would add a new section 28-309.11, entitled "benchmarking assistance," to article 309 of the code. Article 309 outlines the City's benchmarking requirements. New section 28-309.11 would require DOB to establish a system to receive and respond to requests from owners for assistance with respect to fulfilling their benchmarking requirements.<sup>3</sup> Such assistance may include, but need not be limited to, trainings, the provision of reference guides, and a publicized telephone number and email address to receive direct questions. In addition, the annual notice required by section 28-309.7 would now have to notify covered building owners that such assistance is available and describe how such assistance can be obtained.

Section seven of Proposed Int. No. 1163-A contains the enactment clause and provides that the law take effect immediately.

#### ***Changes to Proposed Int. No. 1163-A***

In addition to various technical edits, Proposed Int. No. 1163-A has been amended as follows:

- The date of the first benchmarking due for covered buildings between 25,000 and 50,000 gross square feet has been moved from May 1, 2018 to May 1<sup>st</sup> of the first year that commences after DOB determines and sets forth in a rule that the utility company providing energy to such buildings will, upon request of an owner, directly upload information necessary to benchmark such buildings.
- The type of assistance which the Administration will provide has been expanded to include trainings, reference guides and a publicized telephone number and email address to receive direct questions.

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<sup>2</sup> Under existing law, there are no civil penalties for lesser violations if the owner certifies correction of the violation within 30 days.

<sup>3</sup> It is the Council's intention that the benchmarking assistance system maintain a consumer driven focus, similar to that of programs like the Health and Human Services Accelerator.

- The annual notice sent to owners of covered building must now include a notice that benchmarking assistance is available and describe how such assistance can be obtained.
- An exception has been added that would exempt owners of covered buildings between 25,000 and 50,000 gross square feet from civil penalties if they requested benchmarking assistance at least 60 days before the relevant benchmarking report was due and they file such report within at least 60 days of receiving a notice of violation.

### **Int. No. 1165**

Currently, by January 1, 2025, owners of building 50,000 gross square feet or larger are required to upgrade the lighting systems in their buildings so that they are in compliance with the standards for new systems set forth in the New York city energy conservation code. This bill would expand the upgrade requirements to owners of buildings 25,000 gross square feet or larger.

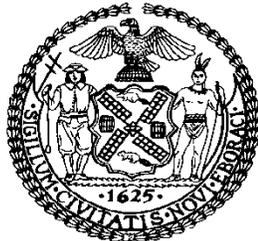
Section one of Int. No. 1165 would amend section 28-310.2 of the Code. Section 28.310.2 contains definitions. Int. No. 1165 would amend the definition of covered building by reducing the size threshold for such buildings from 50,000 gross square feet to 25,000 gross square feet. It would also delete the definition of upgrade.

Section two of Int. No. 1165 would make various technical edits to section 28-310.3 of the code.

Section three of Int. No. 1165 would make various technical edits to section 28-315.3.1.

Section four of Int. No. 1165 contains the enactment clause and provides that the law take effect immediately.

*The following is the text of the Fiscal Impact Statement for Int No. 1160:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**INTRO. NO: 1160**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the installation of sub-meters in certain tenant spaces.

**SPONSOR(S):** Council Members Constantinides and Richards (in conjunction with the Mayor)

**SUMMARY OF LEGISLATION:** Currently, by January 1, 2025, owners of buildings 50,000 gross square feet or larger are required to have installed electrical sub-meters in all tenant spaces which are 10,000 gross square feet or larger (other than dwelling units). The proposed bill would expand the requirements to owners of buildings 25,000 gross square feet or larger and to tenant spaces (other than dwelling units) 5,000 gross square feet or larger. Additionally, building owners would be required to certify and report compliance to the Department of Buildings (“DOB”).

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While DOB may impose a fee for filing and processing compliance reports, these fees are not mandated under this legislation, and thus not assumed in this cost estimate.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by the DOB to implement the provisions of this local law and building owners would bear any costs of installing electrical sub-meters in accordance with the legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Emre Edev, Assistant Director

**LEGISLATIVE HISTORY:** Intro. No. 1160 was introduced to the full council on April 20, 2016 and was referred to the Committee on Housing and Buildings. The legislation was considered by the Committee on Housing and Buildings at a hearing held on June 22, 2016 and laid over. The Housing and Buildings Committee will vote on Intro. 1160 on October 13, 2016 and, upon successful vote by the Committee, the legislation will be voted on by the full Council on October 13, 2016.

**DATE PREPARED:** October 7, 2016

**(For text of Int Nos. 1163-A and 1165 and their respective Fiscal Impact Statements, please see the Reports of the Committee on Housing and Buildings for Int Nos. 1163-A and 1165, respectively, printed in these Minutes; for text of Int No. 1160, please see below)**

*Accordingly, this Committee recommends the adoption of Int Nos. 1160, 1163-A and 1165.*

**(The following is the text of Int No. 1160:)**

Int. No. 1160

By Council Members Constantinides, Richards, Rosenthal and Kallos (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of sub-meters in certain tenant spaces**

*Be it enacted by the Council as follows:*

Section 1. The definitions of the terms “covered building” and “covered tenant space” set forth in section 28-311.2 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, are amended to read as follows:

**COVERED BUILDING.** As it appears in the records of the department of finance: (i) a building that exceeds [50,000] 25,000 gross square feet ([4645] 2323 m<sup>2</sup>), (ii) two or more buildings on the same tax lot that together exceed 100,000 gross square feet (9290 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet (9290 m<sup>2</sup>).

**[Exception]** Exceptions: The term "covered building" shall not include:

1. [real] *Real* property classified as class one pursuant to subdivision one of section 1802 of the real property tax law; *or*
2. *Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.*

**COVERED TENANT SPACE.** (i) A tenant space larger than [10,000] 5,000 gross square feet ([929] 465 m<sup>2</sup>) on one or more floors of a covered building let or sublet to the same person, or (ii) a floor<sub>2</sub> of a covered building<sub>2</sub> larger than [10,000] 5,000 gross square feet ([929] 465 m<sup>2</sup>) consisting of tenant spaces let or sublet to two or more different persons.

**Exception:** The term "covered tenant space" shall not include dwelling units classified in occupancy group R-2 or R-3.

§ 2. Section 28-311.3 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, is amended to read as follows:

**§ 28-311.3 Sub-meters required for covered tenant spaces.** On and after January 1, 2025, the electrical consumption of each covered tenant space shall be measured by one or more sub-meters. Sub-meters shall be installed in existing covered tenant spaces by the owner or the lessor of such space on or [prior to] *before* January 1, 2025 and thereafter as new covered tenant spaces are created within the building. If the covered tenant space is a floor with multiple tenancies, each tenancy that is [10,000] 5,000 gross square feet ([929] 465 m<sup>2</sup>) or less shall (i) have a separate sub-meter, (ii) share a sub-meter with other tenant spaces on the floor, or (iii) share a sub-meter covering the entire floor.

**Exception:** Covered tenant space for which the electrical consumption within such space is measured by a meter dedicated exclusively to that space.

§ 3. Section 28-311.5 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, is amended to read as follows:

**§ 28-311.5 Reports.** The owner of each covered building shall file a report [with the department on or prior to January 1, 2025] *in accordance with the rules of the department* prepared by a registered design professional or a licensed master or special electrician certifying that sub-meters have been installed in all covered tenant spaces in such building as required by this article or that covered tenant spaces are subject to the exception set forth in section 28-311.3. The department may impose a fee for filing and processing such reports.

§ 4. Section 28-315.3.1 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-315.3.1 Electrical sub-meters.** [The] *By January 1, 2025, the* installation of electrical sub-meters in tenant spaces in certain buildings in accordance with article 311 of this chapter shall be completed and *the owners of such buildings shall file a* report [of such installation filed with the department by January 1, 2025.] *in accordance with the rules of the department, prepared by a registered design professional or a licensed master or special electrician, certifying compliance with such section The department may impose a fee for filing and reviewing such reports.*

§ 5. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 13, 2016.

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

Report for Int No 1163-A

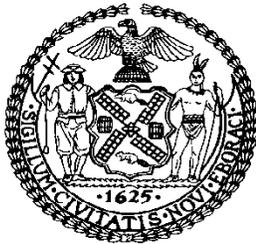
**Report of the Committee on Housing and Building in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expanding the list of buildings required to be benchmarked for energy and water efficiency.**

The Committee on Housing and Building, to which the annexed amended proposed local law was referred on April 20, 2016 (Minutes, page 1099), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 1160 printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 1163-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1163-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to expanding the list of buildings required to be benchmarked for energy and water efficiency.

**SPONSOR(S):** Council Members Garodnick, Richards, Johnson, Constantinides, Chin and Rosenthal (in conjunction with the Mayor)

**SUMMARY OF LEGISLATION:** Currently, owners of buildings 50,000 gross square feet or larger (and of buildings 10,000 gross square feet or larger if the city pays the annual energy bills or owns the building) are required to “benchmark” annually. Benchmarking involves reporting descriptive information about a building as well as the total energy and water usage for such building to the City so that the City can compare this usage against other buildings of a similar type.

The proposed legislation would expand the City’s benchmarking requirement to owners of buildings 25,000 gross square feet or larger. It would also require the Department of Buildings to establish a system to assist such buildings in meeting their benchmarking requirements.

The bill would require the first mandatory benchmark for the expanded list of buildings to be completed on or before May 1 of the first year that commences after DOB determines and sets forth in a rule that the utility company providing energy to such building will, upon request of an owner, directly upload information necessary to benchmark such buildings. The proposed legislation would allow the Department of Buildings (“DOB”) to reject a benchmarking report which is substantially inaccurate or incomplete and to hold the owner who submitted such report liable for a violation subject to a civil penalty as if no benchmarking had been performed. It would also exempt owners of covered buildings between 25,000 and 50,000 gross square feet from civil penalties for a violation for failure to benchmark where such owners (1) requested benchmarking assistance from the City at least 60 days before the relevant benchmarking report was due and (2) filed the benchmarking report within at least 60 days of receiving the notice of violation.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. Although the bill would allow DOB to issue a civil penalty for failure to submit accurate and complete benchmarking data, this estimate assumes owners of covered buildings would fully comply with the provisions of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law with respect to City-owned buildings and enforcement.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Office of Management and Budget

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Emre Edev, Assistant Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full council on April 20, 2016 as Intro. No. 1163 and was referred to the Committee on Housing and Buildings. The legislation was considered by the Committee on Housing and Buildings at a hearing held on June 22, 2016 and laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1163-A, will be considered by the Committee on Housing and Buildings on October 13, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on October 13, 2016.

**DATE PREPARED:** October 7, 2016

*Accordingly, this Committee recommended its adoption, as amended.*

**(The following is the text of Int No. 1163-A:)**

Int. No. 1163-A

By Council Member Garodnick, Richards, Johnson, Constantinides, Chin, Rosenthal, Kallos and Barron (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the list of buildings required to be benchmarked for energy and water efficiency**

*Be it enacted by the Council as follows:*

Section 1. The definitions of “city building” and “covered building” set forth in section 28-309.2 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, are amended to read as follows:

**CITY BUILDING.** A building that is more than 10,000 gross square feet, as it appears in the records of the department of finance, that is owned by the city or for which the city regularly directly pays all [or part] of the annual energy bills, provided that two or more buildings on the same tax lot shall be deemed to be one building.

**Exception:** The term “city building” shall not include:

1. [Any building not owned by the city in which the city is a tenant and for which the city does not pay all the energy bills;]
- [2.] Any building owned by the city that participates in the tenant interim lease apartment purchase program; or
- [3.] 2. Any building owned by the city that (i) is [50,000] 25,000 gross square feet or less, as it appears in the records of the department of finance, and (ii) participates in a program administered by the department of housing preservation and development.

**COVERED BUILDING.** As it appears in the records of the department of finance (i) a building that exceeds [50,000] 25,000 gross square feet, (ii) two or more buildings on the same tax lot that together exceed 100,000 gross square feet, [or] (iii) two or more buildings held in the condominium form of ownership that are

governed by the same board of managers and that together exceed 100,000 gross square feet, *or (iv) a city building.*

**[Exception:] *Exceptions:*** The term “covered building” shall not include:

1. [Any building that is a city building.
2. Any building that is owned by the city.] *Any building owned by the city that participates in the tenant interim lease apartment purchase program.*
- [3.] 2. Real property classified as class one pursuant to subdivision one of section 1802 of the real property tax law.
3. *Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.*

§ 2. Section 28-309.4 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

**§ 28-309.4 Benchmarking required for covered buildings *other than city buildings.*** The owner of a covered building, *other than a city building*, shall annually benchmark such covered building no later than May 1, 2011, and no later than every May [first] 1 thereafter. Benchmarking of water use shall not be required unless the building was equipped with automatic meter reading equipment by the department of environmental protection for the entirety of the previous calendar year. The owner or the owner’s representative performing the benchmarking shall consult with the operating staff of the building, as appropriate. *Information submitted to the benchmarking tool must be accurate and complete.*

***Exception:*** *The first mandatory benchmarking for a covered building, other than a city building, that (i) does not exceed 50,000 gross square feet, (ii) is not one of two or more buildings on the same tax lot that together exceed 100,000 gross square feet and (iii) is not one of two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet, shall be completed on or before May 1 of the first year that commences after the department determines and sets forth in a rule that the utility company providing energy to such buildings will, upon request of an owner, directly upload information necessary to benchmark such buildings.*

**§ 28-309.4.1 Obligation to [request and to report information] *report energy use for all utility accounts and addresses connected to the building.*** [Where a unit or other space in a covered building, other than a dwelling unit, is occupied by a tenant and such unit or space is separately metered by a utility company, the owner of such building shall request from such tenant information relating to such tenant’s separately metered energy use for the previous calendar year and such tenant shall report such information to such owner.] *The owner shall submit information to the benchmarking tool for all utility accounts and addresses connected to the building, including those for separately metered tenant spaces. The owner shall obtain information for separately metered tenant spaces from the utility. If the utility does not have a program to provide such information, the owner shall make reasonable efforts to obtain such information from the tenant. Tenants shall have the obligation to provide such information.*

**[§ 28-309.4.1.1 Owner solicitation of tenant information.** Such owner shall request information relating to such tenant's separately metered energy use for the previous calendar year no earlier than

January first and no later than January thirty-first of any year in which the owner is required to benchmark such building. The office of long-term planning and sustainability may require that such owner provide such tenant with a form designated by the office of long-term planning and sustainability to report such information.]

**[§ 28–309.4.1.2 Tenant reporting of information.** Such tenant shall report information relating to such tenant's separately metered energy use for the previous calendar year no later than February fifteenth of any year in which the owner is required to benchmark such building. Such information shall be reported in a form and manner determined by the office of long-term planning and sustainability.]

**[§ 28–309.4.1.3 Provision of information prior to vacating a unit or other space.** Where such owner receives notice that such tenant intends to vacate such unit or other space before reporting information in accordance with sections 28–309.4.1 and 28–309.4.1.2, such owner shall request information relating to such tenant's energy use for any period of occupancy relevant to such owner's obligation to benchmark. Any such tenant shall report such information to the owner of such building prior to vacating such unit or other space or, if such information is not available prior to vacating such unit or other space, as soon as practicable thereafter, regardless of whether such owner has requested information pursuant to this section. Such information shall be reported in a form and manner determined by the office of long-term planning and sustainability.]

**[§28–309.4.1.4 Continuing obligation to benchmark.** The failure of any or all tenants to report the information required by sections 28–309.4.1, 28–309.4.1.2, and 28–309.4.1.3 to the owner shall not relieve such owner of the obligation to benchmark pursuant to this article, provided that such owner shall not be required to benchmark such information not reported by a tenant unless otherwise available to such owner.]

**§ 28-309.4.2 Preservation of documents, inspection, and audit.** [Owners] *An owner of a covered [buildings] building shall maintain such records as the department determines are necessary for carrying out the purposes of this article, including but not limited to energy and water bills and reports or forms received from utilities and tenants. Where energy use within separately metered tenant spaces is omitted, records shall be maintained documenting the owner's efforts to obtain such information. [Such] All records shall be preserved for a period of three years, provided that the commissioner may consent to their destruction within that period or may require that such records be preserved longer than such period. At the request of the department, such records shall be made available for inspection and audit by the department at the place of business of the owner or at the offices of the department during normal business hours.*

**§ 28–309.4.3 Violations.** It shall be unlawful for the owner of a covered building to fail to benchmark pursuant to section 28–309.4. The commissioner shall classify such violation as a lesser violation. *If, upon audit of a benchmarking report, the department finds that information submitted to the benchmarking tool was substantially inaccurate or incomplete, the department may reject the purported benchmarking and the owner shall be liable for a violation of section 28-309.4 as if no benchmarking had been performed.*

**Exception:** *Notwithstanding section 28-204.2, no civil penalty shall be imposed on the owner of a covered building for a violation of this section for such covered building if:*

1. *Such covered building (i) does not exceed 50,000 gross square feet, (ii) is not two or more buildings on the same tax lot that together exceed 100,000 gross square feet, (iii) is not two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet, and (iv) is not a city building;*

2. *Such owner requested, from the department or another agency designated pursuant to section 28-309.11, benchmarking assistance in connection with such building, and such request was made at least 60 days before the due date of the benchmarking report for which such violation was issued; and*
3. *Such owner corrects such violation within 60 days after the date of the notice of such violation.*

§ 3. Section 28-309.5.1 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

**§ 28-309.5.1 Direct upload by a utility company or other source.** The office of long-term planning and sustainability shall encourage and facilitate any utility company or any other source authorized by the office of long-term planning and sustainability to upload directly to the benchmarking tool, as soon as practicable, information necessary to benchmark a building. [Where information is uploaded directly to the benchmarking tool by a utility company or other authorized source, owners and tenants shall not be obligated to request and report such information pursuant to section 28-309.4.1.]

§ 4. Section 28-309.8 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

**§ 28-309.8 Disclosure.** The department of finance shall make information generated by the benchmarking tool available to the public on the internet no later than September 1[, 2011, and no later than every September first thereafter for city buildings, no later than September 1, 2012, and no later than every September first thereafter for covered buildings whose primary use is not residential, as determined by the department of finance, and no later than September 1, 2013, and no later than every September first thereafter for covered buildings whose primary use is residential, as determined by the department of finance] *of the year in which the covered buildings are benchmarked.* Such information shall include, but need not be limited to: (i) the energy [utilization index] *use intensity*, (ii) the water use per gross square foot, (iii) where available, a rating *or score* that compares the energy and water use of the building to that of similar buildings, and (iv) a comparison of data across calendar years for any years such building was benchmarked. Information generated by the benchmarking tool for the 2009 calendar year for city buildings, for the 2010 calendar year for covered buildings, and for the 2011 calendar year for covered buildings whose primary use is residential, as determined by the department of finance, shall not be disclosed.

**Exception:** Ratings *or scores* generated by the benchmarking tool for a covered building that contains a data center, television studio, and/or trading floor that together exceed ten percent of the gross square footage of any such building shall not be disclosed until the office of long-term planning and sustainability determines that the benchmarking tool can make adequate adjustments for such facilities. When the office of long-term planning and sustainability determines that the benchmarking tool can make such adjustments, it shall report such determination to the mayor and the speaker of the city council. Until such determination is made, the office of long-term planning and sustainability shall report biennially to the mayor and the speaker of the city council that the benchmarking tool is unable to make such adjustments.

§ 5. Section 28-309.9 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

**§ 28-309.9 Report.** No later than December 31 of [2011, 2012 and 2013, respectively] *each year*, the office of long-term planning and sustainability shall prepare, submit to the mayor and the speaker of the city council, and post on the internet a report reviewing and evaluating the administration and enforcement of this article and analyzing data obtained from the benchmarking tool. Such report shall contain information regarding: (i) the energy and water efficiency of buildings in the city, (ii) the accuracy of benchmarked data and whether there is a need to train and/or certify individuals who benchmark, (iii) compliance with the requirements of this article, (iv) any administrative and legislative recommendations for strengthening the administration and

enforcement of this article, (v) the effectiveness of the benchmarking tool in accounting for New York city conditions, including, but not limited to, high density occupancies, use of steam, large building size, and specific high-energy uses such as data centers, television studios, and trading floors, and (vi) such other information and analyses as the office of long-term planning and sustainability deems appropriate.

§ 6. Article 309 of the administrative code of the city of New York is amended by adding a new section 28-309.11 to read as follows:

**§ 28-309.11 Benchmarking assistance.** *The department or another agency designated by the mayor shall establish a system to receive and respond to requests from owners for assistance with respect to fulfilling the benchmarking requirements of this section. Such assistance may include, but need not be limited to, trainings, the provision of reference guides, and a publicized telephone number and email address to receive direct questions. The annual notice required by section 28-309.7 shall notify covered building owners that such assistance is available and shall describe how such assistance can be obtained.*

§ 7. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 13, 2016.

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

Report for Int No. 1165

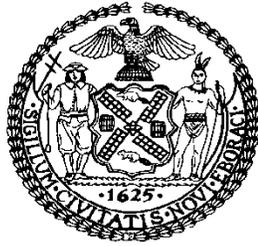
**Report of the Committee on Housing and Building in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to upgrading lighting systems in certain buildings.**

The Committee on Housing and Building, to which the annexed proposed local law was referred on April 20, 2016 (Minutes, page 1103), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 1160 printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 1165:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**INTRO. NO: 1165**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to upgrading lighting systems in certain buildings.

**SPONSOR(S):** Council Members Richards, Constantinides and Chin (in conjunction with the Mayor)

**SUMMARY OF LEGISLATION:** Currently, by January 1, 2025, owners of building 50,000 gross square feet or larger are required to upgrade the lighting systems in their buildings so that they are in compliance with the standards for new systems set forth in the New York City energy conservation code. This bill would expand the upgrade requirements to owners of buildings 25,000 gross square feet or larger. Additionally, building owners would be required to certify and report compliance to the Department of Buildings (“DOB”).

The legislation would exempt buildings where the lighting system is in compliance with the standards outlined in the New York City energy conservation code, residential buildings classified in occupancy groups R-2 or R-3 and places of worship.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While DOB may impose a fee for filing and review of compliance reports, these fees are not mandated under this legislation, and thus not assumed in this cost estimate.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by the DOB to implement the provisions of this local law and building owners would bear any costs of upgrading lighting systems in accordance with the legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Rebecca Chasan, Counsel  
Emre Edev, Assistant Director

**LEGISLATIVE HISTORY:** Intro. No. 1165 was introduced to the full council on April 20, 2016 and was referred to the Committee on Housing and Buildings. The legislation was considered by the Committee on Housing and Buildings at a hearing held on June 22, 2016 and laid over. The Housing and Buildings Committee will vote on Intro. 1165 on October 13, 2016 and, upon successful vote by the Committee, the legislation will be voted on by the full Council on October 13, 2016.

**DATE PREPARED:** October 7, 2016

*Accordingly, this Committee recommended its adoption.*

**(The following is the text of Int No. 1165:)**

Int. No. 1165

By Council Members Richards, Constantinides, Chin, Rosenthal and Kallos (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to upgrading lighting systems in certain buildings**

*Be it enacted by the Council as follows:*

Section 1. Section 28-310.2 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, is amended to read as follows:

**§ 28-310.2 Definitions.** As used in this article the following terms shall have the following meanings:

**COVERED BUILDING.** As it appears in the records of the department of finance: (i) a building that exceeds [50,000] 25,000 gross square feet ([4645] 2323 m<sup>2</sup>), (ii) two or more buildings on the same tax lot that together exceed 100,000 gross square feet (9290 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet (9290 m<sup>2</sup>).

**[Exception] Exceptions:** The term "covered building" shall not include:

1. [real] *Real* property classified as class one pursuant to subdivision one of section 1802 of the real property tax law; *or*
2. *Real* property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.

**[UPGRADE.]** The installation or modification of the lighting system of a covered building to comply with the standards required for new systems, including all of the following elements: lighting controls (interior lighting

controls, light reduction controls and automatic lighting shutoff), tandem wiring, exit signs, interior lighting power requirements and exterior lighting.]

§ 2. Section 28-310.3 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, is amended to read as follows:

**§ 28-310.3 Upgrade of lighting systems of covered buildings required.** [The] *No later than January 1, 2025 the* lighting systems of covered buildings shall be [upgraded to comply] *in compliance* with the standards for new systems set forth in [section 805 of] the New York city energy conservation code and/or applicable standards referenced in such energy code [on or prior to January 1, 2025]. The owner of a covered building shall ensure that the upgrade of the lighting system of the entire covered building is completed on or prior to such date and shall file a report with the department, [on or prior to such date] *in accordance with the rules of the department*, prepared by a registered design professional or a licensed master or special electrician certifying that such upgrade has been completed and that the work is in compliance with the technical standards of the New York city electrical code. The department may impose a fee for filing and review of such reports.

**Exceptions:**

1. [No upgrade is required for (i) an] *An* element of a lighting system that is in compliance with the standards of the New York city energy conservation code and/or applicable standards referenced in such code as in effect for new systems installed on or after July 1, 2010[, or (ii) lighting].
2. *Lighting* power densities in any space bounded by permanent floor-to-ceiling partitions and/or closable doors that are in compliance with the standards of the *New York city energy conservation code* and/or applicable standards referenced in such code as in effect for new systems installed on or after July 1, 2010.
2. [No upgrade is required for the] *The* lighting system within dwelling units classified in occupancy group R-2 or R-3 [or spaces serving such dwelling units, including but not limited to, hallways, laundry rooms, or boiler rooms].
3. [No upgrade is required for the] *The* lighting system within a space classified in occupancy group A-3 that is within a house of worship.

§ 3. Section 28-315.3.1 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-315.3.1 Lighting systems.** [The upgrade of] *By January 1, 2025*, the lighting systems of certain buildings [in accordance] *shall be in compliance* with article 310 of this chapter [shall be completed] and *the owners of such buildings shall file* a report [of such upgrade filed with the department by January 1, 2025] *in accordance with the rules of the department, prepared by a registered design professional or a licensed master or special electrician, certifying compliance with such section and compliance with the technical standards of the New York city electrical code. The department may impose a fee for filing and reviewing such reports.*

§ 4. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S.

GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 13, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 Land Use**

Report for LU No 453

**Report of the Committee on Land Use in favor of approving Application No. 20175039 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of a real property tax exemption, urban development action area project and waiver of the area designation requirement and Section 197-c and 197-d of the New York City Charter for thirteen properties located in Community Boards 12 and 13, Council District 27, Borough of Queens.**

The Committee on Land Use, to which the annexed Land Use item was referred on August 16, 2016 (Minutes, page 2790) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### ***SUBJECT***

#### **QUEENS - CBs 12 and 13**

#### **20175039 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, waiver of the area designation requirement and waiver Sections 197-c and 197-d of the New York City Charter for properties located at 223-19 111<sup>th</sup> Avenue (Block 11206, Lot 67), 114-26 208<sup>th</sup> Street (Block 11026, Lot 379), 197-18 116<sup>th</sup> Avenue (Block 11069, Lot 198), 190-17 115<sup>th</sup> Drive (Block 11033, Lot 69), 117-27 204<sup>th</sup> Street (Block 12634, Lot 24), 198-14 119<sup>th</sup> Avenue (Block 12654, Lot 7), 190-01 118<sup>th</sup> Road (Block 12605, Lot 39), 186-20 Foch Boulevard (Block 12438, Lot 142), 177-48 Baisley Boulevard (Block 12462, Lot 12), 177-19 120<sup>th</sup> Avenue (Block 12469, Lot 137), 171-48 119<sup>th</sup> Road (Block 12375, Lot 85), 168-32 119<sup>th</sup> Avenue (Block 12370, Lot 16), and 168-31 118<sup>th</sup> Road (Block 12368, Lot 53), in Community Boards 12 and 13, Council District 27, Borough of Queens.

#### ***INTENT***

To convey to a not-for-profit entity vacant homes which will be restored and resold to qualified purchasers with earnings of no more than 120% of the area median income, as well as tax exemptions for the properties.

***PUBLIC HEARING*****DATE:** October 5, 2016**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 5, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

**In Favor:**

Dickens, Mealy, Rodriguez, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No 1251

**Resolution approving an Urban Development Action Area Project located at 223-19 111<sup>th</sup> Avenue (Block 11206, Lot 67), 114-26 208<sup>th</sup> Street (Block 11026, Lot 379), 197-18 116<sup>th</sup> Avenue (Block 11069, Lot 198), 190-17 115<sup>th</sup> Drive (Block 11033, Lot 69), 117-27 204<sup>th</sup> Street (Block 12634, Lot 24), 198-14 119<sup>th</sup> Avenue (Block 12654, Lot 7), 190-01 118<sup>th</sup> Road (Block 12605, Lot 39), 186-20 Foch Boulevard (Block 12438, Lot 142), 177-48 Baisley Boulevard (Block 12462, Lot 12), 177-19 120<sup>th</sup> Avenue (Block 12469, Lot 137), 171-48 119<sup>th</sup> Road (Block 12375, Lot 85), 168-32 119<sup>th</sup> Avenue (Block 12370, Lot 16) and 168-31 118<sup>th</sup> Road (Block 12368, Lot 53), Borough of Queens; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure; and granting a real estate tax exemption pursuant to Article 16 of New York General Municipal Law (L.U. No. 453; 20175039 HAQ).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 19, 2016 its request dated July 12, 2016 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 223-19 111<sup>th</sup> Avenue (Block 11206, Lot 67), 114-26 208<sup>th</sup> Street (Block 11026, Lot 379), 197-18 116<sup>th</sup> Avenue (Block 11069, Lot 198), 190-17 115<sup>th</sup> Drive (Block 11033, Lot 69), 117-27 204<sup>th</sup> Street (Block 12634, Lot 24), 198-14 119<sup>th</sup> Avenue (Block 12654, Lot 7), 190-01 118<sup>th</sup> Road (Block 12605, Lot 39), 186-20 Foch Boulevard (Block 12438, Lot 142), 177-48 Baisley Boulevard (Block 12462, Lot 12), 177-19 120<sup>th</sup> Avenue (Block 12469, Lot 137), 171-48 119<sup>th</sup> Road (Block 12375, Lot 85), 168-32 119<sup>th</sup> Avenue (Block 12370, Lot 16) and 168-31 118<sup>th</sup> Road (Block 12368, Lot 53), Borough of Queens (the "Exemption Area"):

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on October 5, 2016;

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

**RESOLVED:**

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

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

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

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

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

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

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of twenty years, during the last ten years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on January 1st or July 1st on the later of date after Sponsor acquires the Exemption Area or enters into an enforcement mortgage with HPD. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.
- b. The tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 475

**Report of the Committee on Land Use in favor of approving Application No. N 160250 ZRX submitted by MLK Plaza, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area on property located on either side of 147th Street between Austin Place and Southern Boulevard, Borough of the Bronx, Community Board 1, Council District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3224), respectfully

**REPORTS:**

***SUBJECT*****BRONX - CB 1****N 160250 ZRX**

City Planning Commission decision approving an application submitted by MLK Plaza, LLC pursuant to Sections 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area.

***INTENT***

To amend the text of the Zoning Resolution, which in conjunction with the other related action, would create a Mandatory Inclusionary Housing Program that would require, through zoning actions, a share of new housing to be permanently affordable, and to facilitate the development of a new 165-unit affordable housing building in the Mott Haven neighborhood in Borough of the Bronx.

***PUBLIC HEARING*****DATE:** October 5, 2016**Witnesses in Favor:** Three**Witnesses Against:** One***SUBCOMMITTEE RECOMMENDATION*****DATE:** October 5, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 476

**Application No. C 160251 ZMX submitted by MLK Plaza, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6c changing existing M1-2 and M1-3 districts to an R7X and C1-4 District, on property located on either side of 147th Street between Austin Place and Southern Boulevard, Borough of the Bronx, Community Board 1, Council District 8.**

The Committee on Land Use, to which the annexed land use item was referred on September 28, 2016 (Minutes, page 3224), respectfully

#### **REPORTS:**

#### ***SUBJECT***

**BRONX - CB 1**

**C 160251 ZMX**

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

1. changing from an M1-2 District to an R7X District property bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147<sup>th</sup> Street, a line 100 feet northeasterly of East 147<sup>th</sup> Street, Austin Place, East 147<sup>th</sup> Street, Timpson Place, and a line 100 feet southwesterly of East 147<sup>th</sup> Street;
2. changing from an M1-3 District to an R7X District property bounded by Timpson Place, East 147<sup>th</sup> Street, Austin Place, and a line 100 feet southwesterly of East 147<sup>th</sup> Street; and
3. establishing within a proposed R7X District a C1-4 District bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147<sup>th</sup> Street, a line midway between Southern Boulevard and Timpson Place, and a line 100 feet southwesterly of East 147<sup>th</sup> Street.

***INTENT***

This zoning map amendment, in conjunction with the other related action, would facilitate the development of a new 165-unit of affordable housing building in the Mott Haven neighborhood in Borough of the Bronx.

***PUBLIC HEARING***

**DATE:** October 5, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** One

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** October 5, 2016

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

***In Favor:***

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

***Against:***

None

***Abstain:***

None

**COMMITTEE ACTION**

**DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

***In Favor:***

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

***Against:***

None

***Abstain:***

None

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 477

**Report of the Committee on Land Use in favor of approving Application No. C 160148 ZSM submitted by 221 W29 Residential LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces in portions of a proposed mixed use building on property located at 217 West 29th Street, Borough of Manhattan, Community Board 5, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3225) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**MANHATTAN - CB 5**

**C 160148 ZSM**

City Planning Commission decision approving an application submitted by 221 W29 Residential LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 217 West 29th Street (Block 779, Lots 27 and 28), in an M1-6D District.

***INTENT***

This Special Permit action, in conjunction with the other related zoning text amendment action, would facilitate the development of a 45-space accessory off street parking garage within a mixed-use development at 217-221 West 29<sup>th</sup> Street in the Chelsea neighborhood of Manhattan.

***PUBLIC HEARING***

**DATE:** October 5, 2016

**Witnesses in Favor:** Five

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** October 5, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1252

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160148 ZSM (L.U. No. 477), for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 217 West 29th Street (Block 779, Lots 27 and 28), in an M1-6D District, Community District 5, Borough of Manhattan.**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 9, 2016 its decision dated September 7, 2016 (the "Decision"), on the application submitted by 221 W29 Residential, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Zoning Resolution Section 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 217 West 29th Street (Block 779, Lots 27 and 28), in an M1-6D District (ULURP No. C 160148 ZSM), Community District 5, Borough of Manhattan (the "Application");

**WHEREAS**, the application is related to Application N 160147 ZRM (L.U. No. 478), an amendment to the Zoning Resolution establishing a new Section 42-486 relating to streetscape provisions in M1-6D Districts;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 13-45 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the revised negative declaration (CEQR No. 16DCP091M) issued on September 6, 2016, which reflects the changes of the proposed CPC action and supersedes the previously issued negative declaration issued on April 11, 2016 (“Revised Negative Declaration”);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

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 160148 ZSM, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of this application (C 160148 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Goldstein, Hill & West Architects, LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-3a	Subcellar Floor Plan Surface Parking Special Permit Drawings	12/21/15
Z-3b	Subcellar Floor Plan Lifted Trays Special Permit Drawings	12/21/15
Z-4a	Ground Floor Plan Parking Layout Special Permit Drawings	03/09/16

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 478

**Report of the Committee on Land Use in favor of approving Application No. N 160147 ZRM submitted by 221 W29 Residential LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing Section 42-486 relating to streetscape provisions in M1-6D districts in Community Board 5, Borough of the Manhattan, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3225) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**MANHATTAN - CB 5**

**N 160147 ZRM**

City Planning Commission decision approving an application submitted by 221 W29 Residential LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing Section 42-486 relating to streetscape provisions in M1-6D districts.

***INTENT***

This amendment to the Zoning Resolution, in conjunction with the other related zoning text amendment action, would facilitate the development of a 45 space accessory off-street parking garage within a mixed-use development at 217-221 West 29<sup>th</sup> Street in the Chelsea neighborhood of Manhattan.

***PUBLIC HEARING***

**DATE:** October 5, 2016

**Witnesses in Favor:** Five

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** October 5, 2016

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

***In Favor:***

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

***Against:***

None

***Abstain:***

None

**COMMITTEE ACTION**

**DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

***In Favor:***

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

***Against:***

None

***Abstain:***

None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No 1253

**Resolution approving the decision of the City Planning Commission on Application No. N 160147 ZRM, for an amendment of the Zoning Resolution of the City of New York, establishing Section 42-486 relating to streetscape provisions in M1-6D districts, Community District 5, Borough of Manhattan (L.U. No. 478).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 9, 2016 its decision dated September 7, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 221 W29 Residential, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, establishing Section 42-486 relating to streetscape provisions in M1-6D districts, which in conjunction with the other related action would facilitate the provision of 45 accessory residential parking spaces within a mixed-use development at 217-221 West 29<sup>th</sup> Street in the Chelsea neighborhood of Manhattan (Application No. N 160147 ZRM), Community District 5, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to application C 160148 ZSM (L.U. No. 477), a special permit pursuant to Sections 13-45 and 13-451(a) to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building at 217-221 West 29<sup>th</sup> Street;

**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 October 5, 2016;

**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, including the revised negative declaration (CEQR No. 16DCP091M) issued on September 6, 2016, which reflects the changes of the proposed CPC action and supersedes the previously issued negative declaration issued on April 11, 2016 ("Revised Negative Declaration");

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

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 the report, N 160250 ZRX, incorporated by reference herein, the Council approves the Decision with the following modifications as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

\* \* \*

**Chapter 2  
Use Regulations**

\* \* \*

**42-40**

**SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISION APPLYING ALONG DISTRICT BOUNDARIES**

\* \* \*

**42-48**

**Supplemental Use Regulations in M1-6D Districts**

\* \* \*

**42-486**

**Authorization for modification of streetscape provisions**

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimensions of the frontage and depth requirements for ground floor #commercial uses# set forth in Section 42-485 (Streetscape provisions), provided that the Commission finds that such modifications:

- (a) are the minimum necessary to provide sufficient space for access to off-street parking or loading facilities;
- (b) will not adversely affect the streetscape experiences or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district; and
- (c) to the greatest extent feasible will result in a ground floor that meets the height requirements for #qualifying ground floors#.

\* \* \*

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 480

**Report of the Committee on Land Use in favor of Application No. C 160219 ZMQ submitted by Rockaway Beach Hotel, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 30b changing an existing R5B and C1-3 District to a**

**R6A and C2-5 District, on property bounded by Rockaway Beach Boulevard, Beach 108th Street, Rockaway Beach Drive, and Beach 109th Street, Borough of the Queens, Community Board 14, Council District 32.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3225) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**QUEENS - CB 14**

**C 160219 ZMQ**

City Planning Commission decision approving an application submitted by Rockaway Beach Hotel, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30b:

1. eliminating from an existing R5B District a C1-3 District bounded by Rockaway Beach Boulevard, Beach 108<sup>th</sup> Street, Rockaway Beach Drive, and Beach 109<sup>th</sup> Street;
2. changing from an R5B District to an R6A District property bounded by Rockaway Beach Boulevard, Beach 108<sup>th</sup> Street, Rockaway Beach Drive, and Beach 109<sup>th</sup> Street; and
3. establishing within the proposed R6A District a C2-5 District bounded by Rockaway Beach Boulevard, Beach 108<sup>th</sup> Street, Rockaway Beach Drive, and Beach 109<sup>th</sup> Street.

***INTENT***

This zoning map amendment, in conjunction with the related zoning text amendment, would facilitate development of an approximately 24,000 sq. ft. transient hotel at 108-14/20 Rockaway Beach Boulevard (Block 16180, Lots 1, 2, and 3), and create a Mandatory Inclusionary Housing Area in Community District 14.

***PUBLIC HEARING***

**DATE:** October 5, 2016

**Witnesses in Favor:** Two

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** October 5, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1254

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160219 ZMQ, a Zoning Map amendment (L.U. No. 480).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 9, 2016 its decision dated August 24, 2016 (the "Decision"), on the application submitted by Rockaway Beach Hotel, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 30b, to rezone property from R5B/C1-3 to R6A/C2-5 to facilitate development of an approximately 24,000 square foot transient hotel in the Rockaway Park neighborhood of Queens, (ULURP No. C 160219 ZMM), Community District 14, Borough of Queens (the "Application");

**WHEREAS**, the Application is related to application N 160220 ZRQ (L.U. No. 481), a zoning text amendment to Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) to apply Inclusionary Housing regulations in Community District 14, Borough of Queens;

**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 October 5, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DCP145Q) issued on May 23, 2016, which includes an (E) Designation (E-387) related to air quality, noise, and hazardous materials to avoid the potential for significant adverse impacts (the “Negative Declaration”);

**RESOLVED:**

Pursuant to Section 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 the report, C 160219 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 30b:

1. eliminating from an existing R5B District a C1-3 District bounded by Rockaway Beach Boulevard, Beach 108<sup>th</sup> Street, Rockaway Beach Drive, and Beach 109<sup>th</sup> Street;
2. changing from an R5B District to an R6A District property bounded by Rockaway Beach Boulevard, Beach 108<sup>th</sup> Street, Rockaway Beach Drive, and Beach 109<sup>th</sup> Street; and
3. establishing within the proposed R6A District a C2-5 District bounded by Rockaway Beach Boulevard, Beach 108<sup>th</sup> Street, Rockaway Beach Drive, and Beach 109<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated May 23, 2016, and subject to the conditions of CEQR declaration E-387, Community District 14, Borough of Queens.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 481

**Report of the Committee on Land Use in favor of approving Application No. N 160220 ZRQ submitted by Rockaway Beach Hotel, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area on property bounded by Rockaway**

**Beach Boulevard, Beach 108th Street, Rockaway Beach Drive, and Beach 109th Street, Borough of the Queens, Community Board 14, Council District 32.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3226) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**QUEENS - CB 14**

**N 160220 ZRQ**

City Planning Commission decision approving an application submitted by Rockaway Beach Hotel, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

***INTENT***

This zoning text amendment, in conjunction with the related zoning map amendment, would facilitate development of an approximately 24,000 sq. ft. transient hotel at 108-14/20 Rockaway Beach Boulevard (Block 16180, Lots 1, 2, and 3), and create a Mandatory Inclusionary Housing Area to ensure the provision of affordable housing in the event the property is developed as residential housing.

***PUBLIC HEARING***

**DATE:** October 5, 2016

**Witnesses in Favor:** Two

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** October 5, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1255

**Resolution approving the decision of the City Planning Commission on Application No. N 160220 ZRQ, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in Community District 14, Borough of Queens (L.U. No. 481).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 9, 2016 its decision dated August 24, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Rockaway Beach Hotel, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, to modify Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area which along with the other related action would facilitate the development of an approximately 24,000 square foot transient hotel in the Rockaway Park neighborhood of Queens, (Application No. N 160220 ZRQ), Community District 14, Borough of Queens (the "Application");

**WHEREAS**, the Application is related to application C 160219 ZSM (L.U. No. 480), an amendment to the Zoning Map to rezone property from R5B/C1-3 to R6A/C2-5;

**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 October 5, 2016;

**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, including the negative declaration (CEQR No. 15DCP145Q) issued on May 23, 2016, which includes an (E) Designation (E-387) related to air quality, noise, and hazardous materials to avoid the potential for significant adverse impacts (the "Negative Declaration");

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

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 the report, N 160377 ZRK, incorporated by reference herein, the Council approves the Decision as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

APPENDIX F

\* \* \*

Queens

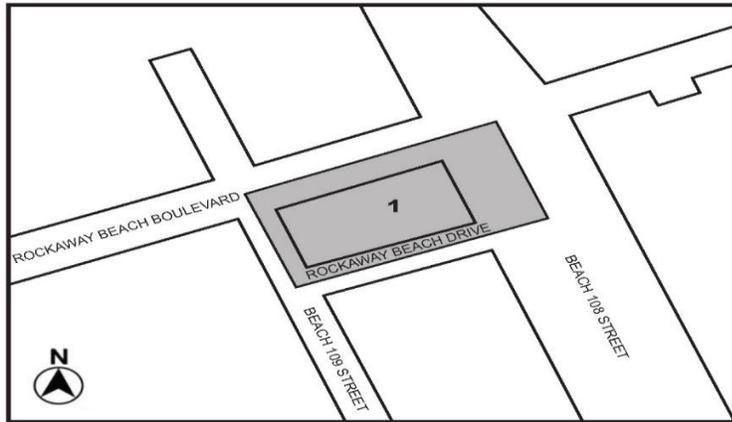
\* \* \*

Queens Community District 14

In the R6A District within the area shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



- Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
- 1** Area 1 - [date of adoption] MIH Program Option 2

Portion of Community District 14, Queens

\* \* \*

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 LU No. 489

**Report of the Committee on Land Use in favor of approving Application No. N 160377 ZRK submitted by Community Board 10, Brooklyn, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 73-622 (Enlargement of single- and two-family detached and semi-detached residences), Borough of Brooklyn, Community Board 10, Council District 43 and 38.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3228), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN - CB 10**

**N 160377 ZRK**

City Planning Commission decision approving an application submitted by Community Board 10, Brooklyn, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

**INTENT**

This amendment to the Zoning Resolution would remove Community District 10 from the applicability provisions of Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences), ensuring that enlargements to single- and two-family homes in the Community District either adhere to the as-of-right residential zoning regulations or rely on other discretionary remedies to afford relief.

**PUBLIC HEARING**

**DATE:** October 5, 2016

**Witnesses in Favor:** Six

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** October 5, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 490

**Report of the Committee on Land Use in favor of approving Application No. C 160194 ZMM submitted by 1968 Second Avenue Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, establishing within an existing R7A district a C1-5 District, on property located in the vicinity of Second Avenue and East 101st Street, Borough of Manhattan, Community Board 11, Council District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3228) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**MANHATTAN - CB 11**

**C 160194 ZMM**

City Planning Commission decision approving an application submitted by 1968 Second Avenue Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, by establishing within an existing R7A District a C1-5 District bounded by a line 100 feet easterly of Second Avenue, a line midway between East 101<sup>st</sup> Street and East 102<sup>nd</sup> Street, a line 155 feet easterly of Second Avenue, and East 101<sup>st</sup> Street.

***INTENT***

To rezone a portion of Block 1673, parts of Lot 1 and Lot 6, to facilitate the continuing operation of an existing commercial grocery store in the East Harlem neighborhood of Manhattan, in Community District 11.

***PUBLIC HEARING***

**DATE:** October 5, 2016

**Witnesses in Favor:** Two

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** October 5, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1256

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160194 ZMM, a Zoning Map amendment (L.U. No. 490).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 23, 2016 its decision dated September 21, 2016 (the "Decision"), on the application submitted by 1968 Second Avenue Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6b, changing from an R7A to R7A/C1-5, in order to facilitate the conformance and compliance of an existing loading dock within an existing two-story commercial building in the East Harlem neighborhood of Manhattan, (ULURP No. C 160194 ZMM), Community District 11, Borough of Manhattan (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 October 5, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DCP179M) issued on May 9, 2016 (the "Negative Declaration");

**RESOLVED:**

Pursuant to Section 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 the report, C 160194 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 No. 6b, by establishing within an existing R7A District a C1-5 District bounded by a line 100 feet easterly of Second Avenue, a line midway between East 101<sup>st</sup> Street and East 102<sup>nd</sup> Street, a line 155 feet easterly of Second Avenue, and East 101<sup>st</sup> Street, as shown on a diagram (for illustrative purposes only) dated May 9, 2016, Community District 11, Borough of Manhattan.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 491

**Report of the Committee on Land Use in favor of approving Application No. C 160033 ZMQ submitted by Gleitman Realty Associates pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 31a, establishing within an existing R5 District a C1-3 District, on property bounded by Heyson Road, Seagirt Boulevard, and Beach 13th Street, Borough of Queens, Community Board 14, Council District 31.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3228) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**QUEENS - CB 14**

**C 160033 ZMQ**

City Planning Commission decision approving an application submitted by Gleitman Realty Associates, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 31a, establishing within an existing R5 District a C1-3 District bounded by Heyson Road, Seagirt Boulevard, and Beach 13<sup>th</sup> Street.

***INTENT***

This zoning map amendment along with the other related action would facilitate the construction of a one-story commercial building and a five-story residential building in the Far Rockaway neighborhood of Queens in Community District 14.

***PUBLIC HEARING***

**DATE:** October 5, 2016

**Witnesses in Favor:** One

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** October 5, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1257

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160033 ZMQ, a Zoning Map amendment (L.U. No. 491).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 23, 2016 its decision dated September 21, 2016 (the "Decision"), on the application submitted by Gleitman Realty Associates, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 31a, establishing within an existing R5 District a C1-3 District to facilitate the construction of a one-story commercial building in the Far Rockaway neighborhood of Queens, (ULURP No. C 160033 ZMQ), Community District 14, Borough of Queens (the "Application");

**WHEREAS**, the Application is related to application C 160351 ZMQ (L.U. No. 492), an amendment to the Zoning Map changing from an R4-1 District to an R5 District, and to establish within the proposed R5 District a C1-3 District;

**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 October 5, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 16DCP133Q) issued on May 23, 2016 (the "Negative Declaration");

**RESOLVED:**

Pursuant to Section 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 the report, C 160033 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 31a, establishing within an existing R5 District a C1-3 District bounded by Heyson Road, Seagirt Boulevard, and Beach 13<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated May 23, 2016, Community District 14, Borough of Queens.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 492

**Report of the Committee on Land Use in favor of approving Application No. C 160351 ZMQ submitted by Gleitman Realty Associates pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 31a, changing an existing R4-1 District to an R5 and C1-3 District, on property in the vicinity of Seagirt Boulevard and Fernside Place, Borough of Queens, Community Board 14, Council District 31.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2016 (Minutes, page 3229) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

***SUBJECT***

**QUEENS - CB 14**

**C 160351 ZMQ**

City Planning Commission decision approving an application submitted by Gleitman Realty Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 31a:

1. changing from an R4-1 District to an R5 District property bounded by a line 55 feet southeasterly of Highland Court, Watjean Court, Fernside Place, and Seagirt Boulevard; and
2. establishing within the proposed R5 District a C1-3 District bounded by a line 55 feet southeasterly of Highland Court, a line 100 feet northerly of Seagirt Boulevard, Fernside Place, and Seagirt Boulevard.

***INTENT***

This zoning map amendment, along with the other related action, would facilitate the construction of a one-story commercial building and a five-story residential building in the Far Rockaway neighborhood of Queens in Community District 14.

***PUBLIC HEARING***

**DATE:** October 5, 2016

**Witnesses in Favor:** One

**Witnesses Against:** None

***SUBCOMMITTEE RECOMMENDATION***

**DATE:** October 5, 2016

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

**In Favor:**

Richards, Gentile, Garodnick, Williams, Wills, Reynoso, Torres.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** October 6, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Greenfield, Gentile, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Rose, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1258

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160351 ZMQ, a Zoning Map amendment (L.U. No. 492).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on September 23, 2016 its decision dated September 21, 2016 (the "Decision"), on the application submitted by Gleitman Realty Associates, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 31a, changing from an R4-1 District to an R5 District, and establishing within the proposed R5 District a C1-3 District to facilitate the construction of a one-story commercial building and a five-story residential building in the Far Rockaway neighborhood of Queens, (ULURP No. C 160351 ZMQ), Community District 14, Borough of Queens (the "Application");

**WHEREAS**, the Application is related to application C 160033 ZMQ (L.U. No. 491), an amendment of the Zoning Map establishing within an existing R5 District a C1-3 District;

**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 October 5, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 16DCP133Q) issued on May 23, 2016 (the "Negative Declaration");

**RESOLVED:**

Pursuant to Section 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 the report, C 160351 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 31a:

1. changing from an R4-1 District to an R5 District property bounded by a line 55 feet southeasterly of Highland Court, Watjean Court, Fernside Place, and Seagirt Boulevard; and
2. establishing within the proposed R5 District a C1-3 District bounded by a line 55 feet southeasterly of Highland Court, a line 100 feet northerly of Seagirt Boulevard, Fernside Place, and Seagirt Boulevard;

as shown on a diagram (for illustrative purposes only) dated May 23, 2016, Community District 14, Borough of Queens.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, October 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 Public Safety**

Report for Int No 728-B

### **Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the publication of the NYPD patrol guide, and to repeal paragraph 2 of subdivision a of section 14-150 of the administrative code of the city of New York, relating to quarterly submission of the NYPD patrol guide**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on March 31, 2015 (Minutes, page 989), respectfully

## **REPORTS:**

### **I. INTRODUCTION**

On October 11, 2016, the Committee on Public Safety, chaired by Council Member Vanessa Gibson, will vote on Proposed Introductory Bill Number 728-B (“Int. No. 728-B”), a Local Law to amend the administrative code of the city of New York, in relation to requiring the publication of the NYPD patrol guide, and to repeal paragraph 2 of subdivision a of section 14-150 of the administrative code of the city of New York, relating to quarterly submission of the NYPD patrol guide, and Proposed Introductory Bill Number 959-B (“Int. No. 959-B”), a Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on hate crime statistics. The Committee heard Proposed Introductory Bill Number 728-A on September 15, 2016 and Proposed Introductory Bill Number 959 on October 15, 2015.

### **II. BACKGROUND**

#### **A. Proposed Int. No. 728-B**

The patrol guide is the NYPD’s operations manual.<sup>1</sup> It contains comprehensive information about the rules that NYC police officers must follow in carrying out their official duties, including, among other things, department procedures, duties and responsibilities of personnel, and how officers should respond to various types of incidents and emergencies.<sup>2</sup> In addition to its use by the department, the patrol guide is also instructive to other entities and the general public. When the Civilian Complaint Review Board (“CCRB”) investigates a complaint of police misconduct, it focuses on the details of the encounter and determines whether or not the officer’s actions were improper based on the Patrol Guide and other sources, such as New York State law and the United States Constitution.<sup>3</sup> Currently, the public may obtain portions of the patrol guide by submitting a request under the Freedom of Information Law (“FOIL”),<sup>4</sup> and advocates maintain that awareness of the contents of the patrol guide is an important transparency initiative that will allow people to know what to

<sup>1</sup> See NYC Civilian Complaint Review Board, NYPD Patrol Guide. Available at <http://www.nyc.gov/html/ccrb/html/nypd-patrol-guide/nypd-patrol-guide.shtml> (Last accessed Sept. 9, 2016).

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

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

<sup>4</sup> New York State Freedom of Information Law (1977 N.Y. Laws ch. 933).

expect from police encounters and bolster officer accountability. Several organizations, including the CCRB<sup>5</sup>, have posted excerpts of the patrol guide on their website and private entities sell the patrol guide online,<sup>6</sup> but the NYPD, currently, does not directly sanction and post the publication publically. Additionally, private entities do not have access to or sell regular updates with frequency.

### **B. Proposed Int. No. 959-B**

Under New York State's hate crime law, a person commits a hate crime when one of a specified set of offenses is committed targeting a victim because of a perception of belief about their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation.<sup>7</sup> If the crime is classified as a hate crime, the defendant faces a higher sentence for the offense.<sup>8</sup>

In 2015, all five boroughs had a total of 307 hate crimes, with the highest incidents in Kings County with 113 reported incidents.<sup>9</sup> Local law 110 of 2016 requires the NYPD to publically post the number of murders and felonious assaults determined to be hate crimes on their website on a quarterly and annual basis. While the local law does not require the NYPD to disaggregate the hate crimes by animus the Department does track the crimes according to the following categories: (i) anti-Black; (ii) anti-Caucasian; (iii) anti-Hispanic; (iv) anti-Asian; (v) anti-ethnic; (vi) anti-Semitic; (vii) anti-Muslim; (viii) anti-religion; (ix) anti-sexual orientation; (x) anti-disability; (xi) anti-other.

### **III. AMENDMENTS AND ANALYSIS OF PROPOSED INT. NO. 728-B**

Section 1 of the bill would repeal a section of the administrative code related to the department's quarterly submission of the NYPD patrol guide updates to the council that will no longer be necessary if the documents are public.

Section 2 of the bill would require the NYPD to publish its patrol guide online and any updates within 24 hours of the effective date of those amendments, excluding portions that would reveal non-routine investigative techniques or confidential information or that would compromise the safety of the public or police officers. The bill would also require NYPD to publish any amendments made to the patrol guide no later than the effective date of such change, conspicuously noting the change and effective date.

Section 3 of the bill states the law becomes effective 90 days after becoming law.

Since Int. No. 728-A was heard, there were some changes. The amended version of the bill would require the NYPD to post any patrol guide update no later than 24 hours after the effective date of the new section, whereas the previous version of the bill required the NYPD to post an amendment no later than its effective date. In addition, the amended bill states that the failure to timely publish the amendment to the patrol guide online shall not affect the validity of the guide or its amendments.

### **IV. AMENDMENTS AND ANALYSIS OF PROPOSED INT. NO. 959-B**

Section 1 of the bill adds a new paragraph 11 to section 14-161 which would add to the reporting requirements of local law number 110 of 2016 to include the number of hate crimes, disaggregated by the animus towards a targeted group that formed the motive for such hate crime, including but not limited to the following types of animus: (i) anti-Black; (ii) anti-Caucasian; (iii) anti-Hispanic; (iv) anti-Asian; (v) anti-ethnic; (vi) anti-Semitic; (vii) anti-Muslim; (viii) anti-religion; (ix) anti-gender identity; (x) anti-sexual orientation; (xi) anti-disability; (xii) anti-other. For the categories of anti-ethnic, anti-religion, anti-disability and anti-other, if a particular group within those categories is targeted a total of at least nine times in four consecutive quarters, the Department would be required to further disaggregate the data by the particular group.

Section 2 of the bill states the local law takes effect immediately.

Since Int. 959 was heard, there have been some changes. The categories of anti-religion, and anti-Asian were added to the bill. In addition, the requirement that the Department be required to further

<sup>5</sup> Available at <http://www.nyc.gov/html/ccrb/html/nypd-patrol-guide/nypd-patrol-guide.shtml> (Last accessed Sept. 13, 2016).

<sup>6</sup> See <http://www.looseleaflaw.com/catalog/bookdetail.html?sku=1-932777-10-5> (Last accessed Sept. 13, 2016).

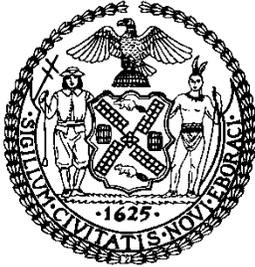
<sup>7</sup> New York Penal Law §485.05

<sup>8</sup> Id. at §485.10

<sup>9</sup> Division of Criminal Justice Services <http://www.criminaljustice.ny.gov/crimnet/ojsa/hatecrimeincidents2015.pdf>

disaggregate data if a particular group within the category was targeted at least nine times in four quarters was also added.

**(The following is the text of the Fiscal Impact Statement for Int No. 728-B:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO:** 728-B  
**COMMITTEE:** Public Safety

**TITLE:** To amend the administrative code of the city of New York, in relation to requiring the publication of the NYPD patrol guide, and to repeal paragraph 2 of subdivision a of section 14-150 of the administrative code of the city of New York, relating to quarterly submission of the NYPD patrol guide.

**SPONSORS:** Council Members Garodnick, Johnson, Lancman, Mendez, Rose, and Menchaca.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 728-B would require the New York City Police Department (“NYPD”) to publish its patrol guide on its website, excluding portions that would reveal non-routine investigative techniques or confidential information or that would compromise the safety of the public or police officers. The NYPD would be required to update the online posting no later than 24 hours after any amendments to the patrol guide are made. In addition, the bill would repeal a section of the administrative code related to the department’s submission of the NYPD patrol guide to the Council.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Police Department would use existing resources to implement this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council  
New York Police Department

Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on March 31, 2015 as Intro. No.728 and referred to the Committee on Public Safety. Subsequent to its introduction the bill was amended and the Committee considered Proposed Int. No. 728-Aat a hearing on September 15, 2016and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 728-B, will be voted on by the Committee at a hearing on October 11, 2016.Upon successful vote by the Committee, Proposed Intro. No. 728-B will be submitted to the full Council for a vote on October 13, 2016.

**DATE PREPARED:** October 5, 2016

**(For text of the Int No. 959-B and its Fiscal Impact Statement, please see the Report of the Committee on Public Safety for Int No. 959-B printed in these Minutes; for text of Int 728-B, please see below:)**

*Accordingly, this Committee recommends the adoption of Int Nos. 728-B and 959-B.*

**(The following is the text of Int No. 728-B:)**

Int. No. 728-B

By Council Members Garodnick, Johnson, Lancman, Mendez, Rose, Menchaca, Wills, Williams, Levin, Kallos and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the publication of the NYPD patrol guide, and to repeal paragraph 2 of subdivision a of section 14-150 of the administrative code of the city of New York, relating to quarterly submission of the NYPD patrol guide**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision a of section 14-150 of the administrative code of the city of New York is REPEALED.

§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-164 to read as follows:

§ 14-164 *Patrol guide publication required.* a. *The department shall publish the patrol guide on the department's website.*

b. *No later than 24 hours after any amendment to the patrol guide, the department shall update the patrol guide on the department's website to reflect such amendment and shall conspicuously note the amended sections and their effective dates. Failure to timely publish amendments to the patrol guide shall not affect the validity of the patrol guide or its amendments.*

c. *Notwithstanding subdivisions a and b of this section, the department shall not be required to publish:*

1. *Any material that would reveal non-routine investigative techniques or confidential information; or*  
2. *Any material that, if published, could compromise the safety of the public or police officers, or could otherwise compromise law enforcement investigations or operations.*

§ 3. This local law takes effect 90 days after it becomes law.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, October 11, 2016.

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

Report for Int No 959-B

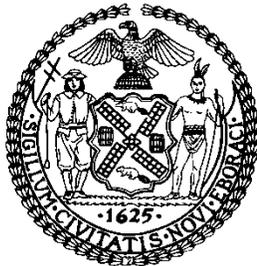
**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on hate crime statistics.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on October 15, 2015 (Minutes, page 3705), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 728-B)**

*The following is the text of the Fiscal Impact Statement for Int No. 959-B:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 959-B  
COMMITTEE: Public Safety**

**TITLE:** To amend the administrative code of the city of New York, in relation to requiring the police department to report on hate crime statistics.

**SPONSORS:** Council Members Levine, Miller, Torres, Gibson, Chin, Cornegy, Eugene, Gentile, Johnson, Lancman, Mendez, Palma, Richards, Rose, Cohen, Rodriguez, Dickens, Rosenthal, Dromm, and Van Bramer.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 959-B would require the New York City Police Department (“NYPD”) to disaggregate hate crimes by the animus towards a targeted group such as race, nationality, sexual orientation, disability and report on the demographics of the arrestee. In addition, general categories such as anti-ethnic, disability, religion and other would have to be further disaggregated by identifying the particular group that is targeted if any particular group is targeted at least nine times in a total of four consecutive quarters. The NYPD will be required to report the data quarterly and annually and post the data on the department website.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Police Department would use existing resources to implement this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council  
New York Police Department  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, Senior Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 15, 2015 as Intro. No.959 and referred to the Committee on Public Safety. The Committee considered the legislation at a hearing on October 16, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 959-B, will be voted on by the Committee at a hearing on October 11, 2016. Upon successful vote by the Committee, Proposed Intro. No. 959-B will be submitted to the full Council for a vote on October 13, 2016.

**DATE PREPARED:** October 6, 2016.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 959-B:)**

Int. No. 959-B

By Council Members Levine, Miller, Torres, Gibson, Chin, Cornegy, Eugene, Gentile, Johnson, Lancman, Mendez, Palma, Richards, Rose, Cohen, Rodriguez Dickens, Rosenthal, Dromm, Van Bramer, Cumbo, Levin, Wills, Kallos and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on hate crime statistics**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-161 of the administrative code of the city of New York, as added by local law number 110 for the year 2016, is amended by adding a new paragraph 11 to read as follows:

*11. The number of complaints and arrests classified as a hate crime disaggregated by:*

*(a) race, sex, and age of the arrestee; and*

*(b) type of animus towards a targeted group that allegedly formed the motive for such hate crime, evidencing a belief or perception regarding a person's identity, regardless of whether such belief or perception is correct, with respect to the following categories:*

*(1) Anti-Black;*

*(2) Anti-Caucasian;*

*(3) Anti-Hispanic;*

*(4) Anti-Asian;*

*(5) Anti-Ethnic;*

*(6) Anti-Semitic;*

*(7) Anti-Muslim;*

*(8) Anti-Religion;*

*(9) Anti-Gender Identity;*

*(10) Anti-Sexual Orientation;*

*(11) Anti-disability; and*

*(12) Anti-Other.*

*(c) Clauses (5), (8), (11) and (12) shall be further disaggregated by identifying the particular group that is the target of the animus in the event any particular group is targeted at least nine times in total in four consecutive quarters.*

§2. This local law takes effect immediately.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, October 11, 2016.

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

**GENERAL ORDER CALENDAR****Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Carl Devon Boisrond	6 West Farms Square Plaza #5D Bronx, N.Y. 10460	15
Max Boris Baird	60-26 78th Avenue Queens, N.Y. 11385	30
Gina Boracchiello	159-52 79th Street Queens, N.Y. 11414	32
Jacob Bordiley	739 Prospect Place #3 Brooklyn, N.Y. 11216	36
Irene Buch	200 Corbin Place #5L Brooklyn, N.Y. 11235	48

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Yen H. Bui	430 East 6th Street #8J New York, N.Y. 10009	2
Amelia Elorriaga	15 Abingdon Square #62 New York, N.Y. 10014	3
Mojdeh Rubin	1435 Lexington Avenue #11E New York, N.Y. 10128	5
George Engel	275 West 96th Street #34D New York, N.Y. 10025	6
Heidy Grullon	1909 Amsterdam Avenue #9A New York, N.Y. 10032	7

Kin Lung Ko	333 East 102nd Street #236 New York, N.Y. 10029	8
Victoria Young-Brooks	1810 Lexington Avenue #6C New York, N.Y. 10029	8
Tonya Bumpars	250 West 131st Street #5A New York, N.Y. 10027	9
Griny A. Read	1960 Park Avenue #11J New York, N.Y. 10037	9
Allan Torres	145 Nagel Avenue #2F New York, N.Y. 10040	10
Khaalid A. Ware	239 East Mosholu Parkway North #5B Bronx, N.Y. 10467	11
Jewel Crawford	100 Debs Place #19G Bronx, N.Y. 10475	12
Joseph K. Eady	3410 DeReimer Avenue #7D Bronx, N.Y. 10475	12
Maria L. Puschila	24-37 Westervelt Avenue #1 Bronx, N.Y. 10469	13
Paula Steward	2801 Schley Avenue #4A Bronx, N.Y. 10465	13
Vivan Torres	2808 Barkley Avenue Bronx, N.Y. 10465	13
Melissa Ricks	1889 Sedgwick Avenue #3A Bronx, N.Y. 10453	16
Mabel Luna	940 East 174th Street #F Bronx, N.Y. 10460	17
Sol Martinez	710 Tinton Avenue #21A Bronx, N.Y. 10455	17
Dorothy T. McMoore	850 Rev. James A. Polite Avenue Bronx, N.Y. 10459	17
Gisel Malave	2129 Bruckner Blvd #2F Bronx, N.Y. 10475	18
Derrick Thomas	945 Underhill Avenue #2G Bronx, N.Y. 10473	18

Paul Timothy Thomas	1580 Thieriot Avenue #3J Bronx, N.Y. 10460	18
LuJuan April Williams	1965 Lafayette Avenue #5N Bronx, N.Y. 10473	18
John Curley	22-08 201st Street Queens, N.Y. 11360	19
Alcira Mejia	21-80 38th Street #B10 Astoria, N.Y. 11105	22
Helen Tsourakis	43-12 25th Avenue Astoria, N.Y. 11103	22
Kimbley Felder	166-05 Highland Avenue Queens, N.Y. 11432	24
Joseph R. Paulus	34-55 12th Street Queens, N.Y. 11106	26
Cordece Burgess	112-12 204th Street Queens, N.Y. 11412	27
Evelyn Francis	174-16 108th Avenue Queens, N.Y. 11433	27
Pamela Sage	131-06 178th Place Jamaica, N.Y. 11434	27
Milton Warden	169-18 115th Avenue Jamaica, N.Y. 11434	28
William Breland	111-02 133rd Street Queens, N.Y. 11420	28
Dolores J. Daniels	134-19 166th Place #6D Queens, N.Y. 11434	28
Marcelie Fortune-Murray	118-21 153rd Street Queens, N.Y. 11434	28
Danielle Greenwood	172-40 133rd Street #12A Queens, N.Y. 11434	28
Daphne Henry-Flemin	134-66 Bedell Street Queens, N.Y. 11434	28
Fredrick J. Trader	101-26 107th Street Ozone Park, N.Y. 11416	28
Rose Williams	120-41 132nd Street Queens, N.Y. 11420	28

Marleny Tapia	102-32 65th Avenue #A3 Forest Hills, N.Y. 11375	29
Jeannette LeBron	306 Beach 56th Street #2D Queens, N.Y. 11692	31
James R. Rhem	1454 Point Breeze Place Queens, N.Y. 11691	31
Lucia Amoretti	162-30 97th Street Queens, N.Y. 11414	32
Eddey Fernandez	86-05 89th Avenue Woodhaven, N.Y. 11421	32
Rosemary Espinal	202 Green Street #4 Brooklyn, N.Y. 11222	33
Maggie Castillo	3 Tompkins Avenue Brooklyn, N.Y. 11206	36
Theresa P. Gibbs	400 Herkimer Street #1P Brooklyn, N.Y. 11213	36
Estelle Johnson	65 Tompkins Avenue #6H Brooklyn, N.Y. 11206	36
Wilhelmina Scott	82 Dwight Street #14B Brooklyn, N.Y. 11231	38
Frank R. Dukes, Jr.	358 Webster Avenue Brooklyn, N.Y. 11230	40
Lue B. Gibson	385 East 16th Street #2H Brooklyn, N.Y. 11226	40
Ricky Cyrus	904 Winthrop Street #D11 Brooklyn, N.Y. 11203	41
Lesley Holder	401 East 45th Street Brooklyn, N.Y. 11203	41
Nettie Morgan	735 Pennsylvania Avenue Brooklyn, N.Y. 11207	42
Annie L. Toombs	1149 Elton Street #4A Brooklyn, N.Y. 11239	42
Jillian White	2252 Linden Blvd #10 Brooklyn, N.Y. 11208	42

Henry K. Der	7017 11th Avenue Brooklyn, N.Y. 11228	43
Kathryn Filbert	576 Bay Ridge Parkway Brooklyn, N.Y. 11209	43
Anne V. Miscione	8024 13th Avenue Brooklyn, N.Y. 11228	43
Jeffrey Haffenden	661 East 59th Street Brooklyn, N.Y. 11234	45
Zakiya T. Maharaj	3420 Newkirk Avenue #4D Brooklyn, N.Y. 11203	45
Darryl K. Taylor	5115 Avenue L Brooklyn, N.Y. 11234	46
Cynthia Villafane	2250 West 11th Street #11B Brooklyn, N.Y. 11223	47
Eugene Huebner	2642 Brown Street Brooklyn, N.Y. 11235	48
Katherine Tsigel	2432 East 28th Street Brooklyn, N.Y. 11235	48
Jacqueline Campbell	301A Andros Avenue Staten Island, N.Y. 10303	49
Erin Monahan	37 Journeay Street Staten Island, N.Y. 10303	49
Marianna Bediner	989 Olympia Blvd Staten Island, N.Y. 10306	50
Ruth C. Richards	40A Dinsmore Street Staten Island, N.Y. 10314	50
Debra A. Barrett	160 Lipsett Avenue Staten Island, N.Y. 10312	51
Elisa Pritchard	469 Mosley Avenue Staten Island, N.Y. 10312	51
Marie Tucci	109 Russell Street Staten Island, N.Y. 10308	51

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

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

- |                                       |  |
|---------------------------------------|--|
| (1) <b>Int 251-A -</b>                | Collection of demographic data regarding ancestry and languages spoken.  |
| (2) <b>Int 551-A -</b>                | Collection of demographic data regarding multiracial identification.   |
| (3) <b>Int 552-A -</b>                | Collection of data regarding sexual orientation and gender identity.   |
| (4) <b>Int 728-B -</b>                | Publication of the NYPD patrol guide.  |
| (5) <b>Int 959-B -</b>                | Requiring the police department to report on hate crime statistics.  |
| (6) <b>Int 1011-A -</b>               | 90-day transition period for displaced food service workers.   |
| (7) <b>Int 1160 -</b>                 | Installation of sub-meters in certain tenant spaces.   |
| (8) <b>Int 1163-A -</b>               | Expanding the list of buildings required to be benchmarked for energy and water efficiency.                      |
| (9) <b>Int 1165 -</b>                 | Upgrading lighting systems in certain buildings.   |
| (10) <b>Int 1282 -</b>                | Increase in the annual expenditure for Business Improvement and Special Assessment Districts.                    |
| (11) <b>L.U. 453 &amp; Res 1251 -</b> | App. <b>20175039 HAQ</b> , Real Property Tax Exemption, Queens, Community Boards 12 and 13, Council District 27. |
| (12) <b>L.U. 477 &amp; Res 1252 -</b> | App. <b>C 160148 ZSM</b> , Zoning Resolution, Manhattan, Community Board 5, Council District 3.                  |
| (13) <b>L.U. 478 &amp; Res 1253 -</b> | App. <b>N 160147 ZRM</b> , Zoning Resolution, Manhattan, Community   |

Board 5, Council District 3.

- (14) **L.U. 480 & Res 1254 -** App. C **160219 ZMQ**, Zoning Map, Queens, Community Board 14, Council District 32.
- (15) **L.U. 481 & Res 1255 -** App. N **160220 ZRQ**, Zoning Resolution, Queens, Community Board 14, Council District 32.
- (16) **L.U. 490 & Res 1256 -** App. C **160194 ZMM**, Zoning Map, Manhattan, Community Board 11, Council District 8.
- (17) **L.U. 491 & Res 1257 -** App. C **160033 ZMQ**, Zoning Map, Queens, Community Board 14, Council District 31.
- (18) **L.U. 492 & Res 1258 -** App. C **160351 ZMQ**, Zoning Map, Queens, Community Board 14, Council District 31.
- (19) **Resolution approving various persons Commissioners of Deeds.**

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

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

The following was the vote recorded for **Int No. 552-A**:

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

**Negative** – Deutsch - **1**.

The following was the vote recorded for **Int No. 1011-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

**Negative** – Borelli, Greenfield, and Matteo – **3**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 251-A, 551-A, 552-A, 728-B, 959-B, 1011-A, 1160, 1163-A, 1165, and 1282.*

## **RESOLUTIONS**

*presented for voice-vote*

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

Report for voice-vote Res No. 472

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling on the state and federal governments to amend their official forms and databases to accommodate multiracial identification in all instances where racial identification is required.**

The Committee on Governmental Operations, to which the annexed resolution was referred on November 25, 2014 (Minutes, page 4152), respectfully

### **REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 251-A printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 472:)**

Res. No. 472

**Resolution calling on the state and federal governments to amend their official forms and databases to accommodate multiracial identification in all instances where racial identification is required.**

By Council Members Chin, Johnson, Kallos, Constantinides, Dromm, Gentile, Lander, Levine, Mendez, Reynoso, Koslowitz, Levin, Rodriguez, Vallone, Palma, Lancman, Ferreras-Copeland, Koo, Rose, Espinal, Cumbo, Miller, Crowley, Torres, Menchaca, Rosenthal and Williams.

**Whereas**, The 2000 United States Census (“Census”) was the first census to allow individuals to record their race using more than one category; that year, more than 2.4 percent of the population selected a multiracial identity; and

**Whereas**, By the 2010 Census, the number of people identifying as more than one race grew 32 percent, accounting for 9 million people nationwide; and

**Whereas**, Between the 2000 Census and the 2010 Census, individuals of two or more races grew at a faster rate than any group identifying with a single race; and

**Whereas**, According to the United States Census Bureau, approximately 2.2 percent of the population of New York State and 2.3 percent of the population of the United States identify as belonging to two or more races; and

**Whereas**, Additionally, a 2012 Pew Research report found that interracial marriages have increased significantly over the past three decades, accounting for 5.7 percent of new marriages in 1980 and 15 percent in 2010; and

**Whereas**, Despite a growing population of people who identify as being multiracial, forms at the federal and state levels do not always reflect the realities of these demographic trends; and

**Whereas**, The Federal Bureau of Investigation’s fingerprinting form, for example, is coded in such a way that only one of five different demographic categories can be entered: Asian or Pacific Islander, Black, American Indian or Alaskan Native, Unknown, and White; and

**Whereas**, Employees in the United States Army and Air National Guard wishing to file a complaint alleging racial discrimination are similarly limited, able only to identify their race as Black, White, American Indian/Alaskan Native or Asian Pacific Islander, with no indication that selecting more than one race is permitted; and

**Whereas**, At the state level, minority businesses applying for certification as Minority and Women-Owned Business Enterprises are only able to select one of the following categories: Black, Hispanic, Asian-Pacific, Asian-Indian Subcontinent and Native American; and

**Whereas**, It is unfair to ask people that belong to more than one racial demographic to choose only the race selections provided on government documents, essentially forcing them to misrepresent themselves; and

**Whereas**, Failure to include multiracial identifiers on state and federal forms can also have broader consequences, as it produces an inaccurate picture of the state’s and the country’s racial diversity; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the state and federal governments to amend their official forms and databases to accommodate multiracial identification in all instances where racial identification is required.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, October 11, 2016. *Other Council Members Attending: Council Member Dromm*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res No. 1230

**Report of the Committee on Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving a Resolution declaring support for Muslim communities, affirming the religious pluralism of the United States, and urging all residents to stand together for peace and understanding.**

The Committee on Cultural Affairs, Libraries and International Intergroup Relations to which the annexed resolution was referred on September 28, 2016 (Minutes, page 3217), respectfully

### **REPORTS:**

#### **Introduction**

On October 11, 2016, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member James Van Bramer, will hold a hearing on Res. No. 1230, a resolution declaring support for Muslim communities, affirming the religious pluralism of the United States, and urging all residents to stand together for peace and understanding. Faith-based organizations, community-based organizations, advocacy groups, religious leaders, and clergy members are invited to testify.

#### **Res. No. 1230**

Res. No. 1230 would recognize that Muslims are a part of our society and, inspired by their faith and dedication to American ideals, give back every day as military personnel, police officers, doctors, nurses, caregivers, teachers, students, and in many other roles contributing to the success of the United States and the City of New York. Res. No. 1230 would also state that our nation's founding documents emphasize the freedom of religion and a society that embraces religious pluralism.

Res. No. 1230 would indicate the City of New York values the many different cultures, religions, and traditions that our residents embrace. Res. No. 1230 would also indicate that Muslims, both native born and immigrant, represent an increasingly important thread in the tapestry of American society. Res. No. 1230 would further note that throughout history, the U.S. has welcome wave after wave of immigrants and refugees who add enormous value to the economic and cultural life of our nation.

Res. No. 1230 would acknowledge that, presently, anti-Muslim, Islamophobia rhetoric has increased in the national discourse and rates of hate violence targeting Muslim families and children are at record highs across our nation, which is detrimental to all people who cherish freedom and liberty. Res. No. 1230 would further state that some of the darkest moments in our nation and our City's history have emerged from similar climates of fear. Res. No. 1230 would indicate that hateful rhetoric only enables extremist ideologies to flourish in the dark corners of global society.

Res. No. 1230 would indicate that the City of New York finds anti-Muslim, Islamophobic rhetoric and hate violence to be against American principles of religious freedom and fairness and contrary to the vision we hold as a nation that welcomes all people. Res. No. 1230 would also state that all of New York City's residents deserve to live in a safe environment free of hate and discrimination. Res. No. 1230 would state that the City of New York wishes to extend the traditional Islamic greeting of Al Salam Alaikum (peace be upon you) to all of its Muslim residents and visitors.

Finally Res. No. 1230 would note the Council of the City of New York declares support for Muslim communities, affirms the religious pluralism of the United States, and urges all residents to stand together for peace and tolerance.

*Accordingly, this Committee recommends its adoption.*

#### **(The following is the text of Res No. 1230:)**

Res. No. 1230

**Resolution declaring support for Muslim communities, affirming the religious pluralism of the United States, and urging all residents to stand together for peace and understanding.**

By Council Members Miller, Wills, Lander, Menchaca, Levine, Barron, Richards, Cornegy, Palma, Dickens, Greenfield, Chin, Constantinides, Levin, Gibson, Rosenthal, Reynoso, Torres, Koslowitz, Grodenchik, Rodriguez, Koo, King, Cumbo, Williams, Treyger, Lancman, Espinal, Ferreras-Copeland, Rose, Van Bramer, Mendez and Kallos

**Whereas**, Muslims are part of our society and, inspired by their faith and dedication to American ideals, give back every day as military personnel, police officers, doctors, nurses, caregivers, teachers, students, and in many other roles contributing to the success of the United States and the City of New York; and

**Whereas**, Our nation's founding documents emphasize the freedom of religion and a society that embraces religious pluralism; and

**Whereas**, The City of New York values the many different cultures, religions and traditions that our residents embrace; and

**Whereas**, The City of New York continues to work toward a more inclusive society and welcomes cultural, ethnic and religious diversity; and

**Whereas**, Muslims, both native born and immigrant, represent an increasingly important thread in the tapestry of American society; and

**Whereas**, Throughout history, the U.S. has welcomed wave after wave of immigrants and refugees who add enormous value to the economic and cultural life of our nation; and

**Whereas**, Presently, anti-Muslim, Islamophobic rhetoric has increased in the national discourse and rates of hate violence targeting Muslim families and children are at record highs across our nation, which is detrimental to all people who cherish freedom and liberty; and

**Whereas**, Some of the darkest moments in our nation and our City's history have emerged from similar climates of fear; and

**Whereas**, Hateful rhetoric only enables extremist ideologies to flourish in the dark corners of global society; and

**Whereas**, The City of New York finds anti-Muslim, Islamophobic rhetoric and hate violence to be against American principles of religious freedom and fairness and contrary to the vision we hold as a nation that welcomes all people; and

**Whereas**, All of New York City's residents deserve to live in a safe environment free of hate and discrimination; and

**Whereas**, The City of New York wishes to extend the traditional Islamic greeting of Al Salam Alaikum (peace be upon you) to all of its Muslim residents and visitors; now, therefore, be it

**Resolved**, That the Council of the City of New York declares support for Muslim communities, affirms the religious pluralism of the United States, and urges all residents to stand together for peace and understanding.

JAMES G. VAN BRAMER, *Chairperson*; ELIZABETH S. CROWLEY, JULISSA FERRERAS-COPELAND, PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, COSTA G. CONSTANTINIDES, LAURIE A. CUMBO, HELEN K. ROSENTHAL. Committee on Cultural Affairs, Libraries and International Intergroup Relations, October 11, 2016. *Other Council Members Attending: Council Members Lander and Miller.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res No. 1231

**Report of the Committee on Public Housing in favor of approving a Resolution declaring support for Muslim communities, affirming the religious pluralism of the United States, and urging all residents to stand together for peace and understanding.**

The Committee on Public Housing, to which the annexed resolution was referred on September 28, 2016 (Minutes, page 3220), respectfully

## REPORTS:

### **I. Introduction**

On October 11, 2016, the Committee on Public Housing, chaired by Council Member Ritchie Torres, will hold a hearing for the purposes of conducting a vote on Res. No. 1231, a resolution calling on the U.S. Department of Housing and Urban Development to exclude New York City, and other cities with a housing vacancy rate below 5%, from the Proposed Rule on Small Area Fair Market Rents. The Committee previously heard Res. No. 1231 on October 5, 2016.

### **II. Background on the Housing Choice Voucher Program in New York City**

The Housing Choice Voucher (“HCV”) program, also known as the Section 8 program, is a federal program for helping very low-income families, the elderly, and the disabled afford decent, safe, and sanitary housing.<sup>1</sup> The program, created by the Housing and Community Development Act of 1974, is funded by HUD and administered by local housing authorities. In New York City, the two local housing authorities that administer the HCV program are NYCHA and HPD.<sup>23</sup>

NYCHA currently administers approximately 85,236 HCV vouchers.<sup>4</sup> The average household income for a NYCHA HCV tenant is \$15,803.<sup>5</sup> On average, a NYCHA HCV tenant pays a rent of \$360, which is their share of the contract rent. There are currently 147,033 families on the waiting list for NYCHA’s HCV program.<sup>6</sup>

HPD administers approximately 38,822 HCV vouchers.<sup>7</sup> The average household income for an HPD HCV tenant is \$16,080.<sup>8</sup> On average, an HPD HCV tenant pays a rent of \$405, which is their share of the contract rent. HPD generally targets its vouchers to very specific populations of New Yorkers, including homeless households and households affected by HPD renovations.<sup>9</sup>

The HCV program has two distinct components: (1) a tenant-based rental subsidy that provides participants with a supplement to their income which allows them to choose any privately owned housing that meets the requirements of the program<sup>10</sup> and (2) project-based assistance for participants who live in specific housing developments or units.<sup>11</sup> The former voucher is attached to a participating tenant and is portable, while the latter voucher is attached to a specific development or unit and is not portable.

A key parameter in operating the HCV program is the Fair Market Rent (“FMR”), which is set annually by HUD for different geographic areas. In general, the FMR for a metropolitan area is “the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities.”<sup>12</sup> FMRs for a metropolitan area represent the 40<sup>th</sup> percentile gross rent for typical, non-luxury, non-substandard rental units occupied by recent movers in a local

<sup>1</sup> See HUD’s Housing Choice Vouchers Fact Sheet, *available at* [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/hcv/about/fact\\_sheet](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/about/fact_sheet).

<sup>2</sup> In addition, the New York State Homes and Community Renewal administers a state-wide Section 8 program, which includes New York City. See HPD’s About Section 8, *available at* <http://www1.nyc.gov/site/hpd/section-8/about-section-8.page>.

<sup>3</sup> NYCHA and HPD may be referred to as “administering agencies” throughout the committee report.

<sup>4</sup> See NYCHA’s Housing Choice Voucher Program Demographics Report (last updated July 5, 2016), *available at* <https://www1.nyc.gov/assets/nycha/downloads/pdf/demographics-report.pdf>.

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

<sup>6</sup> See NYCHA’s Fact Sheet (last updated on April 11, 2016), *available at* <https://www1.nyc.gov/assets/nycha/downloads/pdf/factsheet.pdf>.

<sup>7</sup> See HPD’s Section 8 Program Statistics, *available at* <http://www1.nyc.gov/assets/hpd/downloads/pdf/hpd-section-8-program-statistics.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> See HPD’s Administrative Plan at 1-1, *available at* <http://www1.nyc.gov/assets/hpd/downloads/pdf/administrative-plan.pdf>.

<sup>10</sup> See HUD’s Housing Choice Vouchers Fact Sheet, *available at* [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/hcv/about/fact\\_sheet](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/about/fact_sheet).

<sup>11</sup> See HUD’s Project Based Voucher Program Fact Sheet, *available at* <http://portal.hud.gov/hudportal/HUD?src=/hudprograms/projectbased>.

<sup>12</sup> See Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs, 81 Fed. Reg. 39218 (proposed June 16, 2016) (to be codified at 24 CFR Parts 888, 982, 983, and 985).

housing market.<sup>13</sup> For the current fiscal year, Fiscal Year 2017, the FMRs for the NY HUD Metro FMR Area, which includes New York City,<sup>14</sup> are as follows:<sup>15</sup>

<b>Final FY 2017 &amp; Final FY 2016 FMRs By Unit Bedrooms</b>					
<b>Year</b>	<b><u>Efficiency</u></b>	<b><u>One-Bedroom</u></b>	<b><u>Two-Bedroom</u></b>	<b><u>Three-Bedroom</u></b>	<b><u>Four-Bedroom</u></b>
Final FY 2017 FMR	\$1,352	\$1,419	\$1,637	\$2,102	\$2,267
<u>Final FY 2016 FMR</u>	\$1,293	\$1,357	\$1,571	\$2,021	\$2,224
Percentage Change	4.6%	4.6%	4.2%	4.0%	1.9%

In the HCV program, the FMR is the basis for determining the “payment standard amount” set by an administering agency to calculate the maximum monthly subsidy for a voucher household.<sup>16</sup> Administering agencies may establish payment standards between 90 and 110% of the FMR.<sup>17</sup> The subsidized portion of the rent provided by HUD is equal to the difference between the payment standard and the tenant’s contribution, which is generally 30% of their household income.<sup>18</sup> Participants may choose to live in a unit with a gross rent that is higher than the payment standard, but must pay the full cost of the difference between the gross rent and the payment standard in addition to their initial contribution.<sup>19</sup> On average, NYCHA’s share of a HCV program participant’s rent is \$995 and HPD’s share of a HCV participant’s rent is \$971. NYCHA’s and HPD’s current payment standards are as follows:

<sup>13</sup> *Id.*

<sup>14</sup> The New York, NY HUD Metro FMR Area consists of the following counties: Bronx County, NY; Kings County, NY; New York County, NY; Putnam County, NY; Queens County, NY; Richmond County, NY; and Rockland County, NY. *See* HUD Final FY 2017 New York, NY HUD Metro FMR Area FMRs for All Bedroom Sizes, *available at* <https://www.huduser.gov/portal/datasets/fmr/fmrs/docsys.html?data=fmr17>.

<sup>15</sup> *See* HUD’s Fair Market Rents for FY2017 *available at* <https://www.huduser.gov/portal/datasets/fmr.html>.

<sup>16</sup> *See* Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs, 81 Fed. Reg. 39218 (proposed June 16, 2016) (to be codified at 24 CFR Parts 888, 982, 983, and 985); *see also* 24 CFR 982.503.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

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

### NYCHA's Payment Standards<sup>20</sup>

Bedroom Size	Payment Standards (\$)
0 (Studio Unit)	\$1,396
1	\$1,466
2	\$1,697
3	\$2,183
4	\$2,402
5	\$2,763
6	\$3,122
7	\$3,483
8	\$3,843

### HPD's Payment Standards<sup>21</sup>

Family Size	Subsidy Standards	Payment Standards
1	1	\$1,047 (SRO), \$1,396 (Studio); \$1,466 (1 Bedroom)
2	1	\$1,466
3 or 4	2	\$1,697
5 or 6	3	\$2,183
7 or 8	4	\$2,402

### III. HUD's Proposed SAFMR Rule

On June 16, 2016, HUD published a Notice of Proposed Rulemaking ("Proposed Rule") titled "Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing

<sup>20</sup> See NYCHA's Voucher Payment Standards and Utility Standards available at <https://www1.nyc.gov/site/nycha/section-8/voucher-payment-standards-vps-utility-allowance-schedule.page>.

<sup>21</sup> See HPD's Subsidy and Payment Standards available at <http://www1.nyc.gov/site/hpd/section-8/subsidy-and-payment-standards.page>.

Choice Voucher Program Instead of the Current 50th Percentile FMRs (FR-5855-P-02),” which proposes repealing the current FMR regulation and replacing it with a regulation based on Small Area Fair Market Rents (“SAFMRs”).<sup>22</sup> Comments on the Proposed Rule were due August 15, 2016.<sup>23</sup> HUD hopes to release a final rule in 2016 but has not disclosed an exact date.<sup>24</sup>

The stated purpose of the Proposed Rule is to “establish a more effective means for HCV tenants to move into areas of higher opportunity and lower poverty by providing the tenants with a subsidy adequate to make such areas accessible and, consequently, help reduce the number of voucher families that reside in areas of high poverty concentration.”<sup>25</sup> Subsidy for HUD’s HCV program is currently determined by the FMR for an entire metropolitan area. However, rents can vary widely within a metropolitan area. The result of determining rents on the basis of an entire metropolitan area is that a voucher subsidy may be too high or may be too low to cover the actual market rent in a given neighborhood.<sup>26</sup> HUD’s current policy for addressing high concentrations of voucher holders raises the level of the FMR from the 40<sup>th</sup> percentile to the 50<sup>th</sup> percentile in the whole FMR area. However, HUD has found that even with the 50<sup>th</sup> percentile regime, the majority of voucher holders use their vouchers in neighborhoods where rents are low but poverty is generally high.<sup>27</sup> Under the Proposed Rule, FMR will be determined on the basis of zip codes, rather than metropolitan area, thus increasing the subsidy in some zip codes where the market rent is higher and lowering it in others where the market rent is lower.<sup>28</sup> According to HUD, zip codes are small enough to reflect neighborhood differences and provide an easier method of comparing rents.<sup>29</sup> HUD has theorized that a higher subsidy in “higher opportunity” zip codes will make those areas accessible and reduce the number of voucher families that reside in areas of high poverty concentration.<sup>30</sup>

HUD has been testing the idea of SAFMRs since 2010, when it announced a demonstration project to determine the effectiveness of FMRs based on zip code.<sup>31</sup> In November 2012, HUD announced that demonstration projects would take place in Cook County, IL; Long Beach, CA; Chattanooga, TN, Mamaroneck, NY; and Laredo, TX.<sup>32</sup> HUD also mandated the use of SAFMRs to settle litigation in Dallas, TX.<sup>33</sup> Although HUD is still awaiting overall evaluation of the demonstrations, HUD has decided to adopt a SAFMR methodology based on encouraging evidence from Dallas, where SAFMRs have been in operation since 2012.<sup>34</sup> Researchers have found that Dallas tenants who have chosen to move have moved to higher opportunity neighborhoods from the lower opportunity neighborhoods.<sup>35</sup> As a first step, HUD published an Advance Notice of Proposed Rulemaking on June 2, 2015, in which HUD announced its intention to amend HUD’s FMR regulations and use SAFMRs.<sup>36</sup>

In the current Proposed Rule, HUD proposes to establish SAFMRs for certain metropolitan areas, using the following criteria to determine which metropolitan areas must implement SAFMRs for their voucher program operations:

1. *Number of vouchers*: there are at least 2,500 vouchers under lease; and

<sup>22</sup> See Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs, 81 Fed. Reg. 39218 (proposed June 16, 2016) (to be codified at 24 CFR Parts 888, 982, 983, and 985).

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

<sup>24</sup> See HUD FAQs Concerning HUD’s Notice of Proposed Rulemaking, available at <https://www.huduser.gov/portal/datasets/fmr/fmr2016p/SAFMR-Proposed-Rule-FAQ.pdf>.

<sup>25</sup> See Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs, 81 Fed. Reg. 39218, 39219 (proposed June 16, 2016) (to be codified at 24 CFR Parts 888, 982, 983, and 985) (hereinafter, the “Proposed Rule”).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 39221.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

2. *Existence of high opportunity neighborhoods*: at least 20% of the rental stock within the metropolitan area is more than 110% of the metropolitan FMR; and
3. *High voucher concentration in low-income areas*: the percentage of voucher holders living in “concentrated low-income areas” relative to all renters within these areas exceeds 155% (or 1.55).<sup>37</sup>

For the purpose of the rule, “concentrated low-income areas” are defined as those census tracts in the metropolitan area with a poverty rate of 25% or more, or any tract in the metropolitan area where at least 50% of the households earn less than 60% of the area median income.<sup>38</sup> Based on this criteria, New York City, along with 30 other cities, including Chicago, Philadelphia, Washington D.C., Atlanta, Oakland, Dallas, San Diego, Tampa, Pittsburgh and San Antonio, would be required to implement SAFMRs for all of its vouchers.<sup>39</sup> The Proposed Rule would apply to all current tenant-based vouchers as well as future project-based vouchers, where the notice of owner selection is made after the effective date of the SAFMR designation.<sup>40</sup>

#### IV. NYCHA and HPD’s Comment on the Proposed SAFMR Rule

On August 15, 2016, NYCHA and HPD submitted comments on the Proposed Rule.<sup>41</sup> In those comments, they expressed concerns about how the Proposed Rule would work in low vacancy, high-cost rental housing markets like New York City. The agencies recommended that the criteria for mandatory use of SAFMRs exclude metropolitan areas with a rental vacancy rate of less than 5%, including New York City, which has a vacancy rate of 3.45%.<sup>42</sup> Specifically, the agencies wrote that they fear that the Proposed Rule is unlikely to result in the desired increased mobility for voucher holders in low vacancy cities, and instead is likely to subject many of them to increased rent burdens. The agencies estimate that up to 55,000 families might see their rent burden increase if SAMFRs are adopted in New York City.<sup>43</sup>

NYCHA and HPD made the following five recommendations for improving the Proposed Rule:

1. “The Agencies recommend that HUD add a vacancy rate to its selection criteria to exclude metropolitan areas with a vacancy rate at or below 5 percent. The rental vacancy rate threshold should be based on the rate in the largest city in the metropolitan area.”
2. “The formula to determine which cities are subject to SAFMR is not sufficiently sensitive to recent changes in many of the neighborhoods identified as Concentrated Low-Income Areas (CLIAs). The Agencies therefore recommend that HUD modify its definition of CLIAs to exclude Qualified Census Tracts that fall within a Public Use Microdata Area (PUMA) that is experiencing significant rent increases.”
3. “The proposed SAFMRs do not accurately reflect the market in a number of New York’s gentrifying neighborhoods, and, if implemented, could exacerbate the challenge of preserving affordability in areas with rapidly rising rents. To address those problems, the Agencies recommend that the formula for setting the FMR at a ZIP code level (ZCTA) include a measure that accounts for recent rent trends in a neighborhood.”
4. “To ensure that Project Based Vouchers (PBVs) continue to be an effective tool for preserving affordability and building new, quality affordable housing, the Agencies recommend excluding all (including future) PBVs from SAFMRs.”
5. “Because we do not think SAFMRs are an effective mobility tool in low-vacancy markets such as New York City, the Agencies urge HUD to allow cities to design a mobility strategy within the current FMR rules that will be most effective within their local rental market context.”<sup>44</sup>

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 39222.

<sup>39</sup> *Id.* at 39230.

<sup>40</sup> *Id.* at 39222.

<sup>41</sup> See Comment Submitted by Jordan Press, New York City HPD and New York City Housing Authority available at <https://www.regulations.gov/document?D=HUD-2016-0063-0078>.

<sup>42</sup> 2014 New York City Housing and Vacancy Survey.

<sup>43</sup> See Comment Submitted by Jordan Press, New York City HPD and New York City Housing Authority available at <https://www.regulations.gov/document?D=HUD-2016-0063-0078>.

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

## V. **Public Comments on the Proposed SAFMR Rule**

The public comment period for the Proposed Rule ended on August 15, 2016.<sup>45</sup> HUD received 120 comments and many of these comments came from New York stakeholders, including property owners, tenant advocates, legal service providers, researchers and elected officials.<sup>46</sup> A number of New York City Council Members, including Speaker Melissa Mark-Viverito and the Chair of the Public Housing Committee, also submitted comments. Some of the consistent themes that emerged centered on: (1) housing costs in New York City; (2) impact on HCV participants and households; (3) impact on neighborhoods; (4) impact on project-based vouchers; and (5) administrative burden due to differing payment standards.<sup>47</sup> Below is summary of the most frequent comments made by various New York stakeholders:

### 1. *Housing costs in New York City*

- It will be difficult to implement SAFMRs because of New York City's low vacancy rate of 3.45%. It is currently difficult to find housing at any rent level in New York City due to the availability of apartments, and it is even more difficult for low-income renters who are looking for affordable housing.
- SAFMRs could cause New York City's homeless population to swell. Many New York City renters already suffer from high rent burdens with over 50% of renter households paying more than 30% of their income towards rent and almost 30% of renter households pay more than 50% of their income towards rent.<sup>48</sup> The SAFMR proposal to decrease the payment standards in low opportunity neighborhoods could increase costs for families who already have a high rent burden, which could cause those families to be evicted or end up homeless if they cannot shoulder the additional costs.
- The proposal to decrease the payment standards in low opportunity neighborhoods would not lead property owners to lower rents in those neighborhoods. Because housing demand in New York City is so high, property owners would be able to replace current voucher tenants very easily.<sup>49</sup>

### 2. *Impact on HCV participants and households*

- Current FMRs do not reflect the real cost of housing in any New York City neighborhood. It is common for current voucher holders to request an extension to the 120-day search period since it is difficult to find an apartment. Although the Proposed Rule would increase the payment standard in high opportunity neighborhoods, it would still be difficult for a voucher holder to obtain an apartment in those neighborhoods because the SAFMR rent would still be too low to cover the market rent.<sup>50</sup>
- The reduction in the payment standard amount for voucher holders in low opportunity neighborhoods would displace families who have achieved housing stability or it would create a higher rent burden for those households.<sup>51</sup>
- The policy would have a negative impact on low-income seniors and the disabled. Over time, many low-income seniors and disabled tenants have developed a network of people who can help them when they need assistance. They were able to create this network since they have stability in their housing. SAFMRs could jeopardize this network since their fixed incomes may not be able to absorb a higher rent and these vulnerable tenants could be forced to relocate.<sup>52</sup>

### 3. *Impact on neighborhoods*

- SAFMRs fail to reflect the current market conditions in New York City. Gentrification is occurring in many neighborhoods that were once considered low-income. Residents with higher

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<sup>45</sup> See Comments on FR-5855-P-02 Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs, *available at* <https://www.regulations.gov/docketBrowser?rpp=25&po=0&dct=PS&D=HUD-2016-0063&refD=HUD-2016-0063-0001>.

<sup>46</sup> *Id.*

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

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

<sup>49</sup> *Id.*

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

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

<sup>52</sup> *Id.*

incomes are relocating to these areas, investments are being made, the neighborhoods are receiving more amenities and the neighborhoods have lower crime rates. Some of these gentrifying neighborhoods would be considered low opportunity neighborhoods under SAFMR, thus potentially forcing low-income voucher households to leave them. HUD should be pursuing policies that encourage low-income residents to remain in these neighborhoods to benefit from the changes.<sup>53</sup>

4. *Impact on project-based vouchers*

- The development of new project-based voucher sites in high opportunity areas would not improve with SAMFRs, despite the increased subsidy, due to high capital costs. SAFMRs could instead lower the amount of affordable housing units that are being built in New York City.<sup>54</sup>

5. *Administrative burden due to differing payment standards*

- The proposed SAFMR regulations would require different payment standards for 188 zip codes in New York City. This would be a confusing scheme that would become a burden for property owners, tenants and administrative agencies.

**VI. Res. No. 1231**

Res. No. 1231 calls on HUD to exclude New York City, and other cities with a housing vacancy rate below 5%, from the Proposed Rule on Small Area Fair Market Rents. Res. No. 1231 states that New York City is home to the largest HCV Program in the country, with approximately 120,000 vouchers collectively administered by NYCHA and HPD. Further, Res. No. 1231 states that New York City is in the midst of a housing crisis, with an overall housing vacancy rate of 3.45%. Res. No. 1231 also states that, due to New York City's low vacancy rate, voucher holders will struggle to find housing in zip codes where the FMR and subsidy will increase under the Proposed Rule and that the Proposed Rule would instead exacerbate New York City's current housing crisis by increasing the rent burden for 55,000 voucher holders who live in zip codes where the FMR and subsidy will decrease. Finally, Res. No. 1231 states that if those 55,000 voucher holders who see their rent burden increase are unable to shoulder the burden of paying additional rent, they could lose their vouchers, be evicted or end up homeless, adding strain to New York City's shelter system.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 1231:)**

Res. No. 1231

**Resolution calling on the U.S. Department of Housing and Urban Development to exclude New York City, and other cities with a housing vacancy rate below 5%, from the Proposed Rule on Small Area Fair Market Rents.**

By Council Members Torres, Williams, Barron, Palma, Lander, Dickens, Richards, Chin, Rosenthal, Treyger, Wills and Kallos.

**Whereas**, On June 16, 2016, the U.S. Department of Housing and Urban Development (“HUD”) released a Notice of Proposed Rulemaking regarding the use of Small Area Fair Market Rents (“SAFMRs”) in certain metropolitan areas for the Housing Choice Voucher Program (the “Proposed Rule”); and

**Whereas**, The stated goals of the Proposed Rule are to establish a more effective means for voucher holders to move into areas of higher opportunity and lower poverty by providing the tenants with a subsidy adequate to make such areas accessible and, consequently, help reduce the number of voucher families that reside in areas of high poverty concentration; and

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<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

**Whereas**, The Proposed Rule would set the Fair Market Rent (“FMR”) for certain metropolitan areas at the zip code level as opposed to at the current metropolitan area-wide level, which would increase the FMR and subsidy for certain zip codes and decrease the FMR and subsidy for other zip codes; and

**Whereas**, New York City would be required to implement SAFMRs under the Proposed Rule; and

**Whereas**, New York City is home to the largest Housing Choice Voucher Program in the country, with approximately 120,000 vouchers collectively administered by the New York City Housing Authority (“NYCHA”) and the Department of Housing Preservation and Development (“HPD”); and

**Whereas**, New York City is in the midst of a housing crisis, with an overall housing vacancy rate of 3.45%; and

**Whereas**, Due to New York City’s low vacancy rate, voucher holders will struggle to find housing in zip codes where the FMR and subsidy will increase under the Proposed Rule; and

**Whereas**, The Proposed Rule would instead exacerbate New York City’s current housing crisis by increasing the rent burden for 55,000 voucher holders who live in zip codes where the FMR and subsidy will decrease; and

**Whereas**, If those 55,000 voucher holders are unable to shoulder the burden of paying additional rent, they could lose their vouchers, be evicted or end up homeless, adding strain to New York City’s shelter system; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the U.S. Department of Housing and Urban Development to exclude New York City, and other cities with a housing vacancy rate below 5%, from the Proposed Rule on Small Area Fair Market Rents.

RITCHIE J. TORRES, *Chairperson*; ROSIE MENDEZ, JAMES G. VAN BRAMER, DONOVAN J. RICHARDS, VANESSA L. GIBSON, LAURIE A. CUMBO; Committee on Public Housing, October 11, 2016. *Other Council Members Attending: Williams, Wills, Dromm and Rosenthal.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

**INTRODUCTION AND READING OF BILLS**

Int. No. 1291

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to city planning commission permits in Special Natural Area Districts**

*Be it enacted by the Council as follows:*

Section 1. Title 25 of the administrative code of the city of New York is amended by adding a new section 25-114 to read as follows:

*§ 25-114 Authorization of natural features alteration in Special Natural Area Districts. a. As used in this section, the following terms have the following meanings:*

*Commission. The term "commission" means the city planning commission.*

*Special Natural Area District. The term "Special Natural Area District" means an area of the city defined as a Special Natural Area District pursuant to chapter 5 of article 10 of the zoning resolution.*

*b. An owner of property within a Special Natural Area District, upon receiving a certification, authorization or special permit from the commission or its chairperson pursuant to the provisions of chapter 5 of article 10 of the zoning resolution, shall post such certification, authorization or special permit on the property:*

*1. In a location that is reasonably visible at the main point of entry to the property, in a manner and form to be determined by the director of city planning;*

*2. Promptly after its issuance by the commission or its chairperson; and*

*3. Until the completion of construction as determined by the department of buildings.*

*c. The commission shall forward by regular mail or email within five business days of issuance any certification, authorization or special permit pertaining to a Special Natural Area District, along with the accompanying plan, to the relevant community board.*

*d. The department of city planning shall post the requirements of this chapter on its website.*

*e. The department of buildings shall enforce the provisions of subdivision b of this section.*

*§ 2. This local law takes effect 90 days after it becomes law, except that the department of city planning, the commission and the department of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, before its effective date.*

Referred to the Committee on Land Use.

Res. No. 1244

By Council Members Cohen, Rosenthal, Lander, Levine, Wills, Dickens, Cabrera, Rose, Salamanca, Maisel, Palma, Mealy, Koslowitz, Levin, King, Kallos, Johnson and Totrres.

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation prohibiting marriage under the age of 18, without exceptions.**

**Whereas**, New York's Domestic Relations Law allows 16 and 17 year olds to marry if they have parental consent, with no process to ensure that a child has not been coerced; and

**Whereas**, Further, New York's Domestic Relations Law allows 14 and 15 year olds to marry if they have judicial approval in addition to parental consent, including in cases where the age difference between parties would otherwise be classified as statutory rape; and

**Whereas**, UNICEF calls marriage before the age of 18 “a fundamental violation of human rights,” because it puts girls at risk of exploitation and positions them to face a lifetime of disadvantage, including increased rates of dropping out of school, experiencing domestic violence, and dying from complications in pregnancy and childbirth; and

**Whereas**, A 2010 study on early marriage in the United States, “Early Teen Marriage and Future Poverty,” found that a woman who marries young is 31% more likely to live in poverty later in life; and

**Whereas**, A 2011 study, “Child Marriage in the United States and Its Association with Mental Health in Women,” found that women who marry before age 18 experience higher rates of psychiatric disorders than women who marry as adults; and

**Whereas**, The divorce rate is between 70 and 80 percent for marriages entered under the age of 18; and

**Whereas**, The current legal concept of parental consent fails to account for the emotional and social capacities necessary to understand the consequences of the decision to marry, which a child developmentally lacks; and

**Whereas**, The societal and familial pressure to marry underage due to an out-of-wedlock pregnancy is no longer as stigmatizing as it once was, and support exists outside of marriage for minors in that situation; and

**Whereas**, Data compiled by Unchained at Last, an advocacy group against coerced marriage, show that 3,853 minors were married in New York between 2000 and 2010; and

**Whereas**, Many states prohibit marriage under the age of 18, although every state allows exceptions, including New York; and

**Whereas**, In addition to New York, other states have recently made progress in restricting or banning child marriage, with similar bills having been introduced in Maryland and New Jersey; and

**Whereas**, In Virginia, a law went into effect in July 2016, setting the minimum age for marriage at 18, or 16 if a child has been legally emancipated, removing the previous exceptions for children as young as 13 to marry if they had parental consent and were pregnant; and

**Whereas**, In November 2015, New York State Assembly Member Amy Paulin introduced A. 8563, legislation to prohibit marriage under the age of 18, without exceptions; and

**Whereas**, Raising the age of consent for marriage to 18 would protect children from possible exploitation and lower the chances they would face a lifetime of negative economic, social, and health consequences; now, therefore, be it

**Resolved**, That the Council of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation prohibiting marriage under the age of 18, without exceptions.

Referred to the Committee on State and Federal Legislation.

Int. No. 1292

By Council Members Constantinides, Rosenthal and Gentile.

**A Local Law to amend the New York city charter, in relation to requiring city agencies to accept procurement invoices electronically**

*Be it enacted by the Council as follows:*

Section 1. Section 332 of the New York city charter, as amended by local law 20 for the year 2004, is amended to read as follows:

§ 332. *Payments procedure. a. Mandatory electronic voucher and invoice processing. All city agencies and departments shall accept vouchers and invoices solely by electronic means.*

*b. The procurement policy board shall promulgate rules for the electronic and expeditious processing of payment vouchers and invoices by city agencies and departments including (i) the maximum amount of time allowed for the processing and payment of such vouchers and invoices from the later of (a) the date such vouchers and invoices are received by the agency, or (b) the date on which the goods, services or construction*

to which the voucher *or invoice* relates have been received and accepted by the agency, (ii) a program for the payment of interest, at a uniform rate, to vendors on vouchers *or invoices* not paid within the maximum amount of time pursuant to clause i of this subdivision, (iii) a process for the allocation and charging of any such interest payments to the budget of the agency responsible for the delay leading to the interest payments and (iv) agency reporting on the promptness of such payments in such form and containing such information as the board shall prescribe. The board shall coordinate and publish such agency prompt payment reports.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Contracts.

Res. No. 1245

**Resolution calling on the United States Congress to pass and the President to sign bill S.3074, the Climate Change Education Act.**

By Council Members Constantinides, Palma, Richards and Rosenthal.

**Whereas**, The consensus among the overwhelming majority of scientists, internationally, is that climate change is occurring at a rapid rate and the current trend of warming in Earth's climate system is unprecedented; and

**Whereas**, The increasing concentration of greenhouse gases in Earth's atmosphere is a main cause of climate change; and

**Whereas**, The principal human activity contributing to climate change and global warming is the emission of greenhouse gases by burning fossil fuels for power; and

**Whereas**, According to the United States Environmental Protection Agency (EPA), the future rate and magnitude of climate change will depend on the rate at which greenhouse gas concentrations in Earth's atmosphere continue to increase; and

**Whereas**, Climate change is impacting New York City's public health, critical infrastructure, communities, vulnerable populations, natural systems, buildings and economy, and these impacts will worsen in the future; and

**Whereas**, Impacts that are anticipated by experts such as the Intergovernmental Panel on Climate Change, the National Academy of Sciences, the EPA, the New York State Energy Research and Development Authority, and the New York City Mayor's Office of Long-Term Planning and Sustainability include severe weather such as droughts and hurricanes, human health impacts, environmental justice impacts, economic impacts, damage to infrastructure, sea level rise, changes to coastlines and coastal wetlands, disruption of ecosystems and loss of biodiversity; and

**Whereas**, In order to mitigate the extent and impacts of climate change, local, national and global societies must change their economic and social behaviors, and in order to change behaviors societies must be informed about and educated on the connection between human activities and climate change, possible consequences and potential solutions; and

**Whereas**, According to a 2014 study by the Yale Project on Climate Change Communication and the George Mason Center for Climate Change Communication only 63% of Americans believe global warming is happening; 35% believe global warming is caused mostly by natural phenomena rather than human activities; 48% are not worried about global warming; 57% believe global warming is not currently harming people in the United States and it will not for at least 25 years, if ever; and 26% believe global warming will cause little or no harm to future generations; and

**Whereas**, The National Center for Science Education has stated that the science of climate change should be taught in formal and informal educational settings in order to inform future citizens to make science-based decisions on the causes, effects and solutions to climate change; and

**Whereas**, In 2013, a consortium of 26 states, the National Science Teachers Association, the American

Association for the Advancement of Science, the National Research Council and Achieve released the Next Generation Science Standards (NGSS), which are new guidelines for what the science content in educational curricula for students in grades kindergarten through 12 should include, and these guidelines include climate change education beginning in middle school; and

**Whereas**, So far 16 states have adopted the NGSS, but New York is not one of them; and

**Whereas**, In New York, the State Education Department (SED) is responsible for setting standards for what all students should know and be able to do as a result of skilled instruction, and in 2016, the Council adopted Resolution 375 calling upon the SED to include lessons on climate change in curricula for students in grades kindergarten through 12; and

**Whereas**, Bill S.3074 sponsored by Senator Edward Markey, the Climate Change Education Act, has been introduced in the United States Senate and, if enacted into law, it would declare that the evidence for human-induced climate change is overwhelming and undeniable, and would require the National Oceanic and Atmospheric Administration (NOAA) to establish a Climate Change Education Program to broaden the understanding of human-induced climate change, possible consequences, and potential solutions; apply the latest scientific and technological discoveries to provide learning opportunities to people of all ages; conduct a national information campaign to educate people and promote implementation of new technologies, programs, and incentives related to energy conservation, renewable energy, and greenhouse gas reduction; and inform the public of climate change's impacts on human health and safety; and

**Whereas**, The Climate Change Education Act would also require NOAA to establish a grant program for climate change education; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign bill S.3074, the Climate Change Education Act.

Referred to the Committee on Environmental Protection.

Int. No. 1293

By Council Members Cornegy, Barron, Richards, Rodriguez, Johnson, Van Bramer, Salamanca, Miller and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to registration of commercial leases**

*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-707.1 to read as follows:

*§ 11-707.1 Registration of commercial leases by owner. a. No later than one year after the effective date of the local law adding this section, and in each year thereafter according to a schedule that shall be established by rule of the department of finance, every landlord of taxable premises shall submit to such department a registration statement containing, at a minimum, the following information:*

- 1. An identification of such premises by block and lot number and by street address;*
- 2. The tax identification number of such premises;*
- 3. The floor area of such premises;*
- 4. The name, address, electronic mail address and telephone number of such landlord or the managing agent thereof, if any;*
- 5. A statement indicating whether such premises are being leased or rented to a tenant on the submission date;*
- 6. If such premises are being leased or rented to a tenant on the submission date, a copy of the lease or agreement governing such lease or rental and a statement indicating the following:*
  - (a) The duration of such lease or agreement;*

*(b) The average monthly rent charged for such premises during the twelve months preceding the submission date and a statement as to whether rent is owed annually, quarterly, monthly or otherwise and whether the rent for such premises is calculated based in whole or in part upon the revenue or financial condition of the tenant;*

*(c) Whether rent is owed annually, quarterly, monthly or otherwise and, if otherwise, the frequency that rent is owed;*

*(d) Whether the landlord or tenant bears responsibility for property taxes for such premises under such lease or agreement;*

*(e) Whether the landlord or tenant bears responsibility for maintenance of such premises under such lease or agreement; and*

*(f) A listing of costs for such premises, other than those set forth in subparagraphs d and e of this paragraph, for which the tenant bears responsibility under such lease or agreement.*

*b. Such registration statements shall be filed on forms prescribed by the department of finance and shall be accompanied by an appropriate filing fee as determined by rule of the department of finance, provided that no filing fee shall be required for any premises owned by any a charitable corporation, as defined in section 102 of the not-for-profit corporation law or any federal, state or local government agency.*

*c. No later than two years after the effective date of the local law adding this section, and in each year thereafter, the commissioner of finance shall submit to the mayor, the speaker of the council and the comptroller, and make publicly available online, a report of the following information, at a minimum, based upon registrations filed during the previous year, citywide and disaggregated by business improvement district:*

*1. The number of taxable premises reported as being leased or rented to a tenant and for such premises:*

*(a) The median and average rent reported for such premises;*

*(b) The median and average rent per square foot of floor area for such premises;*

*(c) The number and percentage of such premises for which rent is owed on annual basis;*

*(d) The number and percentage of such premises for which rent is owed on a quarterly basis;*

*(e) The number and percentage of such premises for which rent is owed on a monthly basis;*

*(f) The number and percentage of such premises for which rent is owed on a basis other annually, quarterly or monthly;*

*(g) The number and percentage of such premises for which the tenant bears responsibility for property taxes for the subject premises;*

*(h) The number and percentage of such premises for which the tenant bears responsibility for maintenance of the subject premises;*

*2. The number of taxable premises reported as not being leased or rented to a tenant and for such premises:*

*3. Recommendations for expanding or restricting the information required on registrations; and*

*4. The five most common costs listed on such registrations in response to subparagraph f of paragraph 1 of subdivision b of this section.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of finance shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1294

By Council Members Crowley, Palma, Barron, Richards and Eugene.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the use and type of smoke detectors and smoke alarms in fire-related deaths**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-131 to read as follows:

*§ 15-131 Report on smoke detectors and smoke alarms in fire-related deaths. a. No later than 60 days from January 1 of each year, beginning in 2017, the department shall submit to the mayor and the council, and post on the department's website, a report indicating whether it was possible to ascertain whether a smoke detector or alarm was present for all civilian fire fatalities. If a smoke detector or alarm was present, such report shall indicate the technology used by such smoke detector or alarm and whether such smoke detector or alarm was operational. Such report may also include any other information the department determines is relevant in determining the role of smoke detectors or alarms in any civilian fire fatality.*

*b. The department shall ascertain from the office of the chief medical examiner the cause of death for any civilian fire fatality, as defined by such office. The report required by subdivision a of this section shall be disaggregated by each type of such cause.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1295

By Council Members Cumbo, Van Bramer, Levin, Palma, Barron and Vacca.

**A Local Law to amend the New York city charter, in relation to requiring the department of cultural affairs to report on percent for art projects**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 224 of the New York city charter is amended to read as follows:

a. [As used in] *For purposes of this section:*

*Artist demographic background. The term "artist demographic background" includes age, gender, race and any other information the department deems relevant, as determined by an optional questionnaire provided by the department of cultural affairs to the artist.*

*Design agency. The term "design agency" means the agency responsible for managing the capital construction project through which a work of art will be commissioned pursuant to this section.*

*Sponsor agency. The term "sponsor agency" means the agency whose capital construction project will include a work of art pursuant to this section.*

*Works of art. [the]The term "works of art" includes all forms of the visual and performing arts conceived in any medium, material or combination thereof.*

§2. Section 224 of the New York city charter is amended to add a new subdivision f to read as follows:

*f. Not later than July 1, 2017 and on or before July 1 annually thereafter, the department of cultural affairs shall submit to the speaker of the council and post on the department's website a report listing all works of art administered pursuant to this section. The report shall be disaggregated by council district and borough, and shall include information on each work of art including, but not limited to, the name of the work of art, the name of the artist, artist demographic background, project completion date, medium, dimensions, location of work of art, sponsor agency, and design agency.*

§3. This local law takes effect immediately after it becomes law.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1296

By Council Members Cumbo, Van Bramer, Palma, Barron and Vacca.

**A Local Law to amend the New York city charter, in relation to the percent for art program**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b and c of section 224 of the New York city charter, *subdivision b as added by local law number 65 for the year 1982 and subdivision c as amended by a vote of the people at the general election of 1989*, are amended to read as follows:

b. Works of art shall be provided for each capital project which involves the construction or the substantial reconstruction of a city-owned public building or structure the intended use of which requires that it be accessible to the public generally or to members of the public participating in, requiring or receiving programs, services or benefits provided thereat. [For the purposes of this section a police precinct house and a firehouse shall be deemed to be such buildings.]

c. An amount not less than one [per cent] *percent* of the first [twenty] *fifty* million dollars and one-half of one [per cent] *percent* of any amount in excess of twenty million dollars of capital funds appropriated by the city for each such capital project, other than funds appropriated for the acquisition of real property, shall be allocated for works of art; provided, however, that this section shall in no case require, *but shall not prohibit*, the expenditure of more than [four] *nine* hundred thousand dollars for works of art for any capital project; nor more than [the sum of one and one-half million dollars] *ten million dollars* for *all* works of art in any fiscal year. The mayor may exempt a capital project from the provisions of this section if in [his] *the mayor's sole* judgment the inclusion of works of art as provided hereby would be inappropriate.

§2. This local law takes effect one year after it becomes law.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1297

By Council Members Cumbo, Van Bramer, Levin, Palma, Barron and Vacca.

**A Local Law to amend the New York city charter, in relation to outreach and education regarding public art opportunities**

*Be it enacted by the Council as follows:*

Section 1. Section 224 of the New York city charter, as amended by local law number 52 for the year 2015, is amended to read as follows:

*e. The department of cultural affairs shall engage in outreach and education efforts regarding the opportunity to submit works of art for consideration in capital projects as provided for by this section. Such outreach and education shall include, but not be limited to, annual information sessions in each borough that shall be open to the public and the development of written materials containing information about how to register for the percent for art image registry and a description of the selection process for artwork included in such projects. The department shall make such written materials available to arts and cultural organizations, including community-based organizations, colleges and universities, and any other entities deemed appropriate by the department. The written materials developed pursuant to this subdivision shall be made available in English and in the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning. On or before June 30 of two thousand sixteen and each year thereafter, the department shall submit to the council an annual report containing a description and list of community outreach efforts required by this subdivision during the preceding calendar year.*

[e]f. The mayor shall adopt rules and regulations to implement the provisions of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1298

By Council Members Deutsch, King, Palma, Lancman, Gentile, Cabrera, Salamanca, Maisel, Vacca, Koslowitz and Johnson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to remove fallen tree limbs, branches and vegetation that obstruct streets and sidewalks as a result of inclement weather**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

*§ 16-143 Removal of fallen tree limbs, branches and vegetation after inclement weather. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Inclement weather. The term “inclement weather” includes but is not limited to rain, sleet, ice, snow, wind, or extreme heat and cold.*

*Tree. The term “tree” has the same meaning as in section 18-103.*

*Vegetation. The term “vegetation” has the same meaning as in section 18-103.*

*b. The department shall assist the department of parks and recreation in removing fallen tree limbs, branches and vegetation that obstruct sidewalks, streets and parking spaces within 72 hours of discovery after inclement weather, such as through the department of sanitation discovering the fallen tree limbs, branches and vegetation or through a 311 call, although such assistance shall not take precedence over the department of sanitation’s core duties.*

*c. The department is not responsible for removing downed trees or vegetation, or any portion thereof, if such removal requires specialized equipment such as cutting tools, ropes or cranes.*

*d. This section does not interfere with the commissioner of parks and recreation’s jurisdiction or responsibilities over trees and vegetation pursuant to section 18-104.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1299

By Council Members Espinal, Palma and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to certificate of authority to collect state sales tax as required for mobile food vendors**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 4 of subdivision b of section 17-309 of the administrative code of the city of New York is amended to read as follows:

4. [Proof]*In applications for a permit only, proof* that the applicant has obtained a certificate of authority to collect sales taxes pursuant to section eleven hundred thirty-four of the tax law and has a tax clearance certificate from the state tax commission of the state of New York.

§ 2. This law shall take effect 120 days after its enactment.

Referred to the Committee on Consumer Affairs.

Res. No. 1246

**Resolution calling on the United States Congress and New York State Legislature to deploy resources for the prevention of Zika in the Caribbean.**

By Council Members Eugene, Palma, Barron, Richards and Rosenthal.

**Whereas**, Zika is a virus that can be transmitted through mosquito bites, from a pregnant woman to her fetus, sex, and possibly through blood transfusions; and

**Whereas**, Many people infected with Zika virus will not display any symptoms or will only have mild symptoms; and

**Whereas**, The most common symptoms of Zika are fever, rash, joint pain, and conjunctivitis; and

**Whereas**, Zika infection during pregnancy can cause a birth defect of the brain called microcephaly and other severe fetal brain defects; and

**Whereas**, Zika has also been linked to defects of the eye, hearing deficits, and impaired growth in fetuses and infants, as well as Guillain-Barré syndrome, an uncommon sickness of the nervous system that can cause paralysis; and

**Whereas**, Zika virus was first discovered in 1947 and is named after the Zika Forest in Uganda; and

**Whereas**, In 1952, the first human cases of Zika were detected and since then, outbreaks of Zika have been reported in tropical Africa, Southeast Asia, and the Pacific Islands; and

**Whereas**, The symptoms of Zika are similar to those of many other diseases and outbreaks could have occurred in many locations without being recognized; and

**Whereas**, Zika reached Brazil for the first time in May 2015 and quickly spread throughout much of South America, Central America, and the Caribbean; and

**Whereas**, By August 2016, the World Health Organization declared the Zika virus a global public health emergency and the Centers for Disease Control and Prevention had issued travel advisories for much of the Caribbean, South America, Central America, the Pacific Islands and Singapore; and

**Whereas**, As of September 2, 2016, there were 510 travel-related cases of Zika in New York City, with well over half of those cases linked to the Dominican Republic (278), followed by Puerto Rico (49) and Jamaica (47); and

**Whereas**, According to the United States (U.S) Department of Commerce International Trade Administration National Travel and Tourism Office, 7.2 million U.S residents traveled from the U.S. to the Caribbean and almost 1.2 million people traveled from the Caribbean to the U.S. in 2013; and

**Whereas**, While New York City has a robust mosquito control program and has launched a prevention and education campaign in addition to expanding Zika testing, many other municipalities and countries do not have such strong prevention programs; and

**Whereas**, In May 2016, the New York City Department of Health and Mental Hygiene announced it will donate 1 million condoms to assist with Zika prevention efforts in Puerto Rico, recognizing that New York City is home to the largest population of Puerto Ricans in the continental U.S., and many New Yorkers travel back and forth to the island; and

**Whereas**, Given the close proximity and high amount of travel, it is incumbent upon the United States and New York State to join New York City in assisting our neighboring islands in the Caribbean in preparation and containment of these and future outbreaks; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress and New York State Legislature to deploy resources for the prevention of Zika in the Caribbean.

Referred to the Committee on Health.

Int. No. 1300

By Council Members Garodnick, Palma, Richards, Rosenthal and Vacca.

**A Local Law to amend the administrative code of the city of New York, in relation to public access to noise mitigation plans**

*Be it enacted by the Council as follows:*

Section 1. Section 24-219 of title 24 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) *The commissioner shall ensure that all noise mitigation plans and approved alternative noise mitigation plans submitted to the department after the effective date of this local law in accordance with subdivision (e) of section 24-220 and section 24-221 of this code are made publicly available on the website of the department.*

§ 2. Section 24-220 of title 24 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

§ 24-220 Noise mitigation plan. (a) Each person, corporation or other business entity performing construction work in the city shall adopt and implement a noise mitigation plan for each construction site in accordance with the provisions of this subchapter and such rules whenever any one or more of the construction devices or activities listed above or in the department's rules are employed or performed at the site.

(b) Such plan shall be adopted prior to the commencement of construction at the site or, with respect to emergency work, as defined in the department's rules, within three days thereafter, and shall apply to all work at the site throughout the construction process. The plan shall provide in detail the noise mitigation strategies, methods, procedures and technology, as prescribed in the rules of the department or specifically approved by the commissioner in accordance with section 24-221 of this code, for each device or activity employed or performed at the site. Each permit holder or other person in charge of such construction site will be accountable for compliance with such rules and shall ensure that each person performing construction work at the site shall be aware of the plan and shall be responsible for complying with those provisions that affect his or her work.

(c) A copy of the plan shall be kept at the construction site and shall be [made available for inspection upon the request of] *displayed in a conspicuous manner on the exterior of the construction site and made accessible for inspection by the public and* persons authorized to enforce the provisions of this code.

(d) The plan shall be amended whenever additional devices or activities unforeseen at the commencement of construction are employed at the site or at the direction of the commissioner in accordance with section 24-223 of this subchapter.

(e) [A] *The plan [need not] shall be filed with [or approved by] the department [prior to] within 30 days after the commencement of construction if it conforms in all respects to the rules of the department with respect to construction devices and activities employed or performed at the construction site. A plan that deviates in any respect from such rules or an alternative noise mitigation plan required to be certified in conjunction with [an] an undue hardship application pursuant to paragraph (5) of subdivision (e) of section 24-223 shall be subject to the prior approval of the commissioner in accordance with section 24-221 of this code.*

(f) This section shall not apply to construction work in connection with the alteration or repair of an existing one or two family owner-occupied dwelling classified in occupancy group J-3 or a convent or rectory.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Res. No. 1247

**Resolution recognizing Planned Parenthood's accomplishments in delivering vital reproductive health care, sex education, and information to millions of women, men, and young people worldwide for 100 years.**

By Council Members Garodnick, Cumbo, Rosenthal, The Speaker (Council Member Mark-Viverito), Levin, Palma, Richards and Koslowitz.

**Whereas**, On October 16, 1916, Margaret Sanger, her sister, and a friend opened America's first birth control clinic in Brooklyn, serving poor, immigrant women, some of whom lined up hours before the doors open; and

**Whereas**, At the time, contraception was illegal and all three women were convicted of disseminating birth control information; and

**Whereas**, Sanger appealed her conviction and continued to fight for access to birth control through the courts and also by creating multiple organizations to promote the research of birth control and the founding of birth control clinics; and

**Whereas**, These organizations eventually merged into Planned Parenthood Federation of America, Inc.; and

**Whereas**, Through decades of successes and setbacks in its unflinching and tireless push for access to family planning for all women, regardless of income, Planned Parenthood has developed into the remarkable network of organizations that it is today; and

**Whereas**, Planned Parenthood currently has 57 distinctive, locally governed affiliates nationwide operating approximately 650 health centers, which reflect the diverse needs of their communities; and

**Whereas**, These health centers provide a wide range of high-quality, affordable medical care with a focus on prevention, including contraception, screenings for cervical and other cancers, and testing and treatment of sexually transmitted infections, as well as abortion services; and

**Whereas**, One in five American women has chosen Planned Parenthood for health care at least once in her life; and

**Whereas**, With 80 percent of their patients receiving services to prevent unintended pregnancies, Planned Parenthood health centers estimate that their services help prevent 579,000 unintended pregnancies in a single year; and

**Whereas**, Planned Parenthood health centers provide vital health care services such as 270,000 Pap tests and more than 360,000 breast exams in a single year, as well as 4.2 million tests and treatments for sexually transmitted infections, including more than 650,000 HIV tests; and

**Whereas**, Planned Parenthood affiliates provide comprehensive sex education that empowers women, men, teens, and families to make informed choices and lead healthy lives, reaching 1.5 million young people and adults every year through their programs and outreach; and

**Whereas**, With its 8 million activists, supporters and donors nationwide, Planned Parenthood organizations advocate for policies throughout the country that enable access to comprehensive reproductive and sexual health care, education, and information; and

**Whereas**, Planned Parenthood Global also works with local partners in Africa and Latin America to overcome barriers to reproductive and sexual health care and information; and

**Whereas**, The 100th anniversary of Planned Parenthood is the perfect occasion to recognize the years of work and dedication to ensuring an individual's right to make informed, independent decisions about health, sex, and family planning; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes Planned Parenthood's accomplishments in delivering vital reproductive health care, sex education, and information to millions of women, men, and young people worldwide for 100 years.

Referred to the Committee on Health.

## Int. No. 1301

By Council Members Johnson, Rodriguez, Lander, Levin, Chin and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to benefits for taxi and for-hire vehicle drivers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York section is amended to add a new section 19-547 to read as follows:

*§ 19-547 Benefits. a. For the purpose of this section, the term “benefits” may include, but need not be limited to, primary medical care, specialty medical care, mental health care, vision services, disability insurance, sick time insurance, unemployment insurance, and supplemental workers’ compensation insurance.*

*b. The commission shall establish a program to provide benefits to taxi and for-hire drivers. Such program may be administered by the city or an entity with experience in benefits administration. The commission shall establish by rule eligibility for such services and coverage.*

*c. To pay the costs of providing benefits and expenses in carrying out the powers and duties under this section, the commission shall ascertain by reasonable estimate the total funding necessary to carry out such operations. Based upon its estimation of operating costs, the commission shall establish by rule a proposed uniform surcharge to be added to each taxicab and for-hire vehicle fare; provided, however, that such surcharge shall not exceed ten cents.*

*d. Each medallion owner leasing their taxicab to an eligible driver and each for-hire vehicle base, black car base, and luxury limousine base dispatching an eligible driver shall be liable for payment to the commission of an amount equal to the product of (i) the surcharge due pursuant to this section and (ii) all trips performed by eligible drivers, regardless of whether such surcharge was billed or charged. Such payments shall be submitted to the commission in such a manner as prescribed by rule.*

§ 2. The Taxi and Limousine Commission shall conduct a study regarding benefits for taxi and for-hire drivers, including, but not limited to, primary medical care, specialty medical care, mental health care, vision services, disability insurance, sick time insurance, unemployment insurance, and supplemental workers’ compensation insurance. For each such benefit, the commission shall assess the feasibility and cost of offering such benefit and the potential utility to taxi and for-hire vehicle drivers. The commission shall submit the results of such study to the speaker of the council, including an explanation of why or why not each such benefit will be included in program established pursuant to section one of this local law, no later than 120 days after this local law’s enactment.

§ 3. This local law takes effect 270 days after its enactment, except that the Taxi and Limousine Commission shall take all measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Transportation.

## Int. No. 1302

By Council Members Lancman and Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring local representation on park conservancy boards**

*Be it enacted by the Council as follows:*

Section 1. Section 18-137 of the administrative code of the city of New York, as added by local law number 91 for the year 2009, is amended to read as follows:

§ 18-137 Representation on park conservancies. a. [For purposes of] *As used in this section*[, the following terms shall have the following meanings]:

[1. “Conservancy” shall mean any not-for-profit entity that operates any park or portion of any park under the jurisdiction of the commissioner, pursuant to a written conservancy arrangement, provided that “conservancy” shall not include any not-for-profit entity that operates in three or more boroughs.]

[2. “Conservancy arrangement” shall mean any] *Conservancy arrangement. The term “conservancy arrangement” means a license or other written authorization allowing a [conservancy] not-for-profit entity to [operate] (i) hire or otherwise engage, or provide funds for hiring or otherwise engaging, any person to perform work in any park, or [portion of any park] portion thereof, under the jurisdiction of the commissioner, (ii) raise, accept or administer public funds to improve or maintain any such park or portion thereof or (iii) raise, accept or administer private funds to improve or maintain any such park or portion thereof, where such funds are derived in any way from the use of such park or portion thereof.*

[3. “Operates” shall mean the ability to hire a majority of full time staff for such park.]

[4. “Local representative” shall mean] *Local representative. The term “local representative” means an individual who resides within or whose place of business is located within a council district in which such park is located or which such park abuts.*

b. Any conservancy [arrangement entered into, renewed or otherwise granted or executed on or after the effective date of the local law that added this section] *arrangement, including an existing conservancy arrangement*, shall require that at least one local representative from each council district where such park is located [or which such park abuts] be a voting member of the board of directors, or other governing body of [such conservancy, provided that no more than one local representative from each council district in which such park is located and one local representative from two of the council districts which abut such park shall be required, and provided further that no more than twenty percent of the total appointed or elected membership of such conservancy's board of directors or other governing body shall be required to be local representatives] *the not-for-profit entity subject to such arrangement. [Such] For each such district, the local [representatives] representative shall be designated [in consultation with] by the council [members] member representing [the districts in which the park is located or which abut such park. The nature of such consultation shall be determined by the department, provided that the department shall make the designation of each local representative not less than thirty days following its initial consultation with the appropriate council member, during which time the council member may make a written recommendation regarding the local representative to be designated from their district. In the event that representation from council districts from which a local representative may be designated would in the aggregate be greater than twenty percent of the total appointed membership of such conservancy's board of directors or other governing body or there are more than two council districts abutting such park, the department may determine which council districts shall be represented initially, in consultation with the appropriate council members, with districts from which local representatives shall be designated rotating thereafter in a manner to be determined by the department] such district.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 1303

By Council Members Levine, Salamanca, Chin, Ulrich, Miller, Ferreras-Copeland, Cornegy, Menchaca, Rose, Levin, Barron, Richards and the Public Advocate (Ms. James) (by request of the Manhattan Borough President).

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new 13-C to read as follows:

*§ 13-C Office of Street Vendor Enforcement. There shall be an office of street vendor enforcement, which shall include enforcement agents who are specially trained in state and local laws and rules related to vending on the streets and sidewalks of the city of New York. The mayor may establish such office in the executive office of the mayor, within any other office in the executive office of the mayor, or within any department, the head of which is appointed by the mayor. Such office shall have the power and duty to:*

*a. enforce all state and local laws and rules related to vending on the streets and sidewalks of the city of New York, including, but not limited to, relevant provisions of the general business law of the state of New York; subchapter 2 of chapter 3 of title 17 and subchapter 27 of chapter 2 of title 20 of this code; the New York city air pollution control code; and subchapter AA of chapter 2 of title 6, chapter 6 of title 24 and chapter 1 of title 56 of the rules of the city of New York;*

*b. focus its enforcement efforts on areas included in the designated vending locations pilot program created by this local law, areas adjacent to retailers that dedicate substantial floor area to the sale of fresh fruits and vegetables, and any other areas identified by the department of transportation as excessively congested and featuring a high level of vendor activity, if any;*

*c. collaborate with the department of small business services to provide training and education to all street vendors on all applicable state and local laws and regulations, with a focus on areas included in the designated vending locations pilot program created by this local law, as well as other areas identified by the department of transportation as excessively congested and featuring a high level of vendor activity, if any; and*

*d. engage in such other activities related to enforcement of laws related to vending on the streets and sidewalks of the city of New York, or related to improving compliance with such laws, as may be designated by the mayor.*

§ 2. Subparagraph (a) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York is amended to read as follows:

(a) [On] *(i) Except for permits issued pursuant to subparagraph (b) of this paragraph, on and after July thirtieth, nineteen hundred eighty-three, no new full-term permits shall be issued until the number of such permits which are in effect is less than three thousand. Thereafter, the maximum number of such permits which may be in effect shall be three thousand and no new permits shall be issued in excess of such maximum number. Notwithstanding the limitations on the issuance of new full-term permits, a permit issued prior to July thirtieth, nineteen hundred eighty-three which is in effect shall be renewable by the licensee to whom the permit was issued subject to the provisions of subparagraph (f) of this paragraph and provided that all other requirements for renewal under the provisions of this subchapter and any rules promulgated pursuant thereto are complied with, the license of the person to whom the permit was issued or the permit has not been revoked or suspended and the licensee has not committed a violation or violations which could be a basis for permit or license revocation or suspension.*

*(ii) On and after March fifteenth, nineteen hundred ninety-five, without increasing the number of full-term permits which may be in effect in accordance with clause (i) of this subparagraph, two hundred full-term permits shall be designated for use exclusively in specified boroughs as follows:*

*(A) fifty of such full-term permits shall authorize the holders thereof to vend food from any vehicle or pushcart in any public place in the borough of the Bronx where food vendors are not prohibited from vending;*

*(B) fifty of such full-term permits shall authorize the holders thereof to vend food from any vehicle or pushcart in any public place in the borough of Brooklyn where food vendors are not prohibited from vending;*

*(C) fifty of such full-term permits shall authorize the holders thereof to vend food from any vehicle or pushcart in any public place in the borough of Queens where food vendors are not prohibited from vending; and*

*(D) fifty of such full-term permits shall authorize the holders thereof to vend food from any vehicle or pushcart in any public place in the borough of Staten Island where food vendors are not prohibited from vending.*

*(iii) After the initial issuance of such permits, the commissioner shall establish a separate waiting list for each of the relevant boroughs to be administered in accordance with procedures to be established by rules of the commissioner. The commissioner may by rule limit the number of places on each such waiting list.*

§ 3. Subparagraph (b) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York is REPEALED, and a new subparagraph (b) of paragraph 2 of subdivision b is added to such section 17-307 to read as follows:

(b) (i) *Beginning March 1, 2018, the commissioner shall issue a full-term permit to any applicant who was placed on a waiting list for a full-term or temporary permit in accordance with the provisions of this subchapter prior to October of 2011, who remains on such waiting list as of the date of issuance, and who was licensed as a food vendor in accordance with the provisions of this subchapter continuously since at least March 1, 2014.*

(ii) *Beginning March 1, 2018, the commissioner shall issue a full-term permit to any applicant licensed as a food vendor in accordance with this subchapter who has been licensed as a food vendor in accordance with the provisions of this subchapter continuously since at least March 1, 2014.*

(iii) *Beginning March 1, 2018, the commissioner shall issue a full-term permit to any applicant who was placed on a waiting list for a full-term or temporary permit in accordance with the provisions of this subchapter prior to October of 2011, and who remains on such waiting list as of the date of issuance.*

(iv) *The number of new permits issued pursuant to clauses (i), (ii) and (iii) of this subparagraph shall not exceed six hundred in any year. If more than six hundred eligible applicants apply prior to March 1, 2018, such permits shall be distributed with priority to those eligible pursuant to clause (i), followed by those eligible pursuant to clause (ii), followed by those eligible pursuant to clause (iii), with further priority determinations made in a manner determined by the department by rule. If more than six hundred applicants eligible for a permit under this subparagraph apply prior to March 1, 2018, six hundred applicants or the number of eligible applicants, whichever is less, shall receive a full-term permit issued by the commissioner each year on March 1 through 2024, or until no such eligible applicants remain, whichever comes first.*

(v) *In order to be eligible for a permit pursuant to clause (i), (ii) or (iii) of this subparagraph, an individual must meet all requirements for issuance of a permit contained in this subchapter and any rules promulgated pursuant thereto and the standards established by the commissioner.*

(vi) *This section does not limit the authority of the commissioner to issue additional full-term permits pursuant to section 17-325.3.*

§ 4. Subparagraph (a) of paragraph 3 of subdivision b of section 17-307 of the administrative code of the city of New York is amended to read as follows:

(a) *Notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits that are authorized to be issued, the commissioner may issue up to a maximum of one hundred additional full-term permits authorizing the holders thereof to vend food from any vehicle or pushcart in any public place in the city of New York where food vendors are not prohibited from vending. On March 1, 2018, an additional thirty five such permits are authorized to be issued, with an additional thirty five such permits authorized each year on March 1 through 2024, at which point the total number of permits authorized to be issued under this subparagraph shall be three hundred forty five. Such permits shall be issued only to natural persons who at the time of application for a permit hereunder are not holders of a full-term permit issued pursuant to paragraph two of this subdivision and who have not had a full-term permit revoked or suspended. No person shall be issued more than one permit. Such permits shall be issued in the order in which applications for such permits are received in accordance with the preferences specified in subparagraph (b) of this paragraph and the procedures established by the commissioner. The issuance or renewal of a full-term permit pursuant to this paragraph shall be subject to the permittee within three months after the certification of a complete application therefor presenting a pushcart or vehicle for inspection by the department and, within six months after such certification, passing such inspection. After the initial issuance of such permits, the commissioner shall establish a waiting list, not to exceed four hundred in number, to be administered in accordance with procedures to be established by rules of the commissioner.*

§ 5. Section 17-307 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

*h. Nothing in this subdivision shall prohibit the department from issuing any license or permit to a veteran or disabled veteran as such terms are defined in section 17-306 of this subchapter, in a form and manner to be determined by the commissioner and in accordance with the provisions of the New York state general business law.*

§ 6. Subdivision e of section 17-321 of the administrative code of the city of New York is amended to read as follows:

e. Any notice of violation issued to a food vendor by an officer or employee described in subdivision a of this section that is returnable to [the environmental control board] *a tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings shall state the permit number of the vehicle or pushcart associated with such notice of violation. Any fine, penalty or judgment duly imposed by such tribunal shall be considered to have been issued against the permittee associated with such permit number for the purposes of the non-issuance or renewal of a food vendor permit pursuant to subdivision b of section 17-317.*

§ 7. Paragraph 2 of subdivision c of section 17-308 of the administrative code of the city of New York is amended to read as follows:

2. For a vehicle selling foods prepared or processed therein: one [hundred] *thousand* dollars.

§ 8. Section 17-315 of the administrative code of the city of New York is amended by adding new subdivisions m and n to read as follows:

m. *No license shall be issued to a person required to have a license pursuant to this subchapter, and no license shall be renewed for such a person, unless they obtain a certificate issued by the department subsequent to successful completion of a training developed by the department on the vending restrictions contained in this section, and passage of an examination administered by the department. Any lectures or educational materials designed for such training program shall be made available in English and in the six most common languages spoken by limited English proficient individuals in the city according to the department of city planning. Such educational materials shall be available on the department's website.*

n. *The department, or such other agency designated by the mayor, shall provide a website and mobile application that allows the user to view a map of areas of the sidewalk, to the extent practicable, on which food vending is not permissible pursuant to this section or any other law or rule, based on the day and hour entered.*

§ 9. Subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-325.3 to read as follows:

§ 17-325.3 *Study of vending and authorization to issue additional vending permits. The department, in conjunction with the department of transportation and the department of consumer affairs, shall conduct a study that shall commence on or before August 1, 2024 and shall conclude on or before March 1, 2025. On or before May 1, 2025, the department shall submit a report to the council that details the results of such study. The study required by this section may be redone or updated at the discretion of the department or department of consumer affairs after such due date. The study required by this section shall include, but need not be limited to, the following:*

a. *An analysis of the results of the increased number of mobile food vendor permits issued pursuant to the local law that created this section, including its impact on job opportunities for vendors, the diversity of food options available, sidewalk congestion, the health of the restaurant industry, and the health of the food retail industry.*

b. *An analysis of the efficacy of the office of street vendor enforcement in reducing the incidence of violations of the laws and rules of the city of New York by vendors.*

c. *The department may, based on its analysis in a study performed pursuant to the requirements of this section and in consultation with the street vendor advisory board, issue full-term mobile food vendor permits and temporary food vendor permits, notwithstanding the limits on the number of such permits that may be issued contained in section 17-307.*

§ 10. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.5 to read as follows:

§ 19-175.5 *Vending signs on parking sign poles. The department shall mount a metal sign indicating that vending is not allowed at any time on at least one pole used for mounting parking regulations that is maintained by the department on every block face on which vending pursuant to a general vendor license or food vendor permit issued pursuant to subparagraph (b) of paragraph two of subdivision b of section 17-307, or subdivision a of section 20-459, is disallowed at all times. This section shall not apply to block faces without any pole used for mounting parking regulations that is maintained by the department. For the*

*purposes of this section, the term “block face” means the area of sidewalk spanning from one intersection to the next, and the term “intersection” means intersection as such term is defined in the rules of the department.*

§ 11. Subdivision a of section 20-454 of the administrative code of the city of New York is amended to read as follows:

a. All licenses issued pursuant to this subchapter shall be valid for [one year] *two years* unless sooner suspended or revoked. The commissioner shall establish by regulation the expiration date of such licenses.

§ 12. Subdivision b of section 20-456 of the administrative code of the city of New York is amended, and a new subdivision c is added to such section, to read as follows:

b. The commissioner may refuse to issue or renew a license if the applicant has been found to have violated chapter one or subchapter one of chapter five of this title or the rules or regulations thereto, provided, however, that in the event of a conflict between the provisions of such chapter and subchapter and the provisions of this subchapter, the provisions of this subchapter shall prevail; [has pending any unanswered summonses or unsatisfied fines or penalties for violation of this subchapter or the regulations promulgated thereto;] or for any cause set forth in any other section of this chapter as a ground for suspension or revocation.

c. *The commissioner shall not issue or renew any license if the applicant has failed to pay any fine or penalty imposed pursuant to the provisions of this subchapter or any rules promulgated thereto.*

§ 13. Section 20-465 of the administrative code of the city of New York is amended by adding a new subdivision r to read as follows:

r. *The department, or such other agency designated by the mayor, shall provide a website and mobile application that allows the user to view a map of the areas of the sidewalk, to the extent practicable, on which general vending is not permissible pursuant to this section or any other law or rule, based on the day and hour entered.*

§ 14. Subchapter 27 of chapter 2 of title 20 of administrative code of the city of New York is amended by adding a new section 20-465.2 to read as follows:

§ 20.465.2 *Street vendor advisory board. a. There is hereby established a street vendor advisory board consisting of the commissioners of the department of consumer affairs, the department of health and mental hygiene, the department of small business services, the department of transportation, and the police department, or their designees, three members appointed by the speaker, one of whom represents street vendors, one of whom represents the small business community and one of whom who represents a community organization, and two members appointed by the mayor, one of whom represents street vendors and one of whom represents the small business community.*

b. *In addition to its other duties, the street vendor advisory board shall, prior to March 1 of each year from 2019 through 2024, issue to the council a recommendation on whether the department of health and mental hygiene’s authority to issue any or all of the 600 permits authorized to be issued by such department by clauses (i), (ii) and (iii) of subparagraph (b) of paragraph 2 of subdivision b of section 17-307, or the 35 permits authorized to be issued by such department by subparagraph (a) of paragraph 3 of subdivision b of section 17-307, should be restricted, expanded, or otherwise altered based on an analysis of the results of the increased number of mobile food vendor permits issued pursuant to the local law that created this section.*

§ 15. The street vendor advisory board shall review and evaluate all state and local laws and rules related to street vendors, including placement restrictions such as the minimum distance of 20 feet from any building entrance or exit, and the process for obtaining a street vendor license or permit pursuant to titles 17 and 20 of the administrative code. In conducting such review and evaluation the board shall consider whether such laws and rules should be clarified, are overly burdensome, or are duplicative. On or before January 1, 2018, the board shall submit to the speaker of the council and the mayor a report containing the board’s recommendations in relation to amendments to local laws and/or rules based on such review and evaluation and the basis for each recommendation. Such report shall also include recommendations for the creation of designated community spaces where street vendors can congregate to vend, including specific recommendations concerning appropriate locations for food trucks.

§ 16. The street vendor advisory board shall review the requirements for food vendor cart storage and food preparation spaces contained in the administrative code and agency rules, and shall analyze the availability and cost of such storage and spaces. On or before January 1, 2018, the board shall submit to the speaker of the council and the mayor a report containing the board’s recommendations for increasing the availability, and

reducing the cost to vendors, of food vendor cart storage and food preparation spaces. Such report may be included as part of the report prepared pursuant to section fifteen of this local law.

§ 17. The department of transportation shall operate a designated vending locations pilot program. Such pilot program shall, no later than March 1, 2017, identify at least four areas in the city, no more than one of which may be in a single borough, which contain a high level of vendor activity and excessively congested sidewalks. The boundaries of such areas shall be posted on such department's website and may be modified at any time.

Until March 1, 2019, the department of transportation may, after consultation with affected community boards and business improvement districts, waive or modify restrictions on the placement of food and general vendors contained in sections 17-315 and 20-465 in such areas. Modifications to restrictions made pursuant to this section shall not result in a net decrease in permissible vending areas in any area in the designated vending locations pilot program. The department of transportation shall issue a report to the mayor and council on or before September 1, 2019 on the results of any such waivers or modifications.

§ 18. The department of consumer affairs shall work with the department of education and the economic development corporation to enter into agreements to create pilot programs for the use of kitchen space at schools controlled by the department of education and commercial kitchens established through the economic development corporation, as food preparation space for mobile food vendors.

§ 19. Nothing in this local law limits the authority of any agency granted elsewhere in law to enforce any law or rule.

§ 20. The commissioners of health and mental hygiene and consumer affairs, and the board of health, may promulgate rules as may be necessary for the purposes of carrying out the provisions of this local law.

§ 21. Sections one, six, nine, twelve, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of this local law take effect immediately. Sections fifteen and sixteen expire and shall be deemed repealed on January 1, 2019. Sections two, three, four, five, seven, eight, eleven, thirteen, of this local law take effect 180 days after they become law. Section ten of this local law takes effect one year after it becomes law.

Referred to the Committee on Consumer Affairs.

Int. No. 1304

By Council Members Matteo, Rose, Ferreras-Copeland, Borelli, Ulrich, Vacca, Johnson, Vallone, Levine, Cohen, Richards, Lancman, Grodenchik, Maisel, Gentile, Koslowitz and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to the alternative exemption for veterans**

*Be it enacted by the Council as follows:*

Section 1. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.75 to read as follows:

*§ 11-245.75 Alternative exemption for veterans; school district taxation exempted.*

*Pursuant to subparagraph (i) of paragraph (d) of subdivision two of section four hundred fifty-eight-a of the real property tax law, the city hereby provides that the exemptions allowable in paragraphs (a), (b) and (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law shall be applicable to school district taxation.*

§ 2. This local law takes effect on the effective date of section one of chapter 332 of the laws of 2016, provided, however, that if this local law shall become a law after such effective date then this local law shall be retroactive to and deemed in full force and effect as of the effective date of section one of chapter 332 of the laws of 2016.

Referred to the Committee on Finance.

Int. No. 1305

By Council Members Salamanca, Vacca and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to minimum notice of temporary parking restrictions related to the removal of trees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-148 to read as follows:

*§ 18-148 Notification of tree removal. a. Not less than three days prior to commencement of temporary parking restrictions on any street or roadway, or a portion thereof, for the purpose of removal of trees by the department, the department shall post notice of the effective date of such restrictions. The department shall also notify, not less than three days prior to the commencement of such restrictions, all community boards and council members representing any portion of the geographic area where such restrictions will be in effect. Such notification shall be by electronic or regular mail and shall include, but need not be limited to, the effective date of such restrictions and the estimated end date of such restrictions.*

*b. Nothing in this section shall be construed to require the department to provide notice of any temporary parking restrictions where such restrictions are required to commence immediately to preserve public safety.*

§2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 1248

**Resolution commemorating the 70<sup>th</sup> anniversary of the Italian Republic.**

By Council Members Vallone, Palma, Gentile, Vacca and Koslowitz.

**Whereas**, Italy celebrated its 70<sup>th</sup> Republic Day on June 2, 2016; on this date, in 1946, Italians voted to abolish the monarchy and the Republic of Italy was born; and

**Whereas**, Although geographic Italy has been recognized for over two millennia, it was first unified as a nation-state under Victor Emmanuel II in 1861; and

**Whereas**, From its origins in Ancient Rome, beginning in the eighth century B.C.E., the Roman Republic, founded in 509 B.C.E., and the Roman Empire, established 27 B.C.E.; including the foundation of the Roman Catholic Church during the first century; the Italian Renaissance of 1200-1600 C.E the Italian Enlightenment of 1685-1789 C.E.; the *Risorgimento*, or Italian unification, in 1861; both World Wars; and European integration, Italy's long and rich history has had a significant impact on Western civilization and the world; and

**Whereas**, Italy is recognized for its cultural heritage, which includes the fine arts of the Renaissance, the artistic and scientific genius of Leonardo Da Vinci, the literary works of Dante Alighieri and Francesco Petrarck, the operas of Giuseppe Verdi and Giacomo Puccini, the fashion designs of Gianni Versace and Miuccia Prada and many other contributions that have greatly influenced today's world; and

**Whereas**, William Paca, an Italian-American, was a politician, a delegate to the Continental Congress and one of the original signatories to the United States (U.S.) Declaration of Independence; and

**Whereas**, Fiorello La Guardia, an Italian-American, served New York City's 14<sup>th</sup> and 20<sup>th</sup> Congressional districts before becoming New York City's 99<sup>th</sup> Mayor for three terms from 1934 to 1945, and for which the City's LaGuardia Airport, LaGuardia Community College and Fiorello H. LaGuardia High School of Music & Art and Performing Arts are named; and

**Whereas**, During World War II, many Italian-American women took war jobs, including Rose Bonavita-Hickey, who was recognized by President Franklin D. Roosevelt with a personal letter commending her for her performance as an aircraft riveter and, together with two other women workers, came to symbolize all American women workers in the war industries as “Rosie the Riveter”; and

**Whereas**, Joe DiMaggio, an Italian-American, was a Major League Baseball center fielder who played his entire 13-year career for the New York Yankees and a three-time MVP winner, perhaps best known for his 56-game hitting streak in 1941, a record that still stands; and

**Whereas**, In 1984, Geraldine A. Ferraro, an Italian-American, was the first woman selected by a major political party as its candidate for Vice President of the U.S. after serving NYC’s Ninth Congressional District for three terms; and

**Whereas**, Italian-Americans have made major contributions in the fields of engineering, medicine and science, including Federico Faggin, who designed the first microchip and microprocessor; Enrico Fermi, who created the first nuclear reactor; Robert Gallo, who co-discovered human immunodeficiency virus (HIV) as the infectious agent responsible for acquired immunodeficiency syndrome (AIDS); and Riccardo Giacconi, who developed the X-ray telescope; and

**Whereas**, Italian-Americans have served with distinction in all of the U.S. involved wars, more than forty of whom have received the Congressional Medal of Honor since its establishment during the Civil War as the military’s highest award for combat valor; and

**Whereas**, Italy and the U.S. first established diplomatic ties in 1861 and then, after World War II, re-established relations in 1944; today, the Italy-U.S. partnership is as strong as ever; and

**Whereas**, According to the U.S. Census, New York City is home to the largest Italian population in the United States; and

**Whereas**, Italy and the U.S. share important values, including the promotion of human rights, democracy, freedom, peace and global security, all of which have helped forge a solid alliance, built around the United Nations, NATO and Euro-Atlanticism; now, therefore, be it

**Resolved**, That the Council of the City of New York commemorates the 70th anniversary of the Italian Republic.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1306

By Council Members Williams, Barron and Rosenthal

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in the issuance of credit and requiring creditors to disclose to potential borrowers how their rate is calculated**

*Be it enacted by the Council as follows:*

Section 1. Section 8-107 of the administrative code of the city of New York, as amended by local law 63 for the year 2015, is amended by adding a new subdivision 25 to read as follows:

25. *Credit.* (a) *It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof to discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit on the basis of an applicant’s race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, alienage or citizenship status of such applicant or applicants, or because of any lawful source of income of such applicant or applicants, or because children are, may be or would be residing with such applicant or applicants.*

(b) *Notwithstanding paragraph a of this subdivision, it shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants’ overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided,*

*however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate statistics or assumptions relating to race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, alienage or citizenship status of such applicant or applicants, or any lawful source of income of such applicant or applicants, or whether children are, may be or would be residing with such applicant or applicants.*

*(c) Notwithstanding paragraph a of this subdivision, it shall not be an unlawful discriminatory practice to consider age in determining credit worthiness when age has a demonstrable and statistically sound relationship to a determination of credit worthiness.*

*(d) Notwithstanding paragraph a of this subdivision, the provisions in this subdivision, as they relate to age, shall not apply to persons under the age of eighteen years.*

*(e) Notwithstanding paragraph a of this subdivision, it shall not be an unlawful discriminatory practice for a creditor or any officer, agent or employee thereof to make inquiries concerning marital history, status and number of dependents.*

*(f) A creditor granting, withholding, extending or renewing, or fixing the rates, terms or conditions of, any form of credit shall, if requested by an applicant or applicants in writing, disclose the method by which such determinations, rates, terms or conditions were calculated.*

§ 2. The commission on human rights shall engage in outreach and education efforts regarding the rights of borrowers, and the responsibilities of creditors, established by this local law. Such outreach and education shall be directed at such creditors and the general public.

§ 3. a. For a period of one year, the commission on human rights shall organize and conduct no fewer than five investigations of discrimination in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, during which the commission shall use pairs of testers to investigate creditors. Such investigations shall include but not be limited to using matched pairs of testers who shall apply for, inquire about or express interest in the same extension of credit and who shall be assigned similar credentials but who shall differ in one of the following characteristics: actual or perceived race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, alienage or citizenship status of such applicant or applicants, lawful source of income, number of children who are, may be or would be residing with such applicant or applicants. The first of the investigations shall commence on or before January 1, 2016.

b. On or before January 1, 2017, the commission shall submit to the speaker of the Council a report related to such investigations conducted during the 12 month period commencing on January 1, 2016. Such report shall include, but not be limited to: (i) the number of matched pair tests completed; (ii) the protected class variable used in each matched pair test; and (iii) the number of incidents of actual or perceived discrimination on each protected class, including a description of any incidents of discrimination detected in the course of such investigations, provided that the commission shall not be required to report information that would compromise any ongoing or prospective investigation or prosecution.

c. Any incidents of actual or perceived discrimination that occur during such investigations shall be referred to the commission's law enforcement bureau.

d. Nothing herein shall preclude the commission from conducting other such discrimination testing programs or investigations pursuant to the commissioner's authority under this Code and the New York city charter.

§ 4. This local law shall take effect 120 days after its enactment, provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Civil Rights.

Int. No. 1307

By Council Member Williams (by request of the Mayor).

**A Local Law to amend the New York city charter, in relation to department of buildings inspectors**

*Be it enacted by the Council as follows*

Section 1. Subdivision (a) of section 645 of the New York city charter, as amended by local law number 59 for the year 1996, is amended to read as follows:

(a) There shall be a main office of the department and in each borough at least one branch office and a borough superintendent. Persons appointed as inspectors to perform functions of the department shall have such qualifications as shall be prescribed by the commissioner of citywide administrative services after consultation with the commissioner [; provided however that such qualifications shall include:

- (1) a minimum of five years acceptable experience working at a construction trade; or
- (2) a license as a professional engineer or architect issued pursuant to the education law; or
- (3) a minimum of three years of acceptable experience working at a construction trade and a minimum of two years of formal training or education in an acceptable construction program, with an emphasis on construction, in a college, technical school or trade school; or
- (4) a minimum of two years of acceptable experience working at a construction trade or a minimum of two years of formal training or education in an acceptable construction program, with an emphasis on construction, at a college, trade school or technical school and a minimum of three years participation in an apprentice inspection program approved by the commissioner and the commissioner of citywide administrative services].

§2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1249

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.8575, which seeks to create a uniform baseline standards for drug testing, including synthetic cannabinoids, for individuals who are on probation or parole.**

By Council Member Wills.

**Whereas**, Currently, New York State does not have an established baseline standard for drug testing individuals who are on probation or parole; and

**Whereas**, While State correctional institutions test probationers and parolees for illegal substance use, such as marijuana and cocaine, these institution do not test for synthetic cannabinoids; and

**Whereas**, Synthetic cannabinoids are generally marketed as legal and typically consist of plant material coated by chemicals, which are supposed to mimic THC, the active chemical compound in marijuana; and

**Whereas**, According to the New York State Department of Health, hospitals located in the State have recently experienced a dramatic increase in emergency department visits for adverse health effects due to synthetic cannabinoids; and

**Whereas**, In response to this alarming public health risk, New York City enacted local laws criminalizing the sale and production of synthetic cannabinoids; and

**Whereas**, A.8575, introduced by New York State Assembly Member Edward P. Ra and pending in the Assembly, seeks to create a set of uniform minimum standards for drug testing parolees and probationers, which would include synthetic cannabinoids; and

**Whereas**, A.8575 would permit local probation departments, municipalities, and regional departments of parole, to employ stricter drug testing policies; and

**Whereas**, A.8575 would identify individuals on probation and parole who see synthetic cannabinoids as a way to cheat current drug tests; and

**Whereas**, Many of these probationers and parolees subsequently become one of the many victims of synthetic cannabinoids that result in drug-related hospital admissions; and

**Whereas**, Identifying these individuals would help lower the number of people going to New York State hospital emergency rooms due to the use of synthetic drugs; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.8575, which seeks to create a uniform baseline standards for drug testing, including synthetic cannabinoids, for individuals who are on probation or parole.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 1250

**Resolution calling upon the United States Congress to pass and the President to sign the Biotechnology Food Labeling Uniformity Act, which would require companies to label whether food contains genetically-engineered ingredients.**

By Council Members Wills, Johnson and Kallos.

**Whereas**, According to the Food and Drug Administration (FDA), humans have been modifying crops for thousands of years by repeatedly cross-pollinating plants until the breeder identifies offspring with the desired combination of traits; and

**Whereas**, Genetically modified organisms (GMOs) can be defined as organisms (i.e. plants, animals or microorganisms) in which the genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination; and

**Whereas**, Genetically engineered (GE) plants are produced by isolating a gene for a desired trait and adding it to a single plant cell in a laboratory to generate a new plant; and

**Whereas**, Genetic engineering has been used since the 1990s; and

**Whereas**, In 2012, GE soybeans accounted for 93 percent of all soybeans planted, and GE corn accounted for 88 percent of corn planted, according to the FDA; and

**Whereas**, The FDA most recently issued guidance in November 2015 for manufacturers who wish to voluntarily label their products as containing genetically modified ingredients but does not require such labeling; and

**Whereas**, The FDA also recently approved the first genetically engineered animal intended for food, AquAdvantage Salmon; and

**Whereas**, Some advocates argue that consumers have a right to know what is in their food and that manufacturers should be required to label food that is genetically engineered; and

**Whereas**, According to the Center for Food Safety, 64 countries, including the entire European Union, Japan, Australia, Russia and China require food containing genetically modified material to be labeled; and

**Whereas**, The Biotechnology Food Labeling Uniformity Act (S.2621), introduced by Senator Jeff Merkley, would amend the Federal Food, Drug, and Cosmetic Act to require food that contains an ingredient from a GMO to be labeled as genetically engineered; and

**Whereas**, The bill allows four options for labeling that require either identifying each GMO ingredient or including a blanket statement or symbol to indicate that some ingredients are genetically-engineered; and

**Whereas**, S.2621 would exempt from this requirement food in which GMO ingredients account for less than 0.9 percent of the weight of the food; and

**Whereas**, The labeling requirements of the bill would preempt state and local labeling requirements; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign the Biotechnology Food Labeling Uniformity Act, which would require companies to label whether food contains genetically-engineered ingredients.

Referred to the Committee on Consumer Affairs.

L.U. No. 494

By Council Member Greenfield:

**Application No. C 160332 ZMX submitted by Dominick Calderoni, Fred T. Santucci Jr., and Jeffery D Klein, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 4b, establishing a C2-2 district within existing R4 and R4A districts, on property located in the vicinity of Pierce Avenue and Williamsbridge Road, Borough of the Bronx, Community Board 11, Council District 13.**

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

L.U. No. 495

By Council Member Greenfield:

**Application No. C 150312 ZMX submitted by Upper Manhattan Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, changing an existing C8-3 district to an R7D and R8 district and establishing a C1-4 district within the proposed R7D district, on property located in the vicinity of Grand Concourse and Concourse Village West, Borough of the Bronx, Community Board 4, Council District 17.**

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

L.U. No. 496

By Council Member Greenfield:

**Application No. N 150313 ZRX submitted by the Upper Manhattan Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 4, Council District 17.**

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

L.U. No. 497

By Council Member Greenfield:

**Application No. C 160365 ZMX submitted by Second Farms Neighborhood, HDFC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, changing an existing R7-1 district to an R8 district and establishing a C2-4 district within the proposed R8 district, on property located in the vicinity of Boston Road and Bryant Avenue, Borough of the Bronx, Community Board 6, Council District 17.**

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

L.U. No. 498

By Council Member Greenfield:

**Application No. N 160366 ZRX submitted by the Second Farms Neighborhood, HDFC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City**

**of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 6, Council District 17.**

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

L.U. No. 499

By Council Member Greenfield:

**Application No. C 160367 ZSX submitted by the Second Farms Neighborhood, HDFC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6 (Block 3131, Lot 20), Parcel 7 (Block 3136, Lot 1) and Parcel 8a (Block 3130, Lot 20), in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue (Block 3005, Lot 65), Borough of the Bronx, Community Board 6, Council District 17. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

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

L.U. No. 500

By Council Member Greenfield:

**Application No. C 160368 ZSX submitted by the Second Farms Neighborhood, HDFC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(c) and (d) of the Zoning Resolution to modify rear yard, height, and setback requirements for a proposed mixed use development within a proposed large-scale residential development, on property located at 1932 Bryant Avenue (Block 3005, Lot 65), Borough of the Bronx, Community Board 6, Council District 17. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

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

L.U. No. 501

By Council Member Greenfield:

**Application No. 20175107 HAQ submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously approved urban development action area project pursuant to Article 16 of the General Municipal Law and real property tax exemption pursuant to Section 577 of the Private Housing Finance Law, for property located at 133-45 41<sup>st</sup> Avenue and 133-51 41<sup>st</sup> Avenue, Borough of Queens, Community Board 7, Council District 20.**

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

L.U. No. 502

By Council Member Greenfield:

**Application No. 20175108 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project and waiver of the area designation requirement and Section 197-c and 197-d of the new York City Charter for property located at 410-18 West 128<sup>th</sup> Street, 157 West 122<sup>nd</sup> Street, 116-18 West 129<sup>th</sup> Street, and 111 West 131<sup>st</sup> Street, Borough of Manhattan, Community Boards 9 and 10, Council District 9.**

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

L.U. No. 503

By Council Member Greenfield:

**Application No. 20175109 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at 410-18 West 128<sup>th</sup> Street, 157 West 122<sup>nd</sup> Street, 116-18 West 129<sup>th</sup> Street, and 111 West 131<sup>st</sup> Street, Borough of Manhattan, Community Boards 9 and 10, Council District 9.**

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

<http://legistar.council.nyc.gov/Calendar.aspx>

**A N N O U N C E M E N T S**

**Wednesday, October 19, 2016**

[Subcommittee on Zoning & Franchises](#).....9:30 a.m.

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Donovan Richards, Chairperson

[Committee on Fire and Criminal Justice Services](#)..... 10:00 a.m.

**Int 1221** - By Council Members King, Crowley, Johnson, Chin, Mendez, Maisel, Koo, Cumbo and Palma - **A Local Law** to amend the administrative code of the city of New York, in relation to raising the maximum age to apply to become a firefighter.

**Int 1294** - By Council Member Crowley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the use and type of smoke detectors and smoke alarms in fire-related deaths.

Committee Room – City Hall

Elizabeth Crowley, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Peter Koo, Chairperson

[Committee on Education](#) ..... 1:00 p.m.  
**Oversight** - Bullying, Harassment and Discrimination in NYC Schools – Protecting LGBT and Other Vulnerable Students.  
 Council Chambers – City Hall Daniel Dromm, Chairperson

★ *Deferred*

~~[Committee on Environmental Protection](#) ..... 1:00 p.m.  
**Oversight** – The City’s in City Power Plants  
**Res 320** – By Council Members Constantinides, Chin, Cornegy, Koo and Rose – **Resolution** calling on the state of New York to phase out Number 4 and Number 6 fuel oil in power plants in its plan to meet carbon dioxide reduction goals as set by the Environmental Protection Agency’s Clean Power Plan.  
**Proposed Int 666-A** – By Council Members Reynoso, Richards, Constantinides, Espinal, Mendez, Rodriguez, Levin, Menchaca, Rosenthal and King – **A Local Law** to amend the administrative code of the city of New York, in relation to the sale of nonwoven disposable products.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor – Costa Constantinides, Chairperson~~

[Subcommittee on Planning, Dispositions & Concessions](#) ..... 1:00 p.m.  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Inez Dickens, Chairperson

**Thursday, October 20, 2016**

★ *Note Location Change*

★★ *Note Topic Deferred*

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#) ..... 10:00 a.m.  
**Oversight** - Percent for Art  
~~**Proposed Int 865-A** – By Council Members Van Bramer, Rose and Rodriguez – **A Local Law** to amend the New York city charter, in relation to performance data of the cultural institutions group in the mayor’s management report.  
**Int 1290** - By Council Members Van Bramer, Cumbo and Salamanca - **A Local Law** to amend the New York city charter, in relation to the percent for art advisory panel.  
**Int 1296** - By Council Members Cumbo and Van Bramer - **A Local Law** to amend the New York city charter, in relation to the percent for art program.  
**Int 1297** - By Council Members Cumbo and Van Bramer - **A Local Law** to amend the New York city charter, in relation to outreach and education regarding public art opportunities.  
 ★Committee Room – 250 Broadway, 16<sup>th</sup> Floor James Van Bramer, Chairperson~~

★ *Note Location Change*

[Committee on Health](#) ..... 10:00 a.m.  
**Int 1233** - By Council Members Mendez, Johnson, Palma, Cabrera, Dromm, Koslowitz, Williams, Rodriguez, Rosenthal and Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the display of wild or exotic animals for public entertainment or amusement.  
 ★Council Chambers – City Hall Corey Johnson, Chairperson

★ *Note Topic Deferred*

★★ *Note Time and Location Change*

[Committee on Recovery and Resiliency](#) ..... ★★10:00 a.m.  
 ★**Oversight** – Local Hiring Initiatives  
**Oversight** – Finances of the Build it Back Program  
 ★★Committee Room – City Hall Mark Treyger, Chairperson

★ **Note Location Change**

[Committee on Land Use](#) ..... 11:00 a.m.

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

★ Committee Room – 250 Broadway, 14<sup>th</sup> Floor

David G. Greenfield, Chairperson

[Committee on Economic Development](#) ..... 1:00 p.m.

**Oversight** - The Economic Impact of the Hunts Point Cooperative Market.

**Int 357** - By Council Members King, Koo and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of small business services to report violations concerning public wholesale markets.

Committee Room – City Hall

Daniel Garodnick, Chairperson

[Committee on Parks and Recreation](#) ..... 1:00 p.m.

**Int 349** - By Council Members Vacca, Gentile, Koo, Koslowitz, Lander and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to notice for the removal of trees.

**Int 1112** - By Council Members Matteo, Levine, Borelli, Ulrich, Johnson, Vacca, Constantinides, Cohen, Gibson, Grodenchik, Gentile and Salamanca - **A Local Law** to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree maintenance work.

**Preconsidered Int 1305** - By Council Member Salamanca - **A Local Law** to amend the administrative code of the city of New York, in relation to minimum notice of temporary parking restrictions related to the removal of trees.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Mark Levine, Chairperson

★ **Addition**

[Committee on Rules, Privileges & Elections](#) ..... 1:00 p.m.

**M 449** - Communication from the Mayor - Submitting the name of Laurie Hawkinson for appointment as a member of the New York City Art Commission pursuant to §§ 31 and § 851 of the New York City Charter.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Brad Lander, Chairperson

**Friday, October 21, 2016**

★ **Note Location Change**

[Committee on Immigration](#) ..... 10:00 a.m.

**Oversight** - Coordinating multi-agency support for Immigrant Families

★ Committee Room – City Hall

Carlos Menchaca, Chairperson

[Committee on Public Safety](#) ..... 10:00 a.m.

**Oversight** - Examining the New York City Civilian Complaint Review Board

Council Chambers – City Hall

Vanessa L. Gibson, Chairperson

**Wednesday, October 26, 2016**

[Committee on Aging](#) ..... 10:00 a.m.

**Int 96** - By Council Members Mendez, Chin, Dickens, Eugene, Johnson, Koo, Levine, Rose, Vallone, Rosenthal, Williams, Levin, Reynoso, Kallos, Van Bramer, Koslowitz, Palma, Menchaca, Rodriguez, Wills, Richards, Cohen, Mealy, Gentile, Cornegy, Miller, Barron, King, Treyger, Cabrera, Constantinides, Garodnick, Lancman, Espinal, Cumbo, Maisel, Crowley, Vacca, Deutsch, Dromm and Salamanca - **A Local Law** to amend the administrative code of the city of New York, in relation to providing legal counsel for senior citizens subject to eviction, ejection or foreclosure proceedings.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Margaret Chin, Chairperson

[Committee on Consumer Affairs](#).....10:00 a.m.  
**Int 72** - By Council Members Johnson, Koo and Koslowitz (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting and posting online information pertaining to mobile food vendors.  
**Int 78** - By Council Members Koslowitz, Koo, Lancman and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring food vendors to post prices.  
**Int 432** - By Council Members Chin, Barron, Eugene, Koo, Mendez, Van Bramer and Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to allowing ill or incapacitated street vendors to transfer their license to a family member.  
**Int 1061** - By Council Member Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to the sale of plants and flowers during the Asian Lunar New Year  
Council Chambers – City Hall Rafael L. Espinal, Chairperson

[Committee on Juvenile Justice](#).....10:00 a.m.  
**Tour:** The Ryer Limited Secure Placement  
**Location:** 2250 Ryer Avenue  
Bronx, NY 10457  
Details Attached.....Fernando Cabrera, Chairperson

[Committee on Governmental Operations](#).....10:00 a.m.  
**Oversight** - Assessment of NYC’s Language Access Services.  
**Int 1181** - By The Speaker (Council Member Mark-Viverito) and Council Members Dickens, Chin, Mendez and Koo - **A Local Law** to amend the New York city charter, in relation to improving access to city services for limited english proficient individuals.  
Committee Room – City Hall Ben Kallos, Chairperson

[Committee on Courts and Legal Services](#).....1:00 p.m.  
**Oversight** - Evaluating the Progression of Justice Reboot  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor Rory Lancman, Chairperson

[Committee on Higher Education](#).....1:00 p.m.  
**Oversight** - CUNY Pathways Update  
Committee Room – City Hall Inez Barron, Chairperson

**Thursday, October 27, 2016**

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

During the Meeting, the Public Advocate (Ms. James) recognized and welcomed two groups sitting in the balcony of the Council Chambers: members of UNITE HERE and students from the Brooklyn Collaborative School. Shortly before the adjournment of the Meeting, she acknowledged and thanked the Speaker (Council Member Mark-Viverito) for her bravery. The Public Advocate (Ms. James) also asked everyone to remember the family of the late Zymere Perkins, as well all those who lost their lives in Hurricane Matthew. She lastly asked everyone to remember her late friend, District Attorney Ken Thompson.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Thursday, October 27, 2016.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

