

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
**TUESDAY, MAY 15, 2012**

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of  
Tuesday, May 15, 2012, 2:25 p.m.*

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Arroyo, Dromm, and Wills.

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

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

*There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.*

**INVOCATION**

The Invocation was delivered by Minister Joel Youngblood, Mt. Pisgah Baptist Church, 760 Dekalb Avenue, Brooklyn, NY 11216.

Oh God,  
Our help in ages past,  
our hope for years to come,  
our shelter from the stormy blasts  
and our eternal home,

under the shadow of thy throne  
still may we dwell secure sufficient is  
-- alone and our defenses sure.  
We first and foremost come before you,  
oh God, our creator,  
for your grace allowing us  
to see another day.  
We thank you  
that we have the activities of our limbs,  
the gift of speech  
and the full activity of our ears and mouths.  
We believe that we have been positioned  
so that we might attempt to fulfill the work  
that your hands have created for us to do.  
Hear us now, oh Lord,  
as we pray for New York City.  
Pray for it not from without  
as though its dust and noise and pain  
were beneath us and beyond,  
but from within  
as those who know its squeeze  
and take to heart  
what would seem to be  
its burned out hopes and facelessness.  
Help us to look for you  
and find you in the life we live  
and the work we do.  
We ask, oh God,  
that you would have your way  
in this session on today  
and that when it is all said and done,  
your will and way will be manifested.  
This is indeed our prayer. Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

On May 1, 2012, Gregory Jackson, 59, legendary center manager for the Brownsville Recreation Center passed away suddenly from an apparent heart attack suffered at the Brooklyn Parks Department headquarters. Born in Brooklyn, he attended Samuel J. Tilden High School and Gilford College before being drafted by the New York Knicks in 1974. After his NBA career, Mr. Jackson joined the Parks Department where he served for 26 years. He took over leadership of the Brownsville Recreation Center in 1997 where Mr. Jackson mentored young people, problem solved for families, seniors and others facing adversity and established a legacy of education through sports. He was also the founder of Old Times, an annual celebration of Brownsville that has grown into a multi weeklong event bringing together thousands in the spirit of the community. He leaves behind his wife, Carmen, his children. At this point, the Speaker (Council Member Quinn) yielded the floor to Council Member Mealy in whose district the recreation center stands. Council Member Mealy spoke in respectful memory of Mr. Greg Jackson.

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At this point, the Speaker (Council Member Quinn) recognized Council Member Van Bramer's mother Elizabeth Markham in the Chambers. In addition, the Speaker (Council Member Quinn) also recognized high school senior student Alessandra

Moore who is to intern in the Communications Division as part of her Capstone project.

#### ADOPTION OF MINUTES

Council Member Foster moved that the Minutes of the Stated Meeting of April 18, 2012 be adopted as printed.

#### MESSAGES & PAPERS FROM THE MAYOR

M 803

**Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2013, pursuant to Section 249 of the New York City Charter.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M 804

**Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2013, pursuant to Section 249 of the New York City Charter.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M 805

**Communication from the Mayor - Submitting the Proposed City Fiscal Year 2013 Community Development Program, the Proposed CFY'12 Budget, the Proposed Reallocations-the CD XXXVIII Funds, Proposed CD XXXVIX Statement of Objectives and Budget, dated May 3, 2012.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-806

**Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2013 pursuant to Section 250 of the New York City Charter.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M 807

**Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2013, Volumes I, II and III, pursuant to Section 219(d) of the New York City Charter.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M 808

**Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2013.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M 809

**Communication from the Mayor - Submitting the Executive Capital Budget Fiscal Year 2013, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated May 3, 2012 pursuant to the provisions of Sections 213 (4) & 219 (D) of the New York City Charter.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M 810

**Communication from the Mayor - Submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2013, pursuant to Section 249 of the New York City Charter.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Finance.

M 811

**Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2013 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.**

May 3, 2012

Honorable Members of the Council  
 Honorable John C. Liu, Comptroller  
 Honorable Ruben Diaz, Jr., Bronx Borough President  
 Honorable Marty Markowitz, Brooklyn Borough President  
 Honorable Scott M. Stringer, Manhattan Borough President  
 Honorable Helen M. Marshall, Queens Borough President  
 Honorable James P. Molinaro, Staten Island Borough President  
 Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2013 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2013	\$7,003 Million
2014	6,814 Million
2015	6,224 Million
2016	5,696 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2013 — 2016:

2013	\$5,093 Million
2014	5,193 Million
2015	4,849 Million
2016	4,323 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2013 — 2016:

2013	\$1,910 Million
2014	1,621 Million
2015	1,376 Million
2016	1,373 Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2013, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2013	\$7,026 Million
2014	4,792 Million
2015	3,267 Million
2016	2,929 Million

Sincerely,

Michael R. Bloomberg  
Mayor

Received, Ordered, Printed and Filed.

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

M-812

**Communication from the Chancellor – Submitting an amendment to the five year Capital Plan FY 2010 – 2014.**

**(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-813

**Communication from the Department of Finance - Submitting Third Party Transfer Program Brooklyn, In Rem Action No. 51, Community Districts**

**No. 2,3,5,6,8,9,17 Council Districts No. 35, 36,39,40,41,42.**

Honorable Christine C. Quinn  
Speaker of the Council  
City Council  
250 Broadway, 15<sup>th</sup> Floor New York, NY 10007

Attention: Gary Altman

Re: Third Party Transfer Program  
Brooklyn, In Rem Action No. 51  
Community District No. 2, 3, 5, 6, 8, 9, 17  
Council District No. 35, 36, 39, 40, 41, 42

Dear Madame Speaker:

Enclosed for your review are properties ("Transfer Parcels") which are the subject of a final judgment of foreclosure in the referenced In Rem Action.

Pursuant to Administrative Code §11-412.1, the judgment authorizes the Commissioner of Finance to execute and deliver deeds conveying such Transfer Parcels to the transferees selected by the Commissioner of Housing Preservation and Development. Pursuant to Administrative Code §11-412.2, the enclosed list identifies the proposed transferees of each Transfer Parcel. Pursuant to Administrative Code §11-412.2, such conveyance will be deemed approved 45 days from the date hereof unless disapproved by local law during such period.

I recommend approval of this matter in the manner provided in Administrative Code §11412.2 and request that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,

David M. Frankel  
Commissioner

**ATTACHMENTS:**

**PROJECT SUMMARY**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 51
3. **LOCATION:**
  - a. **BOROUGH:** Brooklyn
  - b. **COMMUNITY DISTRICTS:** 303, 305, 306, 308, 309, 317
  - c. **COUNCIL DISTRICTS:** 35, 36, 39, 40, 41, 42
  - d. **TRANSFER AREA:**

BLOCK	LOT	ADDRESS
1162	54	724 CLASSON AVENUE
1656	48	633 HANCOCK STREET
1823	29	248 MADISON STREET
1823	31	250 MADISON STREET
1223	1	915 ST MARK'S AVENUE
1223	51	973 ST MARK'S AVENUE
1223	52	971 ST MARK'S AVENUE
1235	71	941 PARK PLACE
1043	21	342 14 STREET
5033	7	483 ROGERS AVENUE
4646	10	1026 CLARKSON AVENUE
4303	32	754 MILLER AVENUE
  - e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 12
7. **APPROXIMATE NUMBER OF UNITS:** 89
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The Transfer Area contains occupied buildings which will be transferred subject to existing tenancies and rents. The transfer area also contains one vacant building for which initial rents will be established in a compliance with federal regulations, where applicable, and will be affordable to the targeted income groups.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

1. PROGRAM: Third Party Transfer Program
2. PROJECT: In Rem Action No. 51
3. LOCATION:
- a. BOROUGH: Brooklyn
- b. COMMUNITY DISTRICTS: 302, 303
- c. COUNCIL DISTRICTS: 35, 36, 41
- d. TRANSFER AREA:
- | BLOCK | LOT | ADDRESS              |
|-------|-----|----------------------|
| 1825  | 41  | 495 PUTNAM AVENUE    |
| 1948  | 14  | 342 LAFAYETTE AVENUE |
| 1483  | 58  | 969 PUTNAM AVENUE    |
| 1834  | 74  | 237 HANCOCK STREET   |
| 1788  | 53  | 580 LAFAYETTE AVENUE |
| 1967  | 4   | 409 CLASSON AVENUE   |
- e. EXISTING USE: Residential
4. BASIS OF PRICE: *In rem* judgment of foreclosure
5. TYPE OF PROJECT: Rehabilitation
6. APPROXIMATE NUMBER OF BUILDINGS: 6
7. APPROXIMATE NUMBER OF UNITS: 45
8. HOUSING TYPE: Rental
9. ESTIMATE OF INITIAL RENTS AND INCOME TARGETS: The Transfer Area contains occupied buildings which will be transferred subject to existing tenancies and rents. The transfer area also contains two vacant building for which initial rents will be established in a compliance with federal regulations, where applicable, and will be affordable to the targeted income groups.
10. PROPOSED FACILITIES: None
11. PROPOSED CODES/ORDINANCES: None
12. ENVIRONMENTAL STATUS: Type II
13. PROPOSED TIME SCHEDULE: Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

1. PROGRAM: Third Party Transfer Program
2. PROJECT: In Rem Action No. 51
3. LOCATION:
- a. BOROUGH: Brooklyn
- b. COMMUNITY DISTRICTS: 303
- c. COUNCIL DISTRICTS: 36
- d. TRANSFER AREA:
- | BLOCK | LOT | ADDRESS           |
|-------|-----|-------------------|
| 1987  | 71  | 25 MADISON STREET |
- e. EXISTING USE: Residential
4. BASIS OF PRICE: *In rem* judgment of foreclosure
5. TYPE OF PROJECT: Rehabilitation
6. APPROXIMATE NUMBER OF BUILDINGS: 1
7. APPROXIMATE NUMBER OF UNITS: 8
8. HOUSING TYPE: Rental
9. ESTIMATE OF INITIAL RENTS AND INCOME TARGETS: The Transfer Area contains one occupied building which will be transferred subject to existing tenancies and rents.
10. PROPOSED FACILITIES: None
11. PROPOSED CODES/ORDINANCES: None
12. ENVIRONMENTAL STATUS: Type II
13. PROPOSED TIME SCHEDULE: Approximately 24 months from construction loan closing to completion of construction.

May 14, 2012

Honorable Christine C. Quinn  
 Speaker of the Council  
 City Council  
 250 Broadway, 15<sup>th</sup> Floor New York, NY 10007

Attention: Gary Altman

Re: Third Party Transfer Program  
 Brooklyn, In Rem Action No. 51  
 Community District No. 2,3,5,6,8,9,17  
 Council District No: 35, 36, 39,40,41,42

Dear Madame Speaker:

The Commissioner of Finance has submitted for your review a list of properties ("Transfer Parcels") which is the subject of a final judgment of foreclosure in the referenced In Rem Action. Pursuant to Administrative Code §11-412.1, the judgment authorizes the Commissioner of Finance to execute and deliver deeds conveying such Transfer Parcels to transferees selected by the Commissioner of HPD. Pursuant to Administrative Code §11-412.2, the list submitted by the Commissioner of Finance identifies the proposed transferees of each Transfer Parcel. Pursuant to Administrative Code §11-412.2, such conveyances will be deemed approved 45 days from the date hereof unless disapproved by local law during such period. The Commissioner of Finance has recommended approval of this matter in the manner provided in Administrative Code §11-412.2 and has requested that it be referred to the appropriate committee at the next scheduled meeting of the Council. HPD concurs in that recommendation and request.

Also enclosed for your consideration are Project Summaries with respect to the development and preservation of the Transfer Parcels ("Transfer Areas"). In order to facilitate such development and preservation, HPD respectfully requests that the Council take the following actions with respect to the Transfer Areas:

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

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

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

4. Approve the exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

c. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

5. Approve the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date ("UDAAP Commencement Date");

provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development ("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 transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. 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 UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

HPD recommends approval of this matter and requests that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,

Mathew M. Wambua

OWNERSHIP TRANSFER LIST

PROPERTIES TO BE CONVEYED TO THIRD PARTIES SELECTED BY HPD  
PURSUANT TO ADMINISTRATIVE CODE §11-412.1

- 1. **Address:** 724 Classon Avenue  
**Block/Lot:** 1162/54  
**Community District:** 8  
**Council District:** 35  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 2. **Address:** 633 Hancock Street  
**Block/Lot:** 1656/48  
**Community District:** 3  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 3. **Address:** 248 Madison Street  
**Block/Lot:** 1823/29  
**Community District:** 3  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 4. **Address:** 250 Madison Street  
**Block/Lot:** 1823/31  
**Community District:** 3  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 5. **Address:** 915 St. Mark's Place  
**Block/Lot:** 1223/1  
**Community District:** 8  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 6. **Address:** 973 St. Mark's Avenue  
**Block/Lot:** 1223/51  
**Community District:** 8  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 7. **Address:** 971 St. Mark's Avenue  
**Block/Lot:** 1223/52  
**Community District:** 8  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty

- 8. **Address:** 941 Park Place  
**Block/Lot:** 1235/71  
**Community District:** 8  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 9. **Address:** 342 14 Street  
**Block/Lot:** 1043/21  
**Community District:** 6  
**Council District:** 39  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 10. **Address:** 483 Rogers Avenue  
**Block/Lot:** 5033/7  
**Community District:** 9  
**Council District:** 40  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 11. **Address:** 1026 Clarkson Avenue  
**Block/Lot:** 4646/10  
**Community District:** 17  
**Council District:** 41  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 12. **Address:** 754 Miller Avenue  
**Block/Lot:** 4303/32  
**Community District:** 5  
**Council District:** 42  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** NAPCO Realty
- 13. **Address:** 495 Putnam Avenue  
**Block/Lot:** 1825/41  
**Community District:** 3  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** Northeast Brooklyn HDC
- 14. **Address:** 342 Lafayette Avenue  
**Block/Lot:** 1948/14  
**Community District:** 2  
**Council District:** 35  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** Northeast Brooklyn HDC

- 15. **Address:** 969 Putnam Avenue  
**Block/Lot:** 1483/58  
**Community District:** 3  
**Council District:** 41  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** Northeast Brooklyn HDC
- 16. **Address:** 237 Hancock Street  
**Block/Lot:** 1834/74  
**Community District:** 3  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** Northeast Brooklyn HDC
- 17. **Address:** 580 Lafayette Avenue  
**Block/Lot:** 1788/53  
**Community District:** 3  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** Northeast Brooklyn HDC
- 18. **Address:** 409 Classon Avenue  
**Block/Lot:** 1967/4  
**Community District:** 3  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** Northeast Brooklyn HDC
- 19. **Address:** 25 Madison Street  
**Block/Lot:** 1987/71  
**Community District:** 3  
**Council District:** 36  
**Transferee:** Neighborhood Restore Housing Development Fund Corporation  
**Prospective Successor:** SHINDA Management

Referred to the Committee on Housing and Buildings.

LAND USE CALL UPS

M-814

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an

unenclosed/enclosed sidewalk café located at 103 Greenwich Avenue, CB 2, Application no. 20125425 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote.

M-815

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 235 West 12<sup>th</sup> Street, CB 2, Application no. 20115529 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote.

#### LAND USE CALL UP VOTE

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

**Affirmative** –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – 48.

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

#### REPORTS OF THE STANDING COMMITTEES

##### Reports of the Committee on Finance

Override Report for Int. No. 18-A

**Report of the Committee on Finance in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.**

The Committee on Finance, to which the annexed amended proposed local law was referred on February 3, 2010 (Minutes, page 209) and originally adopted by the Council on March 28, 2012 (Minutes, page 820) before being vetoed by the Mayor on April 25, 2012 (see M-798, April 30, 2012 Stated Minutes, page 1237), respectfully

#### REPORTS:

##### I. Introduction

On May 15, 2012, the Committee on Finance (the Committee), chaired by Council Member Domenic M. Recchia, Jr., will meet to vote on Int. No. 18-A, a bill to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities, and to file the veto message of Mayor Michael Bloomberg, M 798-2012.

The Committee held a hearing on the original introduction, Int. No. 18, on May 11, 2010. On March 28, 2012, the Committee and the Full Council passed an amended version of the bill, Proposed Int. No. 18-A. On April 25, 2012, the Mayor issued a message of disapproval, vetoing the legislation. (See attached). That veto message was formally accepted by the Council at its stated meeting held on April 30, 2012.

The question before the Committee is whether the legislation should be re-passed as Int.

18-A notwithstanding the objections of the Mayor.

##### II. Background

###### A. History of Prevailing Wage

Prevailing wage laws require entities working under a government contract to pay the “prevailing” wage for each job that is at least the median or locally prevailing wage and any fringe benefits paid on similar projects in the region. Historically, prevailing wage laws have applied to public works jobs. Wage standards have been used for many years in both New York and nationally to promote decent wages and benefits – both across the labor market and, in particular, when taxpayer funds are used to subsidize businesses. Prevailing wage standards aim to ensure that publicly subsidized jobs should not act to drive down wages that other private employers in the industry are currently paying.

In 1931, Congress enacted the Davis Bacon Act, which ensures that all federal government construction contracts, and most contracts for federally assisted construction over \$2,000, must include provisions for paying workers on-site no less than the locally prevailing wages and benefits paid on similar projects.<sup>1</sup> If there is no single rate for at least 50% of workers in that occupation, then the prevailing wage is the average rate paid in the area for that occupation.

In 1965, Congress passed the Service Contract Act, which requires general contractors and subcontractors performing services on prime contracts in excess of \$2,500 to pay service employees, for work as janitors, security guards and cafeteria workers, no less than the wage rates and fringe benefits found prevailing in the locality as determined by the United States Department of Labor, or the rates contained in a predecessor contractor's collective bargaining agreement.<sup>2</sup> Currently, there are 32 states with state prevailing wage legislation.<sup>3</sup>

###### B. Prevailing Wage in New York State

New York, like many states, enacted its first prevailing wage legislation prior to action of the federal government. In 1921, New York enacted section 220 of the New York State Labor Law, which requires prevailing wage law for construction contractors on public work projects. Under section 220, prevailing wage is defined as the wage paid under collective bargaining agreements between *bona fide* labor organizations and private employers, if such agreements apply to at least 30% of workers in a specified trade.<sup>4</sup> Employers who might wish to challenge the prevailing wage schedule have the burden of proving that in any specific trade less than 30% of workers are covered by collective bargaining agreements. The New York State Department of Labor is charged under state law with updating and enforcing prevailing wage requirements, except in New York City where the Bureau of Labor Law of the New York City Office of the Comptroller has that responsibility.<sup>5</sup>

In 1971, New York enacted Labor Law § 230, which similarly established prevailing wage standards for building service workers contracted by state and local governments in New York.

In 2007, New York State amended the “421-a” program, which provides subsidies for new apartment, coop and condo construction in the city, to attach prevailing wage standard requirements. The amendment provided that certain new residential development that benefits from the 421-a program within certain areas in the city must pay building service workers the prevailing private sector rate and provide on-site affordable housing.<sup>6</sup>

###### C. Prevailing Wage in New York City and other municipalities

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<sup>1</sup> See 40 U.S.C. § 3141 *et seq.*

<sup>2</sup> See 41 U.S.C. §§ 351–358.

<sup>3</sup> Alaska, Arkansas, California, Connecticut, Delaware, D.C., Hawaii, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. See State Prevailing Wage Law, Associated Builders and Contractors website, available at [http://www.abc.org/Government\\_Affairs/Issues/ABC\\_Priority\\_Issues/Davis\\_Bacon\\_Act\\_Prevailing\\_Wage/State\\_Prevailing\\_Wage\\_Laws.aspx](http://www.abc.org/Government_Affairs/Issues/ABC_Priority_Issues/Davis_Bacon_Act_Prevailing_Wage/State_Prevailing_Wage_Laws.aspx) (last accessed March 26, 2012).

<sup>4</sup> Pursuant to paragraph 5 of section 220 of the New York State Labor law, prevailing wage is defined as “the rate of wage paid in the locality, as hereinafter defined, by virtue of collective bargaining agreements between bona fide labor organizations and employers of the private sector, performing public or private work provided that said employers employ at least thirty per centum of workers, laborers or mechanics in the same trade or occupation in the locality where the work is being performed. The prevailing rate of wage shall be annually determined in accordance herewith by the fiscal officer no later than thirty days prior to July first of each year, and the prevailing rate of wage for the period commencing July first of such year through June thirtieth, inclusive, of the following year shall be the rate of wage set forth in such collective bargaining agreements for the period commencing July first through June thirtieth, including those increases for such period which are directly ascertainable from such collective bargaining agreements by the fiscal officer in his annual determination. In the event that it is determined after a contest, as provided in subdivision six of this section, that less than thirty percent of the workers, laborers or mechanics in a particular trade or occupation in the locality where the work is being performed receive a collectively bargained rate of wage, then the average wage paid to such workers, laborers or mechanics in the same trade or occupation in the locality for the twelve-month period preceding the fiscal officer's annual determination shall be the prevailing rate of wage. Laborers, workers or mechanics for whom a prevailing rate of wage is to be determined shall not be considered in determining such prevailing wage.”

Supplements are defined as “all remuneration for employment paid in any medium other than cash, or reimbursement for expenses, or any payments which are not “wages” within the meaning of the law, including, but not limited to, health, welfare, non-occupational disability, retirement, vacation benefits, holiday pay life insurance, and apprenticeship training.”

<sup>5</sup> See Section 220 of Labor law.

<sup>6</sup> See Chapter 618 of the Laws of 2007.



New York City, in 2002, passed Local Law 38 of 2002, which imposed prevailing and living and wage standards to covered building service workers, food service workers, homecare workers, day care service workers, Head Start workers, and persons providing services to persons with cerebral palsy, that were employed under contracts with city agencies.

Over the last decade, other cities, including Pittsburgh, Pennsylvania, Philadelphia, Pennsylvania, and Newark, New Jersey have passed laws ensuring prevailing wages are paid to certain workers, notably building service workers: 1) who work in city buildings; 2) who work at a project that is receiving city economic development assistance; 3) in city service contracts; or 4) whose employers receive city economic development assistance.<sup>7</sup>

Recently, New York City, without legislation, but through agreements with developers who wish to build city development projects in the city, has begun to include prevailing wage standards for building service workers in some city-subsidized economic development projects. The first major city subsidized economic development to include a prevailing wage requirement was the Greenpoint-Williamsburg waterfront in Brooklyn. Coney Island and Willet’s Point followed shortly thereafter. The success of these standards over the past few years is clear. They have not inhibited these deals from going forward, nor have they prevented the city from finding developers for such projects.

**III. Building Service Workers and Prevailing Wage in New York City**

Generally, a building service worker is any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.<sup>8</sup> Building service work has traditionally been viewed as a gateway to the middle class for New York City residents, particularly for immigrants.

Every year, the New York City Comptroller determines the prevailing wage schedule for building service employees. The prevailing wages for each employee vary based on the size, age & condition of the building/project in which the employee works, and the building service employee’s tenure. The chart below reflects the different categories of building service employees for which the Comptroller sets prevailing wage schedules.

**Chart 1: Prevailing Wages determined by the Comptroller pursuant to section 230 of the NYS Labor law**

Building Service Employee Classification	Wage Rate/Fringe Rate (Highest)	Wage Rate/Fringe Rate (Lowest)
Boiler Service Person/Tank Cleaner Mechanic (low pressure)	\$11.37 / \$5.57	N/A
Cleaner	\$24.77 / \$8.76	\$10.00 / \$1.50
Exterminator	\$23.82 / \$8.76	N/A
Fuel Oil	\$30.11 / \$17.92	\$18.85 / \$18.31
Gardener	\$24.25 / \$12.30	\$13.00 / \$11.05
Medical Waste Removal	\$22.80 / \$7.45	\$16.00 / \$7.45
Mover	\$22.70 / \$14.64	\$12.00 / none
Refuse Remover	\$29.83 / \$10.74	\$26.70 / \$10.74
Security Guard	\$27.50 / \$4.56	\$12.35 / \$4.56
Stationary Engineer	\$34.15 / \$15.44	\$26.07 / \$14.57
Window Cleaner	\$28.37 / \$8.68	\$26.12 / \$8.68

As previously stated, through state law, city law, and city policy, many building service workers in New York City are paid prevailing wages when working on public work projects.

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<sup>7</sup> See section 17-107 of Philadelphia Administrative Code; see also Chapter 161 of the Pittsburgh Administrative Code; see also section 2:4-11 of the City of Newark Municipal Code.

<sup>8</sup> See Section 230 (1) of Labor law; see also Proposed Int.18-A, §2, 6-130(a) (3).

In a step toward protecting the middle class, the Council introduced legislation that would provide prevailing wage to building service employees who work in certain projects and buildings.

**IV. May 11, 2010 Hearing on Proposed Int. 18-A**

On May 11, 2010, the City Council Finance Committee held a hearing on Proposed Int. 18-A, a local law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities. Representatives from the Administration, elected officials, and members of the public testified to express their support of, or opposition to, the bill.

Generally, proponents of the bill, including a Pittsburgh Council Member who sponsored the Pittsburgh Prevailing Wage legislation, expressed the overwhelming need to provide prevailing and competitive wages to a building service employee, a sector of employees that provide necessary services to hundreds of properties and projects throughout the city.<sup>9</sup>

Opponents of the bill expressed several concerns:

1. Small businesses, manufacturing firms, and not-for-profit organizations would have a difficult time paying the prevailing wage and therefore would relocate out of the city, or not enter the city at all;
2. Difficulty in managing and maintaining affordable housing projects;
3. New York City agencies would be viewed as a less desirable tenant and make it difficult for the City to lease space, since a lease to the city would trigger the prevailing wage requirement to building service workers;
4. The City would pay increased costs to lease space from landlords who pay prevailing wage as standard commercial leases contain escalation clauses that pass operational cost increases to tenants;
5. The prevailing wage bill gave the Comptroller, rather than the Mayor, the enforcement power of enforcing contract provisions in lease agreements and economic development agreements;
6. Requiring recipients of as of right benefits or discretionary financial assistance in excess of \$10,000 to pay prevailing would go beyond the realm of big developers the bill sought to principally target.<sup>10</sup>

**V. Amendments to Proposed 18-A**

As a result of the hearing, extensive amendments to the legislation were made. Below is a summary of the amendments.

Under Proposed Int. 18-A, those receiving either of two forms of funding from the City are required to pay prevailing wage to building service employees in buildings that they own or manage: 1) those receiving government financial assistance; and 2) those leasing space to the City.

**A. Workers Covered**

The prior version of the bill included superintendents in the definition of building service employees. This bill now conforms the definition of building service employee to section 230 of the New York State Labor law and excludes superintendents in the definition of a building service employee.<sup>11</sup>

**B. Financial Assistance Recipients/Covered Developers/City Development Projects**

**1. New Terms:**

- In the prior version of the bill, the term “financial assistance recipient” was used to describe a developer working on a city development project (undefined) who received funds from the city. This term has been changed to “covered developer.”<sup>12</sup>
- The prior version of the bill made no reference to a city development project. This bill adds such a term, and, generally, defines such term as a project intended for economic development, job retention or growth purposes, for which a covered developer receives financial assistance for such project that is at least 100,000 square feet for commercial office space and at least 100 units for residential projects.<sup>13</sup>

**2. Financial Assistance Type:**

The prior version of the bill imposed prevailing wage when a financial assistance recipient (now termed “covered developer”) was in receipt of financial assistance that included both as-of-right benefits (statutory benefits) and discretionary benefits. This bill limits financial assistance that would trigger prevailing wage to discretionary benefits.<sup>14</sup>

**3. Financial Assistance Threshold:**

The prior version of the bill imposed prevailing wage when a financial assistance recipient (now termed “covered developer”) received more than \$10,000

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<sup>9</sup> See Hearing Transcript for Proposed Int. 18-A, dated May 11, 2010.

<sup>10</sup> See *id.*

<sup>11</sup> See Proposed Int.18-A, §2, §6-130(a) (3).

<sup>12</sup> See Proposed Int.18-A, §2, §6-130(a) (8).

<sup>13</sup> See Proposed Int.18-A, §2, §6-130(a) (4).

<sup>14</sup> See Proposed Int.18-A, §2, §6-130(a) (10).

in financial assistance. This bill increases the financial assistance threshold to \$1 million.<sup>15</sup>

#### 4. Exclusions:

The prior version of the bill did not exempt any financial assistance recipients from the prevailing wage requirement, other than not-for-profit organizations whose highest paid employee earned a salary of less than \$100,000 per year. The bill now makes the following exclusions:

- Small businesses (businesses with more than \$5 million in annual gross revenues including parent entities, subsidiary entities and other entities controlled by parent entity);<sup>16</sup>
- Business Improvement Districts<sup>17</sup>;
- Affordable housing projects (New occupancy: at least 50% of residential units affordable to those with incomes of no more than 130% AMI. Preservation: 100% affordable up to 165% AMI with at least 20% up to 50% AMI and at least one-third occupied. No more than 30% of sq. feet may be used for commercial activities)<sup>18</sup>;
- All not-for-profit organizations<sup>19</sup>;
- Manufacturers<sup>20</sup>; and
- Health and Hospital Corporation projects.<sup>21</sup>

#### C. Leases/Covered Lessors

##### 1. Lease Threshold:

The prior version of the bill required the covered lessor to pay prevailing wage to building service workers whenever the city/contracting agency was a tenant in its commercial office building that was at least 10,000 square feet, irrespective of the amount of square footage occupied by the City in such building. The bill now triggers prevailing wage only when the City leases at least 10,000 square feet of commercial office space and at least 51% of such space is occupied by the City; or, if the building is in Staten Island or in the area outside the 421-A Geographic Exclusion Area, then prevailing wage is triggered when at least 80% of such space is leased by the city/contracting agency.<sup>22</sup>

##### 2. Requirement in lease:

The prior version of the bill required the lease in which the city was a tenant to contain a provision that prevailing wage must be paid to building service workers who occupy space in the leased building. Failure to do so constituted a material breach of the lease. The bill now removed such provisions and instead requires covered lessors to, prior to entering the lease, certify that prevailing wage will be, or have been, paid to building service workers.<sup>23</sup>

##### D. Duration of Prevailing Wage Requirement

The prior version of the bill did not specify the length of time that the prevailing wage requirement would be in effect. The bill now specifies that the prevailing wage requirement will be required for the duration of written agreement between the city or city economic development entity and covered developer; the term of financial assistance; or 10 years from date the city development project opens, whichever is longer.<sup>24</sup>

##### E. Reporting/Notice

The prior version of the bill required a notice that building service employees are entitled to prevailing wage to be posted at all city development projects and leased buildings in English only. The bill now requires such notice to also be posted in Spanish.<sup>25</sup>

Additionally, the bill now requires covered lessors and covered developers to maintain payroll records for 6 years and include such payroll information in the annual certification to the Comptroller that prevailing wage has been or will be paid to building service workers.<sup>26</sup>

##### F. Enforcement Provisions<sup>27</sup>

Under the prior version of the bill, the Comptroller had the authority to investigate violations and issue determinations or orders, including those requiring disclosure of records, direct payment of wages wrongly denied, or payment of civil penalties. The bill now requires the Comptroller to investigate, and report results to the Mayor, who is now charged with issuing determinations or orders, or referring matters to the Office of Administrative Trials and Hearings.

#### VI. Summary of Proposed Int. 18-A

As set forth in greater detail below, the legislation (i) mandates the payment of prevailing wage to building service employees, and (ii) establishes a reporting and monitoring mechanism to enforce such requirement. Unless otherwise exempt, all covered developers and covered lessors would be required to (i) guarantee that building service employees that work on a city development project or in a space

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<sup>15</sup> See *id.*

<sup>16</sup> See Proposed Int.18-A, §2, §6-130(a) (8).

<sup>17</sup> See *id.*

<sup>18</sup> See Proposed Int.18-A, §2, §6-130(a) (1) and (a)(4).

<sup>19</sup> See Proposed Int.18-A, §2, §6-130(a) (8).

<sup>20</sup> See *id.*

<sup>21</sup> See Proposed Int.18-A, §2, §6-130(a) (4).

<sup>22</sup> See Proposed Int.18-A, §2, §6-130(a) (11)

<sup>23</sup> See Proposed Int.18-A, §2, §6-130(b) (2).

<sup>24</sup> See Proposed Int.18-A, §2, §6-130(a) (4) and 6-130(b) (6).

<sup>25</sup> See Proposed Int.18-A, §2, §6-130(b) (4) and 6-130(c) (4).

<sup>26</sup> See Proposed Int.18-A, §2, §6-130(b) (3) and 6-130(c) (3).

<sup>27</sup> See Proposed Int.18-A, §2, §6-130(d).

leased by the city comply with the prevailing wage requirement and (ii) maintain and report hours, wage, and benefit information of all building service employees who work on such properties.

The prevailing wage requirement will only apply to new leases, or existing leases that are renewed, modified, or amended after the enactment of Proposed Int. 18-A. In cases where the city has multiple leases in the same building, the provisions of Proposed Int. 18-A will not apply until the lease covering the largest amount of square footage at such building is extended, renewed, or modified.<sup>28</sup>

In the case of city development projects, the prevailing wage requirement will only apply to new projects or existing projects that are renewed, modified, or amended after enactment of Proposed Int. 18-A and results in the grant of additional financial assistance.<sup>29</sup>

##### A. Covered Workers

Proposed Int. 18-A would require covered lessors or covered developers to ensure that all building service employees performing building service work at the premise to which the lease pertains or at a city development project are paid the prevailing wage.<sup>30</sup> Proposed Int. 18-A defines a building service employee as “any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.”<sup>31</sup>

##### B. Covered Developers and Covered Lessors

The requirements of Proposed Intro 18-A apply when a covered developer or lessor: i) receives financial assistance valued at \$1 million or more for a city development project (project in which the purpose is for “improvement of real property, economic development, job retention and growth or other similar purposes for a project that is at least 100,000 square feet for commercial office space and at least 100 units for a residential project<sup>32</sup>; or ii) leases to the City at least 10,000 square feet of commercial office space and the City leases at least 51% of such space in which building service employees are employed.<sup>33</sup> In cases where the building subject to the lease is located in Staten Island and outside the 421-A Geographic Exclusionary Area, the City must lease 80% of the space subject to the lease.<sup>34</sup>

Financial assistance to covered developers does not include statutorily prescribed benefits; rather, it only includes discretionary benefits that may be negotiated or awarded at the discretion of the city or city economic development entity,<sup>35</sup> including but not limited to:

- Cash payments or grants;
- Bond financing;
- Tax abatements and exemptions;
- Tax increment financing;
- Filing fee waivers;
- Energy cost reductions;
- Environmental remediation costs; and
- Additional itemized items.<sup>36</sup>

Certain categories of covered developers would be exempt from the prevailing wage requirement including:

- Small businesses (businesses with more than \$5 million in annual gross revenues including parent entities, subsidiary entities and other entities controlled by parent entity);<sup>37</sup>
- Business Improvement Districts<sup>38</sup>;
- Affordable housing projects (New occupancy: at least 50% of residential units affordable to those with incomes of no more than 130% AMI. Preservation: 100% affordable up to 165% AMI with at least 20% up to 50% AMI and at least one-third occupied. No more than 30% of sq. feet may be used for commercial activities)<sup>39</sup>;
- All not-for-profit organizations<sup>40</sup>;
- Manufacturers<sup>41</sup>; and
- Health and Hospital Corporation projects.<sup>42</sup>

In the case of leases, the prevailing wage requirement of this bill does not apply to leases between a not for profit corporation and the city.<sup>43</sup>

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<sup>28</sup> See Proposed Int.18-A, §2, §6-130(f).

<sup>29</sup> See Proposed Int.18-A, §2, §6-130(g).

<sup>30</sup> See Proposed Int.18-A, §2, §6-130(b) (1) and 6-130(c) (1).

<sup>31</sup> See Proposed Int.18-A, §2, §6-130(a) (3).

<sup>32</sup> See Proposed Int.18-A, §2, §6-130(a) (4).

<sup>33</sup> See Proposed Int.18-A, §2, §6-130(a) (11).

<sup>34</sup> See *id.*

<sup>35</sup> Defined as a not-for-profit organization that administers economic development benefits on behalf of the city. See Proposed Int.18-A, §2, §6-130(a) (5).

<sup>36</sup> See Proposed Int.18-A, §2, §6-130(a) (10).

<sup>37</sup> See Proposed Int.18-A, §2, §6-130(a) (8).

<sup>38</sup> See *id.*

<sup>39</sup> See Proposed Int.18-A, §2, §6-130(a) (1) and (a)(4).

<sup>40</sup> See Proposed Int.18-A, §2, §6-130(a) (8).

<sup>41</sup> See *id.*

<sup>42</sup> See Proposed Int.18-A, §2, §6-130(a) (4).

<sup>43</sup> See Proposed Int.18-A, §2, §6-130(a) (11).



Proposed Int. 18-A requires the city to maintain a list of covered developers and covered lessors, along with their contact information.<sup>44</sup>

C. Certification by Covered Developers and Covered Lessors

Prior to commencing work at a city development project or entering into a lease with the City, and annually thereafter, every covered developer or covered lessor shall: i) in the case of a covered developer, provide to a city economic development entity and the Comptroller a certification that building service employees employed at a city development project will be paid, or have been paid, prevailing wage<sup>45</sup>; or ii) in the case of a covered lessor, provide the contracting agency and the Comptroller a certification that building service employees in the building subject to the lease will be paid, or have been paid, the prevailing wage.<sup>46</sup> Such certification must be annexed to the lease.<sup>47</sup>

The annual certifications must include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at the city development project or leased building.<sup>48</sup> The certification must be certified by the covered developer or covered lessor's chief executive or chief financial officer, or the designee of any such person. As the certifications contain confidential payroll data, the certification will not be made publicly available. Failure to provide the certification violates the bill's provisions, and the Mayor can enforce compliance.<sup>49</sup>

D. Discrimination<sup>50</sup>

Discrimination or retaliation by a covered developer or covered lessor against a building service employee who makes a claim that he or she is owed the prevailing wage is prohibited under this legislation.

E. Records/Notice

1. Records

Covered lessors must submit copies of payroll data (days and hours worked, and wages paid) to contracting agency with every request for payment under lease. Both covered developers and covered lessors must maintain such payroll for at least 6 years.<sup>51</sup> The Comptroller may inspect such records for certification accuracy.<sup>52</sup> Failure to maintain such data will create a rebuttable presumption that the building service employees were not paid the prevailing wage.<sup>53</sup>

2. Notice

At the start of the city development project or lease, the covered developer or covered lessor must post in a prominent location a notice, prepared by the Comptroller, that building service employees are entitled to prevailing wage pursuant to the requirement of this bill, and may request an investigation from the Comptroller if he or she believes a covered developer or covered lessor is in violation of the prevailing wage requirement.<sup>54</sup> The notice shall include the Comptroller's contact information, and shall be posted in English and Spanish.<sup>55</sup>

F. Monitoring, Investigation, and Enforcement

1. Comptroller Monitoring and Investigation

The Comptroller is required to monitor the covered developers and covered lessors' compliance with the provisions of Proposed Int. 18-A.<sup>56</sup> Upon a written complaint by a building service employee, or when the Comptroller has reason to believe that the prevailing wage requirement has been violated, then the Comptroller must conduct an investigation.<sup>57</sup> At the start of the investigation, the Comptroller may request the contracting agency or city economic development entity to withhold payment to a covered developer or covered lessor in order to safeguard the rights of the building service employees.<sup>58</sup> The Comptroller's investigation cannot extend to work performed more than 3 years prior to the filing of a complaint, or start of the investigation, whichever is earlier.<sup>59</sup>

The results of such investigation must be reported to the mayor, or in the case of covered developer, to the city economic development entity, which shall have the discretion to rescind the financial assistance awarded to such covered developer.<sup>60</sup> Beginning 12 months after the enactment of Proposed Int. 18-A, the Comptroller will be required to submit annual reports to the Council and Mayor summarizing and analyzing compliance (wage payment and investigations instigated) of this bill for the preceding year.<sup>61</sup>

2. Mayor Enforcement

Once the Mayor receives the investigation results from the Comptroller, the Mayor, after providing the covered developer or covered lessor with an opportunity

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<sup>44</sup> See Proposed Int.18-A, §2, §6-130(b) (7) and § 6-130(c) (7).

<sup>45</sup> See Proposed Int.18-A, §2, §6-130(c) (1).

<sup>46</sup> See Proposed Int.18-A, §2, § 6-130(b) (1).

<sup>47</sup> See Proposed Int.18-A, §2, §6-130(b) (2).

<sup>48</sup> See Proposed Int.18-A, §2, §6-130(b) (2) and § 6-130(c) (2).

<sup>49</sup> See *id.*

<sup>50</sup> See Proposed Int.18-A, §2, §6-130(d).

<sup>51</sup> See Proposed Int.18-A, §2, §6-130(b) (3) and § 6-130(c) (3).

<sup>52</sup> See Proposed Int.18-A, §2, §6-130(b) (5) and § 6-130(c) (5).

<sup>53</sup> See Proposed Int.18-A, §2, §6-130(b) (3) and § 6-130(c) (3).

<sup>54</sup> See Proposed Int.18-A, §2, §6-130(b) (4) and § 6-130(c) (4).

<sup>55</sup> See *id.*

<sup>56</sup> See Proposed Int.18-A, §2, §6-130(d) (3).

<sup>57</sup> See *id.*

<sup>58</sup> See *id.*

<sup>59</sup> See Proposed Int.18-A, §2, §6-130(d) (8).

<sup>60</sup> See Proposed Int.18-A, §2, §6-130(d) (4),(5).

<sup>61</sup> See Proposed Int.18-A, §2, §6-130(d) (1).

to cure any violations, if applicable, shall issue an order, negotiate a settlement, or refer the matter to the Office of Administrative Trials and Hearings, or other appropriate agency.<sup>62</sup> The Mayor shall have the discretion to impose the following remedies on covered developers or covered lessors found to have violated the prevailing wage requirement:

- Payment of unpaid wages, plus interest, from date of underpayment;
- Payment of unpaid wage plus a civil penalty (25% of unpaid wages or 50% if 2<sup>nd</sup> violation in 6 years);
- Require compliance with filing or disclosure provisions;
- Reinstatement of person terminated for discrimination; and
- Payment of wages that were suggested to be withheld from the covered developer or covered lessor by the Comptroller at start of the investigation.<sup>63</sup>

Once a final disposition has been made in favor of a building service employee, and a covered developer or covered lessor has failed to comply with such disposition, the Mayor shall file an order with the clerk of the county of residence or place of business of the person found to be in violation.<sup>64</sup>

G. Private Right of Action<sup>65</sup>

A building service employee whose complaint was dismissed by the Comptroller or the Mayor may institute a civil action against the person found to have been in violation of the prevailing wage requirement. Such action must be in accordance with the New York Civil Practice Law and Rules relating to an action to recover upon a liability, penalty or forfeiture created or imposed by statute.

H. Effective Date

The bill takes effect 180 days after enactment.<sup>66</sup>

I. Chart summarizing the notable provisions of Proposed Int. 18-A.

Chart 2: Summary of Proposed Int. 18-A

<b>Population Covered</b>	Building Service Employees performing building service work: <ul style="list-style-type: none"> <li>• in connection with a city development project; or</li> <li>• in a building that is leased by the City</li> </ul> Building Service Employee: Any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.
<b>Who Pays?</b>	1. Covered Developers receiving financial assistance from the City for a City Development Project.  2. Covered Lessors: Person or entity entering into a lease with the City.
<b>City Development Project Threshold</b>	<ul style="list-style-type: none"> <li>• City Development Project (100,000sq feet or more for a commercial office space, or 100 units for a residential project)</li> </ul> <b>Exclusions:</b> <ul style="list-style-type: none"> <li>• Small businesses (businesses with more than \$5million in annual gross revenues including parent entities, subsidiary entities and other entities controlled by parent entity)</li> <li>• Business Improvement Districts</li> <li>• Affordable housing projects (New occupancy: at least 50% of residential units affordable to those with incomes of no more than</li> </ul>

for the Lower Ma—

<sup>62</sup> See Proposed Int.18-A, §2, §6-130(d) (6).

<sup>63</sup> See Proposed Int.18-A, §2, §6-130(d) (4).

<sup>64</sup> See Proposed Int.18-A, §2, §6-130(d) (7).

<sup>65</sup> See Proposed Int.18-A, §2, §6-130(e).

<sup>66</sup> See Proposed Int.18-A, §3.

	<p>130% AMI. Preservation: 100% affordable up to 165% AMI with at least 20% up to 50% AMI and at least one-third occupied. No more than 30% of sq. feet may be used for commercial activities)</p> <ul style="list-style-type: none"> <li>• Not-for-profit organizations</li> <li>• Manufacturers</li> <li>• HHC projects</li> </ul>
<b>Financial Assistance Threshold for Covered Developers</b>	\$1million of discretionary financial assistance for a city development project (awarded by EDC, includes sales tax exemptions, mortgage recording tax exemption, real estate tax exemption, tax exempt bond financing, and Energy Tax Savings.
<b>Lease Threshold</b>	<p>City leases at least 10,000 square feet of commercial office space and 51% of such space is occupied by the City.</p> <ul style="list-style-type: none"> <li>• In Staten Island and outside the GEA, the City must lease 80% of the space subject to the lease.</li> </ul>
<b>Duration</b>	Prevailing Wage will be required for the duration of written agreement between the City and a covered developer; the term of assistance; or 10 years from date of the date the project opens, whichever is longer
<b>Certification of Wages Paid</b>	<p><b>Developers</b></p> <ul style="list-style-type: none"> <li>• Annual certification*, covered developers must submit to EDC and the Comptroller a certification that building service employees employed at a city development project will be paid, or have been paid, prevailing wage.</li> <li>• Copies of records (days, hours, and wages), must be certified by the CEO/CFO of covered developer, and maintained for 6 years (Comptroller may inspect records for certification accuracy)</li> <li>• Notice that prevailing wage must be paid must be in English and Spanish.</li> </ul> <p><b>Lessors</b></p> <ul style="list-style-type: none"> <li>• Annual certification*, annexed to lease, provided by the covered lessors to the contracting agency and the Comptroller ,that building service employees in the building subject to the lease will be paid, or have been paid, prevailing wage.</li> <li>• Copies of records (days, hours, and wages), must be submitted to contracting agency with each request for payment under lease, and maintained for 6 years (Comptroller may inspect records for certification accuracy).</li> <li>• Notice that prevailing wage must be paid must be in English and Spanish.</li> </ul> <p><b>*Failure to provide certification violates bill provisions, and Mayor can enforce certification requirements.</b></p>
<b>Reporting</b>	Comptroller reporting: Annual reports to the Council and the Mayor summarizing and analyzing compliance (wage payment and investigations instigated) of this bill for the preceding year.

<b>Enforcement</b>	<p>Mayor Enforcement:</p> <p>Comptroller investigates, and reports results to the Mayor, who then issues an order or refer matter to OATH.</p> <p>Remedies</p> <ul style="list-style-type: none"> <li>• Payment of unpaid wages, plus interest, from date of underpayment; or</li> <li>• Payment of unpaid wage plus civil penalty (25% of unpaid wages or 50% if 2<sup>nd</sup> violation in 6 years); or</li> <li>• Require compliance with filing or disclosure provisions; or</li> <li>• Reinstatement of person terminated for</li> </ul>
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	<p>discrimination; or</p> <ul style="list-style-type: none"> <li>• Payment of wages withheld at start of investigation; or</li> <li>• Private Right of Action: Must be filed within 3 years</li> </ul>
<b>Local Law Effective Date</b>	180 days after enactment

(The following is the text of the Fiscal Impact Statement for Int. No. 18-A:)



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

PROPOSED INTRO. NO: 18-A

COMMITTEE:  
 Finance

**TITLE:** A local law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.

**SPONSOR:** By Council Members Mark-Viverito, Barron, Brewer, Cabrera, Dromm, Eugene, Ferreras, Foster, Gonzalez, Jackson, James, Koppell, Koslowitz, Lander, Mendez, Palma, Reyna, Sanders Jr., Van Bramer, Williams, Vann, Chin, Arroyo, Rose, Rodriguez, Rivera, Gennaro, Lappin, Dickens, Mealy, Gentile, Crowley, Vacca, Seabrook, Garodnick, Comrie, Ulrich and the Public Advocate (Mr. de Blasio)

**SUMMARY OF LEGISLATION:** Intro 18-A would add a new section (§ 6-130) to Chapter 1 of Title 6 of the City’s Administrative Code, relating to Contracts and Purchases. The legislation mandates the payment to certain building service employees of a prevailing wage (a combination of wages and benefits) and establishes a reporting and monitoring mechanism to enforce such requirement. Unless otherwise exempt (see the committee report for the specific exemptions), all covered developers and covered lessors would be required to certify that building service employees that work on a city economic development project or in a space leased by the City are paid the prevailing wage, and to maintain and report hours, wage, and benefit information of all building service employees who work on such properties.

The prevailing wage requirement will only apply to new leases, or existing leases that are renewed, modified, or amended after the enactment of Proposed Int. 18-A. In cases where the City has multiple leases in the same building, the provisions of Proposed Int. 18-A will not apply until the lease covering the largest amount of square footage at such building is extended, renewed, or modified. Lessors would be covered if the City leases at least 10,000 square feet and 51 percent of the space. In leases located either in Staten Island or outside the current 421-A Geographic Exclusion Area, the City must lease at least 80 percent of the space for the building to be covered by the provisions in this bill.

In the case of city development projects, the prevailing wage requirement will apply to non-exempt projects, as defined in the bill, that receive at least \$1 million in discretionary financial assistance for a commercial project of 100,000 square feet or more, or a residential project of 100 units or more. The provisions apply to new projects, or to existing projects that are renewed, modified, or amended after enactment of Proposed Int. 18-A if they also receive additional financial assistance upon renewal.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2028

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY28
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$206,394	\$543,935	\$2,318,382
<b>Net</b>	- \$206,394	- \$543,935	- \$2,318,382

**IMPACT ON REVENUES:** There will be no direct impact on revenue.

**IMPACT ON EXPENDITURES:** As leases are renewed, it is expected that the cost of the leases will rise to reflect the higher building expenses to pay building service workers the prevailing wage. However, many of the buildings the City leases office space in will not be directly impacted by this bill, either because the City does not lease a qualifying amount and percentage of office space in it, or the buildings already have union representation which ensures that the building service workers are paid a prevailing wage. In those buildings there will be no fiscal impact from this bill at renewal. The remaining buildings will see slightly higher lease costs to cover the higher wages for building service workers. This is estimated to be \$206,393 in fiscal year 2013, and to eventually total about \$2.3 million after all current leases have renewed by Fiscal 2028, which represents less than 1 percent of the \$395 million the City spends on office leases in Fiscal 2012.

The fiscal impact of the component that covers economic development projects is expected to be minimal. Since the prevailing wage requirement is limited to negotiated benefits, the fiscal impact will be a function of the mix of projects, partners chosen for those projects, and the specific terms of the negotiated deals as determined by City's Economic Development Corporation (EDC) and the Department of Housing Preservation & Development (HPD). Therefore, it is expected that the bill's impact will mostly fall on that mix of projects, partners and terms, rather than on the City's budget.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City Treasury

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Department of Citywide Administrative Services  
New York City Economic Development Corporation  
New York City Department of Housing Preservation & Development

**ESTIMATE PREPARED BY:** Raymond Majewski, Deputy Director/Chief Economist

Nathaniel Toth, Deputy Director  
Anthony Brito, Senior Legislative Financial Analyst  
Emre Edev, Senior Legislative Financial Analyst

**HISTORY:** Introduced by City Council and referred to the Committee on Finance as Int. 18 on February 3, 2010. A hearing was held by the Committee on May 11, 2010 and the bill was amended and laid over. This legislation will be voted by the Committee on March 28, 2012 as Proposed Int. No. 18-A.

Notwithstanding the objection of the Mayor, this Committee recommends the re-adoption of Int No. 18-A.

**(The following is the text of Int. No. 18-A:)**

Int. No. 18-A

By Council Members Mark-Viverito, Barron, Brewer, Cabrera, Dromm, Eugene, Ferreras, Foster, Gonzalez, Jackson, James, Koppell, Koslowitz, Lander, Mendez, Palma, Reyna, Sanders, Van Bramer, Williams, Vann, Chin, Arroyo, Rose, Rodriguez, Rivera, Gennaro, Lappin, Dickens, Mealy, Gentile, Crowley, Vacca, Seabrook, Garodnick, Comrie, Levin, Ulrich and the Public Advocate (Mr. de Blasio).

**A Local Law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. The Council finds that the City, as a promoter of economic development, commits significant resources, including millions of dollars in subsidies and incentives, for development projects across the city. Further, as a tenant, the City spends millions of tax dollars each year leasing space for City agencies from private landlords. Building service work has traditionally been a gateway to the middle class for New York City residents, particularly for immigrants. The Council is concerned, however, that in some cases, those who benefit from city leases or economic development incentives do not ensure that the building service employees they employ or utilize receive the prevailing wage. This failure has the potential to destabilize neighborhoods and to undermine the City's middle class tax base. The intention of the Council in enacting this section

is to ensure that funding provided, in whole or part, by the City is not used to this effect.

§2: Title 6 of the administrative code of the city of New York is amended by adding a new section 6-130 to read as follows:

§ 6-130 *Prevailing Wage for Building Service Employees in City Leased or Financially Assisted Facilities.*

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

(1) "Affordable housing project" means a project where not less than fifty percent of the residential units are affordable for households earning up to one hundred thirty percent of the area median income or in which all residential units are affordable to households earning up to one hundred sixty five percent of the area median income provided that at least twenty percent of units are affordable to households earning no more than fifty percent of area median income and at least one-third of residential units are occupied at the time of execution of the financial assistance, and where no more than thirty percent of the total square footage of the project area is used for commercial activities, defined as the buying, selling or otherwise providing of goods or services, or other lawful business or commercial activities otherwise permitted in mixed-use property.

(2) "Building service work" means work performed in connection with the care or maintenance of a building or property, and includes but is not limited to work performed by a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

(3) "Building service employee" means any person, the majority of whose employment consists of performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

(4) "City development project" means a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project: (a) is expected to be larger than 100,000 square feet, or, in the case of a residential project, larger than 100 units; and (b) has received or is expected to receive financial assistance. City development project shall not include an affordable housing project, nor shall it include a project of the Health and Hospitals Corporation. A project will be considered a "city development project" for ten years from the date the financially assisted project opens, or for the duration of any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance, whichever is longer.

(5) "City economic development entity" means a not-for-profit organization, public benefit corporation, or other entity that provides or administers economic development benefits on behalf of the City pursuant to paragraph b of subdivision one of section 1301 of the New York city charter.

(6) "Comptroller" means the comptroller of the city of New York.

(7) "Contracting agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution, or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(8) "Covered developer" means any person receiving financial assistance in relation to a city development project, or any assignee or successor in interest of real property that qualifies as a city development project. "Covered developer" shall not include any not-for-profit organization. Further, a covered developer shall not include a business improvement district; a small business; nor shall it include an otherwise covered developer whose industry conducted at the project location is manufacturing, as defined by the North American Industry Classification System.

(9) "Covered lessor" means any person entering into a lease with a contracting agency (10) "Financial assistance" means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (a) directly by the city, or (b) indirectly by a city economic development entity and that is paid in whole or in part by the city, and that at the time the covered developer enters into a written agreement with the city or city economic development entity is expected to have a total present financial value of one million dollars or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for; provided, however, that any tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or exemption, shall be deemed to be as of right (or non-discretionary); and provided further that the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first serve or other non-discretionary basis set forth in such state or local law shall not render such abatement, credit, reduction or exemption discretionary. Financial assistance shall include only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and shall not include as-of-right



assistance, tax abatements or benefits. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a city economic development entity.

(11) "Lease" means any agreement whereby a contracting agency contracts for, or leases or rents, commercial office space or commercial office facilities of 10,000 square feet or more from a non-governmental entity provided the City, whether through a single agreement or multiple agreements, leases or rents no less than fifty-one percent of the total square footage of the building to which the lease applies, or if such space or such facility is entirely located within the geographic area in the borough of Staten Island, or in an area not defined as an exclusion area pursuant to section 421-a of the real property tax law on the date of enactment of the local law that added this section, then no less than eighty percent of the total square footage of the building to which the lease applies. Such agreements shall not include agreements between not-for-profit organizations and a contracting agency.

(12) "Not-for-profit organization" means an entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section five hundred one of the United States internal revenue code.

(13) "Prevailing wage" means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the comptroller in accordance with the provisions of section 234 of the New York state labor law. As provided under section 231 of the New York state labor law, the obligation of an employer to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments under rules and regulations established by the comptroller.

(14) Small business means an entity that has annual reported gross revenues of less than five million dollars. For purposes of determining whether an employer qualifies as a small business, the revenues of any parent entity, of any subsidiary entities, and of any entities owned or controlled by a common parent entity shall be aggregated.

b. Prevailing Wage in Buildings Where the City Leases Space Required.

(1) Covered lessors shall ensure that all building service employees performing building service work at the premises to which a lease pertains are paid no less than the prevailing wage.

(2) Prior to entering into a lease, or extension, renewal, amendment or modification thereof, and annually thereafter for the term of the lease the contracting agency shall obtain from the prospective covered lessor, and provide to the comptroller, a certification, executed under penalty of perjury, that all building service employees employed in the building to which the lease pertains or under contract with the covered developer to perform building service work in such building will be and/or have been paid the prevailing wage for the term of the lease. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at such building which shall be available for inspection by the city. Such certification shall be certified by the chief executive or chief financial officer of the covered lessor, or the designee of any such person. The certification shall be annexed to a part of any prospective lease. A violation of any provision of the certification or failure to provide such certification shall constitute a violation of this section by the party committing the violation of such provision.

(3) Each covered lessor shall be required to submit copies of records, certified under penalty of perjury to be true and accurate, for the building service employees performing services in the building or buildings to each contracting agency with every request for payment under the lease. Such records shall include the days and hours worked, and the wages paid and benefits provided to each building service employee. The covered lessor may satisfy this requirement by obtaining copies of records from the employer or employers of such employees. Each covered lessor shall maintain original payroll records for each building service employee reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for at least six years after the building service work is performed. Failure to maintain such records as required shall create a rebuttable presumption that the building service employee was not paid the wages and benefits as required under this section. Upon the request of the comptroller or the city, the covered lessor shall provide a certified original payroll record.

(4) No later than the day on which the term of the lease begins to run, a covered lessor shall post in a prominent and accessible place at each building to which the lease pertains and provide each building service employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which building service employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising employees that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notices shall be provided in English and Spanish. Such notice shall remain posted for the duration of the lease and shall be adjusted periodically to reflect the current prevailing wage for building service employees. The comptroller shall provide the city with sample written notices explaining the rights of building service employees and covered lessors' obligations under this section, and the city shall in turn provide those written notices to covered lessor.

(5) The comptroller or the city may inspect the records maintained pursuant to paragraph 3 of this subdivision to verify the certifications submitted pursuant to paragraph 2 of this subdivision.

(6) The requirements of this section shall apply for the term of the lease.

(7) The city shall maintain a list of covered lessors that shall include the address of the building to which the lease pertains. Such list shall be updated and published as often as is necessary to keep it current.

c. Prevailing Wage in City Development Projects Required.

(1) Covered developers shall ensure that all building service employees performing building service work in connection with a city development project are paid no less than the prevailing wage.

(2) Prior commencing work at the city development project, and annually thereafter, every covered developer shall provide to the city economic development entity and the comptroller an annual certification executed under penalty of perjury that all building service employees employed at a city development project by the covered developer or under contract with the covered developer to perform building service work will be and/or have been paid the prevailing wage. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at the city development project or under contract with the covered developer. Such certification shall be certified by the chief executive or chief financial officer of the covered developer, or the designee of any such person. A violation of any provision of the certification, or failure to provide such certification, shall constitute a violation of this section by the party committing the violation of such provision.

(3) Each covered developer shall maintain original payroll records for each building service employee reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for at least six years after the building service work is performed. The covered developer may satisfy this requirement by obtaining copies of records from the employer or employers of such employees. Failure to maintain such records as required shall create a rebuttable presumption that the building service employees were not paid the wages and benefits required under this section. Upon the request of the comptroller or the city, the covered developer shall provide a certified original payroll record.

(4) No later than the day on which any work begins at any city economic development project subject to the requirements of this section, a covered developer shall post in a prominent and accessible place at every such city economic development project and provide each building service employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which building service employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising building service employees that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notices shall be provided in English and Spanish. Such notice shall remain posted for the duration of the lease and shall be adjusted periodically to reflect the current prevailing wage for building service employees. The comptroller shall provide the city with sample written notices explaining the rights of building service employees and covered developers' obligations under this section, and the city shall in turn provide those written notices to covered developers.

(5) The comptroller, the city or the city economic development entity may inspect the records maintained pursuant to paragraph 3 of this subdivision to verify the certifications submitted pursuant to paragraph 2 of this subdivision.

(6) The requirements of this section shall apply for the term of the financial assistance, for ten years from the date that the financially assisted project opens, or for the duration of any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance, whichever is longer.

(7) The city shall maintain a list of covered developers that shall include, where a written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance is targeted to particular real property, the address of each such property. Such list shall be updated and published as often as is necessary to keep it current.

d. Enforcement.

(1) No later than October 1, 2012, the mayor or his or her designee shall promulgate implementing rules and regulations as appropriate and consistent with this section and may delegate such authority to the comptroller. Beginning twelve months after the enactment of the local law that added this section, the comptroller shall submit annual reports to the mayor and the city council summarizing and assessing the implementation and enforcement of this section during the preceding year.

(2) In addition to failure to comply with subdivisions b and c of this section, it shall be a violation of this section for any covered lessor or covered developer to discriminate or retaliate against any building service employee who makes a claim that he or she is owed wages due as provided under this section or otherwise seeks information regarding, or enforcement of, this section.

(3) The comptroller shall monitor covered lessors' and covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from a building service employee, a former building service employee, or a building service employee's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by subdivision 2 of section

235 of the state labor law, request that the relevant contracting agency or entity withhold any payment due to the covered lessor or covered developer in order to safeguard the rights of the building service employees.

(4) The comptroller shall report the results of such investigation to the mayor or his or her designee, who shall, in accordance with the provisions of paragraph 6 of this subdivision and after providing the covered lessor or covered developer an opportunity to cure any violations, where appropriate issue an order, determination, or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination, or disposition may at the discretion of the mayor, or his or her designee, impose the following on the covered lessor covered developer committing the applicable violations: (i) direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the building service employee, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the state banking law, but in any event at a rate no less than six percent per year; (ii) direct payment of a further sum as a civil penalty in an amount not exceeding twenty-five percent of the total amount found to be due in violation of this section, except that in cases where a final disposition has been entered against a person in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the prevailing wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice, or reporting requirements of this section, the mayor, or his or her designee, may impose a civil penalty in an amount not exceeding fifty percent of the total amount found to be due in violation of this section; (iii) direct the maintenance or disclosure of any records that were not maintained or disclosed as required by this section; (iv) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section; or (v) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the covered lessor or covered developer. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered lessor or covered developer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.

(5) In addition to the provisions provided in subparagraph a of this paragraph, in the case of a covered developer, based upon the investigation provided in this paragraph, the comptroller shall also report the results of such investigation to the city economic development entity, which may impose a remedy as such entity deems appropriate as within its statutorily prescribed authority, including rescindment of the award of financial assistance.

(6) Before issuing an order, determination, or any other disposition, the mayor, or his or her designee, as applicable, shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor, or his or her designee, as applicable, may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings, or other appropriate agency or tribunal, for a hearing and disposition. Such person or covered employer shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate agency or tribunal, and shall have the opportunity to be heard in respect to such matters.

(7) When a final disposition has been made in favor of a building service employee and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the mayor, or his or her designee, as applicable, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the mayor, or his or her designee, as applicable, shall file a copy of such order containing the amount found to be due with the clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the mayor, or his or her designee, as applicable, in the same manner and with like effect as that prescribed by the state civil practice law and rules for the enforcement of a money judgment.

(8) In an investigation conducted under the provisions of this section, the inquiry of the comptroller or mayor, or his or her designee, as applicable, shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

*e. Civil Action.*

(1) Except as otherwise provided by law, any person claiming to be aggrieved by a violation of this section shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the comptroller or the mayor with respect to such claim. In an action brought by a building service employee, if the court finds in favor of the employee, it shall award the employee, in addition to other relief, his/her reasonable attorneys' fees and costs.

(2) Notwithstanding any inconsistent provision of paragraph 1 of this subdivision where a complaint filed with the comptroller or the mayor is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this chapter as if no such complaint had been filed.

(3) A civil action commenced under this section shall be commenced in accordance with subdivision 2 of section 214 of New York civil practice law and rules,

(4) No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

(5) Notwithstanding any inconsistent provision of this section or of, any other general, special or local law, ordinance, city charter or administrative code, a building service employee affected by this law shall not be barred from the right to recover the difference between the amount paid to the employee and the amount which should have been paid to the employee under the provisions of this section because of the prior receipt by the employee without protest of wages or benefits paid, or on account of the building service employee's failure to state orally or in writing upon any payroll or receipt which the employee is required to sign that the wages or benefits received by the employee are received under protest, or on account of the employee's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the employee for the period covered by such payment.

f. Application to existing leases. Nothing contained herein shall operate to impair any existing lease, except that extension, renewal, amendment or modification of such lease occurring on or after the enactment of the local law that added this section shall make the entire lease subject to the conditions specified in this section; provided however, in cases where a contracting agency has multiple leases at the same building with a non-governmental entity, the provisions of this section shall not apply until the lease covering the largest amount of square footage at such building is extended, renewed, amended, or modified.

g. Application to existing city development projects. The provisions of this section shall not apply to any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance executed prior to the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such written agreement, occurring on or after the enactment of the local law that added this section that results in the grant of any additional financial assistance to the financial assistance recipient shall make the covered developer subject to the conditions specified in section.

h. Severability. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.

i. Competing laws. This section shall be liberally construed in favor of its purposes. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of higher or superior wages, benefits, or protections to covered employees. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.

§ 3. This local law shall take effect in one hundred eighty days.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, May 15, 2012.

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

Report for M-798

**Report of the Committee on Finance in favor of filing a Communication from the Mayor regarding the Mayor's Veto and Disapproval Message of Introductory Number 18-A, in relation to establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.**

The Committee on Finance, to which the annexed communication was referred on April 30, 2012 (Minutes, page 1237), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for Int No. 18-A printed in these Minutes)**

Accordingly, the Committee recommends the filing of M-798.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, May 15 , 2012.

Coupled to be Filed.

**Reports of the Committee on Land Use**

Report for L.U. No. 552

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 120107 HAX, an Urban Development Action Area Designation and Project located at 92 West Tremont Avenue and the disposition of city owned property, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 4, 2011 (Minutes, page 130), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 5**

**C 120107 HAX**

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 92 West Tremont Avenue (Block 2867, Lot 125) as an Urban Development Action Area; and
  - b) An Urban Development Action Area project for such area;
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;
 

to facilitate the development of a six-story building with approximately 61 dwelling units to be developed under HPD's Low Income Rental Program.

**INTENT**

To facilitate the development of a six-story building with approximately 61 dwelling units.

**PUBLIC HEARING**

**DATE:** May 8, 2012

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 8, 2012

**The Subcommittee recommends that the Committee approve the proposal, grant the requests made by the Department of Housing Preservation and Development, make the findings required by Article 16 of the General Municipal Law and approve the decision of the City Planning Commission.**

**In Favor:**

Levin  
Gonzalez  
Koo

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 10, 2012

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Seabrook  
Vann  
Palma  
**Cont'd**  
Garodnick  
Lappin  
Mendez  
Vacca  
Koo  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran

**Against:**

None

**Abstain:**

None

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

Res. No. 1333

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 120107 HAX, approving the designation of property located at 92 West Tremont Avenue (Block 2867, Lot 125), Borough of the Bronx, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 552; C 120107 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on April 13, 2012 its decision dated April 11, 2012 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

a) the designation of property located at 92 West Tremont Avenue (Block 2867, Lot 125), as an Urban Development Action Area (the "Area");

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

pursuant to Section 197-c of the New York City Charter for the disposition of a portion of the city-owned property located at 92 West Tremont Avenue (Block 2867, Lot 125) to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a six-story building with approximately 61 dwelling units to be developed under HPD's Low Income Rental Program (the "Disposition"), Community District 5, Borough of the Bronx (ULURP No. C 120107 HAX) (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**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;



**WHEREAS**, by letter dated on April 16, 2012 and submitted to the Council on April 26, 2012 the New York City Department of Housing Preservation and Development submitted its request respecting the application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on May 8, 2012;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 11HPD010X) and the Negative Declaration which was issued on October 3, 2011;

**RESOLVED:**

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

Pursuant to Section 197-d of the New York City Charter, on the basis of the Decision and Application and based on the environmental determination and the consideration described in the report C 120107 HAX incorporated by reference herein, the Council approves the Decision of the City Planning Commission (C 120107 HAX).

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

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

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

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

Report for L.U. No. 590

**Report of the Committee on Land Use in favor of approving Application no. 20125458, Authorizing franchises for cable television services.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 28, 2012 (Minutes, page 1069), respectfully

**REPORTS:**

**SUBJECT**

**CITYWIDE 20125458 GFY**

Authorizing Resolution to permit the Department of Information Technology and Telecommunications (DoITT) to grant franchises for cable television service.

**INTENT**

To authorize DoITT to grant non-exclusive franchises for cable television service.

**PUBLIC HEARING**

**DATE:** April 3, 2012

**Witnesses in Favor:** Four  
None **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 24, 2012

**The Subcommittee recommends that the Land Use Committee approve the Authorizing Resolution.**

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

**COMMITTEE ACTION**

**DATE:** May 10, 2012

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Garodnick		
Lappin		
Mendez		
Vacca		
Koo		

**Cont'd**

Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran

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

Res. No. 1334

**Resolution authorizing franchises for cable television services.**

By Council Members Comrie and Weprin (at the request of the Mayor).

**WHEREAS**, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications as the responsible agency for the granting of telecommunications franchises; and

**WHEREAS**, the Commissioner of the Department of Information Technology

and Telecommunications has made an initial determination, pursuant to Section 363 of the Charter (the "Charter") of the City of New York (the "City"), of the need for franchises for cable television services (as that term is defined hereinafter); and

**WHEREAS**, the Mayor has submitted to the Council a proposed authorizing resolution for such franchises pursuant to Section 363 of the Charter; and

**WHEREAS**, use of the inalienable property of the City (as defined hereinafter) helps to facilitate the availability of cable television service;

The Council hereby resolves that:

A. The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the construction, installation, use, operation and/or maintenance of cable, wire and/or optical fiber and associated equipment on, over and under the inalienable property of the City (including through pipes, conduits and similar improvements thereto) for provision of cable television services in the City.

B. The public services to be provided under such franchises shall be cable television services, as defined hereinafter.

C. For purposes of this resolution, "inalienable property of the City" shall mean the property designated as inalienable in Section 383 of the Charter. References herein to facilities "in the inalienable property" shall mean facilities located in, on, over or under the surface of such inalienable property of the City.

D. For purposes of this resolution, "cable television services" shall mean "cable service" as defined in the Cable Communications Policy Act of 1984, as amended (47 U.S.C. Sections 521 et seq.).

E. All franchises granted pursuant to this resolution shall require, as provided in Charter Sections 363 and 372, the approval of the Franchise and Concession Review Committee and the separate and additional approval of the Mayor.

F. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council.

G. Prior to the grant of any such franchise, and to the extent consistent with New York State and federal law, a request for proposals or other solicitation ("solicitation") shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such solicitation, all legally required environmental and land use review shall be conducted in accordance with City Environmental Quality Review ("CEQR") and Section 197-c of the Charter. The criteria to be used by the Department of Information Technology and Telecommunications to evaluate responses to such solicitation shall include, but not be limited to, the following, if and to the extent permitted by law:

- (1) the adequacy of the proposed compensation to be paid to the City;
- (2) the financial, legal, technical and managerial experience and capabilities of the applicant(s), including (without limitation, except as limited by law) the ability of the applicant(s) to maintain the property of the City in good condition throughout the term of the franchise; and
- (3) the degree to which the public interest will be served by the service proposed to be provided.

H. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, terms and conditions consistent with the following to the extent permitted by law (and shall not include any provision which is prohibited by law from inclusion in such franchise agreement):

- (1) no franchise granted pursuant hereto shall have a term that exceeds fifteen (15) years, including options to renew if any;
- (2) the compensation for the franchise to be paid to the City shall be adequate and may include monetary compensation, the provision of facilities and/or services to the City, or both;
- (3) the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;
- (4) the franchisee shall be required to provide security to

ensure the performance of the franchisee's obligations under the agreement;

(5) there shall be remedies to protect the City's interest in the event of the franchisee's failure to comply with the terms and conditions of the franchise agreement;

(6) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;

(7) all franchisees shall be required to maintain complete and accurate books of account and records sufficient to assure franchisee's compliance with the franchise agreement, which books of account and records shall be made available on demand to the City for inspection;

(8) there shall be provisions to ensure quality workmanship and construction methods with respect to those facilities constructed, installed, used, operated and/or maintained pursuant to the franchise and located in the inalienable property;

(9) there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;

(10) there shall be provisions requiring the franchisee to comply with applicable City laws and regulations related to, but not limited to, employment and investigations;

(11) there shall be provisions to ensure adequate oversight by the City of franchisee's performance of its franchise obligations;

(12) there shall be provisions requiring the consent of the City prior to an assignment or other transfer of, or change in control of, the franchise;

(13) there shall be provisions regarding City rights to inspect facilities constructed, installed, used, operated and/or maintained pursuant to the franchise and located in the inalienable property, and regarding City rights to direct relocation of such facilities;

(14) all franchisees shall have been subject, prior to commencement of the franchise term, to review under the City's Vendor Information Exchange System ("VENDEX") or any successor system;

(15) all franchises shall include provisions incorporating the MacBride Principles;

(16) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;

(17) there shall be provisions requiring the franchisee to protect the property of the City from damage, and the delivery of public services from interruption, resulting from the construction, installation, use, operation, maintenance and/or removal of franchisee's facilities in the inalienable property;

(18) there shall be provisions designed to minimize the extent to which the public use of the streets of the City are disrupted in connection with the construction, installation, use, operation, maintenance and/or removal of franchisee's facilities in the inalienable property;

(19) no franchise granted hereunder shall contain economic or regulatory burdens on the franchisee which when taken as a whole are greater or lesser than those burdens placed upon another cable television franchisee operating in the same area;

(20) all franchises shall be subject to comparable obligations and requirements provided that where the imposition of such obligations and requirements would be duplicative, then alternative but comparable obligations or requirements shall be imposed; and

(21) there shall be provisions requiring capacity and support for public, educational and governmental access.

I. The Department of Information Technology and Telecommunications shall file with the Council the following documents:

(1) within fifteen (15) days of issuance, a copy of each solicitation issued pursuant to this resolution;

(2) within fifteen (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and

(3) on or before July 1 of each year, a report detailing the revenues received by the City from each franchise granted pursuant to this resolution during the preceding calendar year.

J. If any clause, sentence, paragraph, section or part of this resolution shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution or the application thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

Report for L.U. No. 595

**Report of the Committee on Land Use in favor of approving Application no. C 120108 ZMK submitted by NYC Department of Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos.29a and 29c, Council District 46.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 18, 2012 (Minutes, page 1223), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 18**

**C 120108 ZMK**

City Planning Commission decision approving an application submitted by NYC Department of Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 29a and 29c, changing from a C3 District to a C8-1 District property bounded by a line perpendicular to the northeasterly street line of Flatbush Avenue distant 1290 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, a line 100 feet northeasterly of Flatbush Avenue, a line at an angle of 42 degrees to Flatbush Avenue and passing through a point on the northeasterly street line of Flatbush Avenue distant 1290 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, a line 400 feet northeasterly of Flatbush Avenue, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 420 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, and Flatbush Avenue, as shown on a diagram (for illustrative purposes only) dated November 28, 2011.

**INTENT**

To facilitate the development of 106,781 square foot automotive and service establishment and the re-configuration of the existing open accessory parking for an existing retail use.

**PUBLIC HEARING**

**DATE:** May 8, 2012

**Witnesses in Favor:** Three  
**Against:** None

**Witnesses**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 10, 2012

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

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

**COMMITTEE ACTION**

**DATE:** May 10, 2012

The Committee recommends that the Council approve the attached resolution.

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

**Cont'd**  
Sanders, Jr.  
Seabrook  
Vann  
Palma  
Garodnick  
Lappin  
Mendez  
Vacca  
Koo  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran

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

Res. No. 1335

**Resolution approving the decision of the City Planning Commission on ULURP No. C 120108 ZMK, a Zoning Map amendment (L.U. No. 595).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 2, 2012 its decision dated March 28, 2012 (the "Decision"), on the application submitted by the New York City Department of Small Business Services, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map to facilitate the development of 106,781 square-foot automotive sales and service establishment and the re-configuration of the existing open accessory

parking for an existing retail use. The project is generally located at 2875 Flatbush Avenue on Block 8591, Lots 125, 175, 980 and part of Lot 100, in Mill Basin in Community District 18 (ULURP No. C 120108 ZMK), Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications C 070512 MMK (L.U. No. 596), the narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street; the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin and the adjustment of grades necessitated thereby; C 120111 PPK (L.U. No. 597), the Disposition of City-owned Property (Block 8591, p/o Lots 100, 125 and 175); and N 120109 ZAK (L.U. No. 598), an authorization by the City Planning Commission, pursuant to ZR Section 62-822 (a) (1), Modification of waterfront public access area and visual corridor requirements, modifying the minimum width of portions of the shore public walkway and the location requirements of visual corridors and upland connections (Block 8591, p/o Lot 100, and Lots 125, 175, and 980);

**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 May 8, 2012;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 23, 2011 (CEQR No. 12DME002K); and

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120108 ZMK, 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 Nos. 29a and 29c, changing from a C3 District to a C8-1 District property bounded by a line perpendicular to the northeasterly street line of Flatbush Avenue distant 1290 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, a line 100 feet northeasterly of Flatbush Avenue, a line at an angle of 42 degrees to Flatbush Avenue and passing through a point on the northeasterly street line of Flatbush Avenue distant 1290 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, a line 400 feet northeasterly of Flatbush Avenue, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 420 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the northerly street line of Shore Parkway, and Flatbush Avenue, as shown on a diagram (for illustrative purposes only) dated November 28, 2011, Community District 18, Borough Brooklyn.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

Report for L.U. No. 596

**Report of the Committee on Land Use in favor of approving Application no. C 070512 MMK submitted by the Department of Small Business Services pursuant to Sections 1302, 197-c and 199 of the New York City Charter and**

**Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map, Borough of Brooklyn, Community District 18, Council District no. 46. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to § 197-d (b) (2) of the Charter or called up by vote of the Council pursuant to 197-d (b) (3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 18, 2012 (Minutes, page 1223), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 18**

**C 070512 MMK**

City Planning Commission decision approving an application submitted by the Department of Small Business Services pursuant to Sections 1302, 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street;
- the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin (such Marginal Street, Wharf or Place, where the same is shown on any existing plans for the waterfront or portion thereof, shall be incorporated, as modified herein, into the City Map, in accordance with Section 1302(a) of the New York City Charter);
- and the adjustment of grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in accordance with Map Nos. Z-2703 and Z-2704, dated July 30, 2008 and signed by the Borough President.

**INTENT**

To facilitate the development of 106,781 square foot automotive and service establishment and the re-configuration of the existing open accessory parking for an existing retail use.

**PUBLIC HEARING**

**DATE:** May 8, 2012

**Witnesses in Favor:** Three  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 10, 2012

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

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

**COMMITTEE ACTION**

**DATE:** May 10, 2012

The Committee recommends that the Council approve the attached resolution.

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

**Cont'd**  
 Sanders, Jr.  
 Seabrook  
 Vann  
 Palma  
 Garodnick  
 Lappin  
 Mendez  
 Vacca  
 Koo  
 Lander  
 Levin  
 Weprin  
 Williams  
 Ignizio  
 Halloran

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

Res. No. 1336

**Resolution approving the decision of the City Planning Commission on ULURP No. C 070512 MMK, an amendment to the City Map (L.U. No. 596).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 2, 2012 its decision dated March 28, 2012 (the "Decision"), on the application submitted by the New York City Department of Small Business Services, pursuant to Sections 1302, 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street;
- the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin (such Marginal Street, Wharf or Place, where the same is shown on any existing plans for the waterfront or portion thereof, shall be incorporated, as modified herein, into the City Map, in accordance with Section 1302(a) of the New York City Charter);
- and the adjustment of grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in accordance with Map Nos. Z-2703 and Z-2704, dated July 30, 2008 and signed by the Borough President (ULURP No. C 070512 MMK), Community District 8, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Applications C 120108 ZMK (L.U. No. 595), an amendment to the Zoning Map changing from a C3 District to a C8-1 District; C 120111 PPK (L.U. No. 597), the Disposition of City-owned Property (Block 8591, p/o Lots 100, 125 and 175); and N 120109 ZAK (L.U. No. 598), an Authorization by the City Planning Commission, pursuant to ZR Section 62-822 (a) (1), Modification of waterfront public access area and visual corridor requirements, modifying the minimum width of portions of the shore public walkway and the location requirements of visual corridors and upland connections (Block 8591, p/o Lot 100, and Lots 125, 175, and 980);

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 8, 2012;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 23, 2011 (CEQR No. 12DME002K); and

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

**RESOLVED:**

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

Pursuant to Sections 197-d and 199 of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 070512 MMK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

Report for L.U. No. 597

**Report of the Committee on Land Use in favor of approving Application no. C 120111 PPK submitted by the NYC Department of Small Business Services (DSBS), pursuant to Section 197-c of the New York City Charter, for Disposition to the New York City Economic Development Corporation (EDC) of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125, Borough Brooklyn, Community District 18, Council District 46. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to § 197-d (b) (2) of the Charter or called up by vote of the Council pursuant to 197-d (b) (3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 18, 2012 (Minutes, page 1223), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 18**

**C 120111 PPK**

City Planning Commission decision approving an application submitted by the NYC Department of Small Business Services (DSBS), pursuant to Section 197-c of the New York City Charter for disposition to the New York City Economic Development Corporation (EDC) of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 100, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125.

**INTENT**

To facilitate the development of 106,781 square foot automotive and service establishment and the re-configuration of the existing open accessory parking for an existing retail use.

**PUBLIC HEARING**

**DATE:** May 8, 2012

**Witnesses in Favor:** Three  
**Against:** None

**Witnesses**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 10, 2012

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

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

**COMMITTEE ACTION**

**DATE:** May 10, 2012

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Garodnick		
Lappin		
Mendez		

**Cont'd**

Vacca  
Koo  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran

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

Res. No. 1337

**Resolution approving the decision of the City Planning Commission on ULURP No. C 120111 PPK, the disposition of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 100, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125), Borough of Brooklyn (L.U. No. 597).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 2, 2012 its decision dated March 28, 2012 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Small Business Services (DSBS), for disposition to the New York City Economic Development Corporation (EDC) of city-owned property located at 2875 Flatbush Avenue (Block 8591, p/o Lot 100, p/o Lot 125, and p/o Lot 175),

which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125 (ULURP No. C 120111 PPK), Community District 18, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Application C 120108 ZMK (L.U. No. 595), an amendment to the Zoning Map changing from a C3 District to a C8-1 District; C 070512 MMK (L.U. No. 596), the narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street; the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin and the adjustment of grades necessitated thereby; and N 120109 ZAK (L.U. No. 598), an Authorization by the City Planning Commission, pursuant to ZR Section 62-822 (a) (1), Modification of waterfront public access area and visual corridor requirements, modifying the minimum width of portions of the shore public walkway and the location requirements of visual corridors and upland connections (Block 8591, p/o Lot 100, and Lots 125, 175, and 980);

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on May 8, 2012; and

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 23, 2011 (CEQR No. 12DME002K); and

**RESOLVED:**

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

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision and based on the environmental determination and consideration described in this report, C 120111 PPK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

Report for L.U. No. 598

**Report of the Committee on Land Use in favor of approving Application no. N 120109 ZAK submitted by NYC Department of Small Business Services for the grant of an authorization pursuant to Section 62-822(a)(1) of the Zoning Resolution to modify the location requirements of Sections 62-511(Location of Visual corridors) and 62-56(Requirement's for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts, Borough of Brooklyn, Community District 18, Council District 46. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to § 197-d (b) (2) of the Charter or called up by vote of the Council pursuant to 197-d (b) (3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 18, 2012 (Minutes, page 1224), respectfully

**REPORTS:**



**SUBJECT**

**BROOKLYN CB - 18**

**C 120109 ZAK**

City Planning Commission decision approving an application submitted by the NYC Department of Small Business Services (DSBS), for the grant of an authorization pursuant to Section 62-822(a)(1) of the Zoning Resolution to modify the location requirements of Sections 62-511 (Location of visual corridors) and 62-56 (Requirements for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts.

**INTENT**

To facilitate the development of 106,781 square foot automotive and service establishment and the re-configuration of the existing open accessory parking for an existing retail use.

**PUBLIC HEARING**

**DATE:** May 8, 2012

**Witnesses in Favor:** Three  
**Against:** None

**Witnesses**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 10, 2012

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

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

**COMMITTEE ACTION**

**DATE:** May 10, 2012

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Garodnick		
Lappin		
Mendez		
Vacca		
<b><u>Cont'd</u></b>		
Koo		
Lander		

Levin  
Weprin  
Williams  
Ignizio  
Halloran

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

Res. No. 1338

**Resolution approving the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a)(1) of the Zoning Resolution of the City of New York to modify the location requirements of Sections 62-511 (Location of visual corridors) and 62-56 (Requirements for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts, Borough of Brooklyn (Non-ULURP No. N 120109 ZAK; L.U. No. 598).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 2, 2012 its decision dated March 28, 2012 (the "Decision"), on the application submitted by the New York City Department of Small Business Services for the grant of an authorization pursuant to Section 62-822(a)(1) of the Zoning Resolution to modify the location requirements of Sections 62-511 (Location of visual corridors) and 62-56 (Requirements for Upland Connections) and the minimum dimension requirements of Section 62-53 (Requirements for Shore Public Walkways); in connection with a proposed waterfront zoning lot subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts, Community District 18, Borough of Brooklyn (Non-ULURP No. N 120109 ZAK) (the "Application");

**WHEREAS**, the Application is related to Application C 120108 ZMK (L.U. No. 595), an amendment to the Zoning Map changing from a C3 District to a C8-1 District; C 070512 MMK (L.U. No. 596), the narrowing, by elimination, discontinuance and closing, of a portion of Flatbush Avenue between Avenue U and Pelican Street; the elimination, discontinuance and closing of Marginal Street, Wharf or Place bounded by Flatbush Avenue, Shore Parkway and Mill Basin and the adjustment of grades necessitated thereby; and C 120111 PPK (L.U. No. 597), the Disposition of City-owned Property (Block 8591, p/o Lots 100, 125 and 175);

**WHEREAS**, the Authorization is subject to review and action by the Council pursuant to Section 62-822 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 May 8, 2012;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 23, 2011 (CEQR No. 12DME002K); and

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

**RESOLVED:**

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

Pursuant to Section 62-822(a)(1)(i) and (ii) of the Zoning Resolution of the City of New York and on the basis of the Authorization and Application, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

Report for L.U. No. 599

**Report of the Committee on Land Use in favor of approving Application no. C 090466 ZMQ submitted by ADC Builders & Developers pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 19a, Council District 27.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 18, 2012 (Minutes, page 1224), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB – 13**

**C 090466 ZMQ**

City Planning Commission decision approving an application submitted by ADC Builders & Developers pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 19a, by establishing within an existing R2A District a C1-3 District bounded by 119th Avenue, Francis Lewis Boulevard, 217th Street, a line perpendicular to the southeasterly street line of Springfield Boulevard distant 140 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly line of Springfield Boulevard and the southwesterly street line of 119th Avenue, and Springfield Boulevard.

**INTENT**

To facilitate the construction of a two-story medical office building with approximately 25,262 square feet of floor area in Community District 13, in the Cambria Heights neighborhood in Queens.

**PUBLIC HEARING**

**DATE:** May 8, 2012

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 10, 2012

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

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

**COMMITTEE ACTION**

**DATE:** May 10, 2012

The Committee recommends that the Council approve the attached resolution.

**In Favor:**                      **Against:**                      **Abstain:**

Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Vann		
Palma		
Garodnick		
Lappin		

**Cont'd**

Mendez  
Vacca  
Koo  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran

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

Res. No. 1339

**Resolution approving the decision of the City Planning Commission on ULURP No. C 090466 ZMQ, a Zoning Map amendment (L.U. No. 599).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 2, 2012 its decision dated March 28, 2012 (the "Decision"), on the application submitted by ADC Builders & Developers, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to establish a C1-3 commercial overlay district within an R2A district to facilitate the construction of a two-story medical office building with approximately 25,542 square feet of floor area on the southeast corner of 119th Avenue and Springfield Boulevard (ULURP No. C 090466 ZMQ), Community District 13, Borough of Queens (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 May 8, 2012;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on October 31, 2011 (CEQR No. 09DCP077Q);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090466 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. 19a, by establishing within an existing R2A District a C1-3 District bounded by 119th Avenue, Francis Lewis Boulevard, 217th Street, a line perpendicular to the southeasterly street line of Springfield Boulevard distant 140 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly line of Springfield Boulevard and the southwesterly street line

of 119th Avenue, and Springfield Boulevard, Community District 13, Borough of Queens.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

Report for L.U. No. 602

Report of the Committee on Land Use in favor of approving Application no. 20125364 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Serafina Meatpacking LLC., d.b.a. Serafina, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 7 Ninth Avenue, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 18, 2012 (Minutes, page 1225), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20125364 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Serafina Meatpacking LLC, d/b/a Serafina, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 7 Ninth Avenue.

INTENT

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

PUBLIC HEARING

DATE: May 8, 2012

Witnesses in Favor: One
Against: None

Witnesses

SUBCOMMITTEE RECOMMENDATION

DATE: May 10, 2012

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

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Seabrook, Vann, Garodnick
Against: None
Abstain: None

Lappin
Vacca
Ignizio

COMMITTEE ACTION

DATE: May 10, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Sanders, Jr., Seabrook, Vann, Palma, Garodnick, Lappin
Against: None
Abstain: None

Cont'd

Mendez, Vacca, Koo, Lander, Levin, Weprin, Williams, Ignizio, Halloran

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

Res. No. 1340

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 7 Ninth Avenue, Borough of Manhattan (20125364 TCM; L.U. No. 602).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 3, 2012 its approval dated April 3, 2012 of the petition of Serafina Meatpacking LLC, d/b/a Serafina, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 7 Ninth Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 8, 2012; and

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

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS,

VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

Report for L.U. No. 607

**Report of the Committee on Land Use in favor of approving Application no. 20125571 PNM, pursuant to § 1301 (2) (f) of the New York City Charter concerning the proposed maritime lease of a portion of the ground floor of the Battery Maritime Building between the Department of Small Business Services and the Governors Island Corporation a.k.a. The Trust for Governors Island, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 30, 2012 (Minutes, page 1435), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1** **20125571 PNM**

Application pursuant to §1301(2)(f) of the New York City Charter concerning the proposed maritime lease at the Battery Maritime Building between the New York City Department of Small Business Services and the Governors Island Corporation d/b/a The Trust for Governors Island.

**INTENT**

To formalize and set forth the rights and responsibilities of The Trust in connection with its continued usage of its premises at the Battery Maritime Building.

**PUBLIC HEARING**

**DATE:** May 8, 2012

**Witnesses in Favor:** Two **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 8, 2012

The Subcommittee recommends that the Land Use Committee approve the Lease Agreement.

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

**COMMITTEE ACTION**

**DATE:** May 10, 2012

The Committee recommends that the Council approve the attached resolution.

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

Sanders, Jr.  
Seabrook  
Vann  
Palma  
Garodnick  
Lappin  
Mendez

**Cont'd**

Vacca  
Koo  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran

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

Res. No. 1341

**Resolution approving the lease agreement of a portion of the real property located at Block 2, Lot 1, known as the Battery Maritime Building, New York, New York, Borough of Manhattan (20125571 PNM; L.U. No. 607).**

By Council Members Comrie and Lander.

**WHEREAS**, The City of New York Department of Small Business Services filed with the Council on March 12, 2012, pursuant to Sections 1301(2)(f) of the New York City Charter, a lease agreement(the "Lease") between the City of New York Department of Small Business Services, as landlord, and the Governors Island Corporation d/b/a The Trust for Governors Island, as tenant, for certain ground floor and ferry slip areas at the Battery Maritime Building, Block 2, Lot 1 in the Borough of Manhattan (as such areas are more particularly described on the Exhibit A diagram to the Lease), upon terms and conditions set forth in the Lease, a copy of which is attached hereto (the "Lease"), Community District 1, Borough of Manhattan;

**WHEREAS**, the Lease Agreement is subject to review and action by the Council pursuant to Section 1301(2)(f) of the New York City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Lease on May 8, 2012;

**WHEREAS**, the Council has considered the relevant environmental review (a Technical Memorandum to January 26, 2012 FGEIS (CEQR No. 11DME007M TM001) for the phased redevelopment of Governors Island), which Technical Memorandum determined that the proposed Lease would not create any significant adverse impacts beyond those already identified in the FGEIS;

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

**RESOLVED:**

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

Pursuant to Section 1301(2)(f) of the New York City Charter, the Council approves the Lease and upon the terms and conditions set forth in the Lease Agreement by the New York City Department of Small Business Services, a copy of which is attached hereto.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, May 10, 2012.

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

**Report of the Committee on Transportation**

Report for Int. No. 784-A

**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to allowing for transfer of muni-meter time**

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 1, 2012 (Minutes, page 402), respectfully

**REPORTS:**

**INTRODUCTION**

On May 15, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 784-A, a Local Law to amend the administrative code of the city of New York, in relation to allowing for the transfer of muni-meter time. This legislation would allow for a driver to use time purchased at a muni-meter in any parking space governed by a muni-meter with some exceptions. This will be the second hearing on this legislation. The first hearing was held April 23, 2012. Testimony at that hearing was received from the Department of Transportation (“DOT”) and the American Automobile Association. The bill has not been amended since the first hearing.

**BACKGROUND**

The DOT is responsible for the condition of approximately 5,800 miles of streets, highways and 790 bridges structures, including six tunnels. DOT is also responsible for installing street parking meters and currently there are approximately 63,000 parking meters in New York City<sup>1</sup> In order to improve the operability of parking meters and to reduce vandalism against parking meters, DOT has initiated the process of installing multi-space parking meters, also known as muni-meters. Muni-meters are known to have fewer breakdowns and are less susceptible to vandalism and damage<sup>2</sup>

Since FY 2007 the percentage of parking spaces that have muni-meters has gone up from 25.5 percent in FY 2007 to 40.9 percent in FY 2010.<sup>3</sup> While the use of muni-meters is expected to reduce the problem of inoperable and damaged parking meters, there are still complaints of broken muni-meters. In 2010, there were 9,813 reports to 311 of damaged or defective muni-meters.<sup>4</sup>

Recently, it has been reported that there is an ambiguity in the law as to whether time purchased at a muni-meter may be transferred from one parking spot to another. This has led to different interpretations by different City agencies as to whether such time may be transferred.<sup>5</sup> Proposed Int. No. 784-A seeks to clear up that ambiguity by allowing time purchased to be transferred, so long as the parking meter rate is the same as or less than the rate where the time was purchased; the vehicle is not parked in excess of the maximum time authorized at the parking space; and the vehicle is not otherwise parked in violation of any law or rule.

**ANALYSIS**

Section 1 of Proposed Int. No. 784-A would add a new section 19-167.2 to the Administrative Code entitled “Transfer of muni-meter time.”

Subdivision a of new section 19-167.2 would define “muni-meter” as an electronic parking meter that dispenses timed receipts that are to be displayed conspicuously on a vehicle’s dashboard.

Subdivision b of new section 19-167.2 allows for parking time purchased at a muni-meter to be valid for use at any parking space where meter rules are in effect, so long as: (1) the parking meter rate is the same as or less than the rate where the time was purchased; (2) the vehicle is not parked in excess of the maximum time authorized at the parking space, with this time calculated from the time that the parking time was purchased, as indicated on the muni-meter receipt; and (3) the vehicle is not otherwise parked in violation of any law or rule.

Section 2 of Proposed Int. No. 784-A would provide that this local law take effect immediately.

<sup>1</sup> “Preliminary Mayor’s Management Report” p. 55 (February, 2010)

<sup>2</sup> *Ibid*

<sup>3</sup> “Preliminary Mayor’s Management Report” p. 62 (February, 2011)

<sup>4</sup> *Ibid*. 64

<sup>5</sup> Calder, Rich, “Cheater Meter Readers, New York Post, September 12, 2011, available at [http://www.nypost.com/p/news/local/cheater\\_meter\\_readers\\_4qwtCI22ndK511f7fPEVIL](http://www.nypost.com/p/news/local/cheater_meter_readers_4qwtCI22ndK511f7fPEVIL)

(The following is the text of the Fiscal Impact Statement for Int. No. 784-A:)



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

PROPOSED INTRO. NO: 784-A

COMMITTEE: Transportation

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to allowing for transfer of muni-meter time.

**SPONSORS:** Council Members Vacca, Cabrera, Dromm, Ferreras, Fidler, Gentile, James, Koo, Koppell, Koslowitz, Levin, Recchia, Williams, Foster, Van Bramer, Brewer, Rose, Garodnick, Halloran and Ignizio

**SUMMARY OF LEGISLATION:** This legislation would amend subchapter 2 of chapter 1of title 19 of the Administrative Code by adding a new section 19-167.2 entitled “Transfer of Muni-meter Time” to provide that parking time that is purchased at a muni-meter shall be valid for use during such time at any parking space where parking meter rules are in effect, provided that the parking meter rate at such parking space is the same as or less than the rate at the location where such parking time was purchased; that the vehicle is not parked at such parking space in excess of the maximum amount of time parking; is authorized at such parking space as indicated on posted signs; and that the vehicle is not parked in violation of any other law or rule.

**EFFECTIVE DATE:** This legislation would take effect immediately after its enactment into law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2013.

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation.

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

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

**ESTIMATE PREPARED BY:** Nathan Toth, Deputy Director  
Chima Obichere, Unit Head

**HISTORY:** Introduced as Intro. 784 by the Council on February 1, 2012 and referred to the Committee on Transportation. Intro. 784 was amended and a hearing was held on the amended legislation and was laid over by the Committee on April 23, 2012. The amended version, Proposed Int. 784-A, will be considered by the Committee on May 15, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 784-A:)

Int. No. 784-A

By Council Members Vacca, Cabrera, Dromm, Ferreras, Fidler, Gentile, James, Koo, Koppell, Koslowitz, Levin, Recchia, Williams, Foster, Van Bramer, Brewer, Rose, Garodnick, Rodriguez, Vallone Jr., Barron, Eugene, Gennaro, Greenfield, Jackson, Halloran, Ignizio and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing for transfer of muni-meter time.**

*Be it enacted by the Council as follows:*

Section 1. 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 19-167.2 to read as follows:

§19-167.2 *Transfer of muni-meter time. a. For the purposes of this section, the term "muni-meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.*

*b. Parking time that is purchased at a muni-meter shall be valid for use during such time at any parking space where parking meter rules are in effect, provided that:*

*1. the parking meter rate at such parking space is the same as or less than the rate at the location where such parking time was purchased;*

*2. the vehicle is not parked at such parking space in excess of the maximum amount of time parking is authorized at such parking space as indicated on posted signs. For purposes of this paragraph, the length of time a vehicle is parked at a parking space shall be calculated from the time such parking time was purchased, as indicated on the muni-meter receipt; and*

*3. the vehicle is not otherwise parked in violation of any law or rule.*

§2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, PETER A. KOO, VINCENT M. IGNIZIO,; Committee on Transportation, May 15, 2012.

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

**GENERAL ORDER CALENDAR**

Report for Int. No. 485-A

**Report of the Committee on xxx in favor of approving and adopting, as amended, a Local Law to amend the New York City charter, in relation to the evaluation of depository banks.**

The Committee on Finance, to which the annexed amended proposed local law was referred on February 16, 2011 (Minutes, page 418), and which was originally before the Council but laid over on April 30, 2012 (Minutes, p. 1271) respectfully

**REPORTS:**

**I. Introduction**

On November 23, 2010, the Finance Committee, jointly with the Committee on Community Development, held an oversight hearing to examine the process used by the Banking Commission to select banks to hold city funds ("depository banks"), with an emphasis on the Banking Commission's reliance on a bank's commitment to providing services and programs that address the needs of the community in which it does business.

As a result of the hearing, the Committees learned that the current members of the Banking Commission – the Mayor, the Comptroller, and the Commissioner of the Department of Finance, and the Department of Finance ("DOF"), which performs the administrative functions of the Banking Commission – did not have a process in place to ensure that the designated banks were meeting the needs of the communities in which they do business.

Specifically, we learned that:

1. Although rule 1-03(c)(4) of the Banking Commission requires the Banking Commission to issue a separate community service rating for each designated bank, the Banking Commission conceded that they do not issue a separate rating, but instead simply rely on a bank's federal and state Community Reinvestment Act ("CRA") rating to gauge a bank's community service. Issues with the CRA rating are discussed further in this report;
2. The information required in the designation application, as set forth in the rules of the Banking Commission, does not sufficiently solicit information from a bank to gauge whether such bank is providing services to a community to adequately and sufficiently meet the banking and credit needs of such community; and
3. The Banking Commission does not specify the particular needs of a community a bank seeking designation or redesignation should aspire to meet.

**II. Proposed Int. 485-A**

To gain a better understanding of a bank's community activities, on February 16, 2011 and March 7, 2011, the Council introduced and held a hearing, respectively, on Int. 485, which would require the Commissioner of Finance ("Commissioner") to establish a classification system that would rank City depository banks based on their community involvement. Under Int. 485, the classification system would be at the discretion of the Commissioner, and the goal was to require the Commissioner to establish criteria to evaluate whether banks are addressing the credit and financial needs of the City and its communities.<sup>1</sup>

After that hearing, and subsequent meetings with the Administration, banking industry, and community based organizations, Int. 485 was amended. The newly amended legislation, Proposed Int. 485-A, is summarized below.

**1. Community Investment Advisory Board**

Proposed Int. 485-A amends the administrative code of the City of New York by adding a new section 1524-A to establish the Community Investment Advisory Board ("CIAB"), purpose of which will be to conduct an assessment of banking services needs throughout the City and to evaluate the performance of the City's depository banks in meeting those needs through a broad-based, collaborative process.<sup>2</sup>

The CIAB will be an advisory board, and its findings may be considered by the Banking Commission when reviewing a bank's application for designation or redesignation.<sup>3</sup>

As an advisory board, the CIAB's findings and recommendations will not be binding on the Banking Commission, which has the sole authority to decide which banks are designated as city depositories.

**2. CIAB Membership**

To ensure a broad-based and collaborative process between stakeholders, and ensure that each stakeholder is fairly and adequately represented, the CIAB will be composed of elected officials, commissioners, members of the banking industry, small business owners or representatives, and community based organizations to conduct an assessment of banking services needs throughout the City and to evaluate the performance of the City's depository banks in meeting those needs. Specifically, the CIAB would consist of 8 members who will serve without compensation: the Banking Commission Members (Mayor, Comptroller, and the Commissioner of Finance), the Speaker of the Council, the Commissioner of Housing Preservation and Development, and three "private members": a representative of the City's banking industry (appointed by the Mayor), a representative of community development/housing organizations or consumer protection, and a small business owner representative (both appointed by the Speaker).<sup>4</sup> The Mayor, Comptroller, Speaker and Commissioners will serve on the CIAB for the duration of their tenure, and the 3 non-governmental members will serve 4 years, or through the issuance of two needs assessments, whichever is longer, and be eligible for reappointment.<sup>5</sup> Any vacancy occurring other than by expiration of term shall be filled in the same manner as the original position was filled for the unexpired portion of the term.<sup>6</sup> CIAB Members will be appointed within 60 days of enactment of Proposed Int. 485-A.<sup>7</sup>

**3. CIAB Functions.**

Beginning March 1, 2014, and every 2 years thereafter, Proposed Int. 485-A requires the CIAB to prepare an assessment of the state of banking services in New York City and its communities to identify local needs for banking services, particularly in traditionally underserved communities and populations, establish benchmarks and best practices for meeting local banking needs, and make recommendations on meeting those needs.<sup>8</sup> Once the City's banking services needs are assessed, then the CIAB will also issue an annual report that details and evaluates the performance of each depository bank in meeting those needs.<sup>9</sup>

Currently, applications for bank redesignation as a depository bank are due by March 1<sup>st</sup> of the second year in which the bank was originally designated.<sup>10</sup> The Banking Commission established a redesignation cycle so that all banks are redesignated at the same time, which decreases the administrative burden of going through redesignation applications every year.<sup>11</sup> The next redesignation process will occur in the spring of 2013.<sup>12</sup> Proposed Int. 485-A parallels the due dates for the needs assessment and the annual report produced by the CIAB with the application deadline for bank redesignation as a depository bank, so that the annual report can be considered by the Banking Commission when reviewing its designation or redesignation applications.<sup>13</sup>

**4. Needs Assessment**

Beginning March 1, 2014, and every 2 years thereafter, Proposed Int. 485-A requires the CIAB to conduct and publish on the DOF website a needs assessment that will assess the credit, financial, and banking services needs throughout the City.<sup>14</sup> Such assessment must establish benchmarks, best practices, and recommendations for meeting the City's banking needs identified by the assessment.<sup>15</sup>

The assessment will be made using:

- Information learned at public hearings. One public hearing must be conducted by the CIAB in each borough<sup>16</sup>;
- Public comments received describing the credit, financial, and banking service needs throughout the City<sup>17</sup>; and



- Census-tract level data collected by the CIAB to enable the CIAB to understand banks' efforts to:
  - a. address the key credit and financial services needs of small businesses;
  - b. develop and offer financial services and products that are most needed by low and moderate income individuals and communities throughout the city and provide physical branches;
  - c. provide funding, including construction and permanent loans and investments, for affordable housing and economic development projects in low and moderate income communities;
  - d. In the case of properties acquired by foreclosure and owned by the bank, reasonably address serious material and health and safety deficiencies in the maintenance and condition of the property;
  - e. conduct consumer outreach, settlement conferences, and similar actions relating to mortgage assistance and foreclosure prevention, and provide information, at the community district level to the board, relating to mortgage and foreclosure actions, including, but not limited to, total number of loans serviced and/or owned by the bank, total number of loans that are at least sixty days delinquent, total number of foreclosures commenced, total number of foreclosures prevented through loan modification, short sales, deeds in lieu of foreclosure or other mechanisms, total number of loan modifications applications, total number of loan modifications made and denied, and bank owned properties donated or sold at a discount;
  - f. partner in the community development efforts of the city;
  - g. positively impact on the city and its communities through activities including, but not limited to, philanthropic work and charitable giving; and
  - h. plan for and articulate how the bank will respond to the credit, financial and banking services needs of the city identified by the needs assessment, as applicable to the bank's type and size.<sup>18</sup>

In the needs assessment, the CIAB must also use the above criteria to assess the efforts of the City's banking industry as whole.<sup>19</sup>

**5. Annual Report**

Following the assessment of the City's banking needs, beginning March 1, 2015, and every year thereafter, Proposed Int. 485-A requires the CIAB to issue, publish on the DOF website, and transmit to the Banking Commission, an annual report in plain language that details a deposit's bank's progress in meeting the City's banking needs identified in the needs assessment from the previous fiscal year.<sup>20</sup> Such annual report must include:

- An evaluation of each bank's performance relative to the benchmarks and best practices identified in the needs assessment<sup>21</sup>;
- Identification of areas of improvement from past evaluations, where applicable, and areas where improvement is necessary<sup>22</sup>;
- If applicable, the bank's failure to provide information requested in writing by the CIAB to perform its needs assessment and annual report<sup>23</sup>;
- A summary of the written comments received at public hearings held by the CIAB relating to deposit bank's efforts to meet the City's banking needs<sup>24</sup>; and
- A summary of data, in tabular format at the community district, borough and citywide levels of aggregation, collected by the CIAB in preparing the needs assessment and annual report<sup>25</sup>.

The annual report may be considered by the Banking Commission when reviewing a bank's application for designation or redesignation.<sup>26</sup>

**6. Public Data**

Proposed Int. 485-A requires information collected by the CIAB for the annual report to be published on DOF's website no later than November 1<sup>st</sup> of the year preceding the annual report.<sup>27</sup> While the information considered by the CIAB will be collected at the census tract level and very detailed, the information published on the DOF website will be summarized at the community, borough, and citywide levels of aggregation.<sup>28</sup> To prevent public dissemination of potential proprietary or confidential information, a bank's plan to address the credit, financial and banking services needs of the city identified by the needs assessment, as applicable to the

bank's type and size will only be made available on the DOF website if the bank deems such plan as non-confidential or non-proprietary.<sup>29</sup>

**7. Public hearing on Public Data used for Annual Report**

No later than 30 days after the data is published on DOF's website, but no later than December 15<sup>th</sup> of each year, Proposed Int. 485-A requires the CIAB to hold a public hearing that will be open to oral and written testimony.<sup>30</sup> Written comments will be accepted by the CIAB for at least 30 days before the start of the public hearing.<sup>31</sup>

**8. General Provisions of Proposed Int. 485-A**

As noted on page 5 of this report, the first needs assessment of the City is due on March 1, 2014, and the first annual report on how depository banks are meeting those needs is due on March 1, 2015. To ensure the public has access to the non-confidential and non-proprietary data collected by the CIAB prior to the release of the first needs assessment, Proposed Int. 485-A requires the CIAB to post data on DOF's website on or before March 1, 2013, and on or before March 1, 2014 collected by the CIAB in preparation of the first needs assessment and the first annual report.<sup>32</sup>

Currently, the Banking Commission designates and redesignates banks, and revokes such designation without notice to the council or the public. Proposed Int. 485-A would require the Banking Commission to notify the council within 30 days of receiving an application for designation or redesignation, and shall also notify the council within thirty days of approving or denying such application and, if designation or redesignation was denied, the basis for denial.<sup>33</sup> The bill would also require the Banking Commission to post notice on DOF's website of the revocation of a deposit bank's designation and the reason for such revocation.<sup>34</sup>

The bill would take effect immediately.<sup>35</sup>

**9. Community Investment Advisory Board Timeline of Actions**

One public hearing will be held in each borough during this time

May 25, 2012	July 25, 2012	July 25, 2012 to March 1, 2013	March 1, 2013*	March 1, 2014*	November 1, 2014	December 15, 2014	March 1, 2015
Bill Takes Effect	Appointment of CIAB members	Data collection and analysis by CIAB begins.	Collected Data is posted on DOF website.  *Redesignation applications due to Banking Commission.	First City Needs Assessment is released.	Collected Data is posted on DOF website	Public Hearing	First Annual Report on Banks' Efforts is released.  *Redesignation applications due to Banking Commission.

\*Between March 1, 2013 and March 1, 2014, the Banking Commission will begin their designation cycle, and begin to designate and redesignate depository banks.

<sup>1</sup> For more detail on Int. 485 and the Banking Commission, see Int. 485 and the March 7, 2011 briefing paper prepared by Finance Committee staff relating to Int. 485, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=842832&GUID=85888256-843D-4BB1-A8C7-E8A888C1DAE3&Options=ID|Text|&Search=485> (last accessed April 29, 2012).

<sup>2</sup> See Proposed Int.485-A, §1, §1524-A.

<sup>3</sup> See Proposed Int.485-A, §1, §1524-A (1)(b).

<sup>4</sup> See Proposed Int.485-A, §1, §1524-A (2)

<sup>5</sup> See id.

<sup>6</sup> See id.

<sup>7</sup> See id.

<sup>8</sup> See Proposed Int.485-A, §1, §1524-A (1)(a).

<sup>9</sup> See Proposed Int.485-A, §1, §1524-A (1)(b).

<sup>10</sup> See 22 RCNY 1-03(b).

<sup>11</sup> February 2012 communications between Banking Commission staff and Finance Division staff

<sup>12</sup> See id.

<sup>13</sup> See Proposed Int.485-A, §1, §1524-A (1)(b).

<sup>14</sup> See Proposed Int.485-A, §1, §1524-A (1)(a).

<sup>15</sup> See id.

<sup>16</sup> See Proposed Int.485-A, §1, §1524-A (1)(a)(1)(i).

<sup>17</sup> See Proposed Int.485-A, §1, §1524-A (1)(a)(1)(ii).

<sup>18</sup> See Proposed Int.485-A, §1, §1524-A (1)(a)(1)(iii); See also Proposed Int.485-A, §1, §1524-A (3).

<sup>19</sup> See Proposed Int.485-A, §1, §1524-A (3).

<sup>20</sup> See Proposed Int.485-A, §1, §1524-A (1)(b).

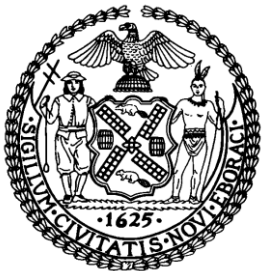
<sup>21</sup> See Proposed Int.485-A, §1, §1524-A (1)(b)(i).

<sup>22</sup> See Proposed Int.485-A, §1, §1524-A (1)(b)(ii).

<sup>23</sup> See Proposed Int.485-A, §1, §1524-A (1)(b)(iii).

<sup>24</sup> See Proposed Int.485-A, §1, §1524-A (1)(b)(iv).  
<sup>25</sup> See Proposed Int.485-A, §1, §1524-A (1)(b)(v).  
<sup>26</sup> See Proposed Int.485-A, §1, §1524-A (1)(b).  
<sup>27</sup> See Proposed Int.485-A, §1, §1524-A (4).  
<sup>28</sup> See *id.*  
<sup>29</sup> See *id.*  
<sup>30</sup> See *id.*  
<sup>31</sup> See *id.*  
<sup>32</sup> See Proposed Int.485-A, §1, §1524-A (5).  
<sup>33</sup> See Proposed Int.485-A, §2, §1524 (1).  
<sup>34</sup> See Proposed Int.485-A, §3, §1524 (2)(b).  
<sup>35</sup> See Proposed Int.485-A, §4.

(The following is the text of the Fiscal Impact Statement for Int. No. 485-A:)



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

PROPOSED INTRO. NO: 485-A

COMMITTEE:  
 Finance

**TITLE:** A local law to amend the New York City charter, in relation to the evaluation of depository banks.

**SPONSOR:** Council Members Vann, Recchia, Mark-Viverito, Lander, Arroyo, Comrie, Dickens, Ferreras, Fidler, Foster, Gonzalez, Jackson, Koppell, Koslowitz, Mendez, Reyna, Rivera, Rose, Sanders Jr., Seabrook, Van Bramer, Williams, Wills, Dromm, Brewer, Eugene, Cabrera, Gentile, Rodriguez, Barron, Palma, James, Levin, Garodnick, Chin, Koo, Mealy, and Greenfield.

**SUMMARY OF LEGISLATION:** This legislation would establish a permanent Community Investment Advisory Board (“Advisory Board or CIAB”) to conduct an assessment of banking services needs throughout the City and to evaluate performance of the City’s depository banks in meeting those needs through a broad-based, collaborative process. This Advisory Board will consist of the Mayor, the Comptroller, the Speaker of the Council (or their designees), the Commissioner of Finance, the Commissioner of Housing Preservation and Development, and three “private members”: a representative of the City’s banking industry (appointed by the Mayor), a representative of community development/housing, consumer protection organizations, and a small business owner representative (both appointed by the Speaker).

The Advisory Board would, every 2 years, prepare an assessment of the state of banking services in New York City and its communities, to identify local needs for banking services, particularly in traditionally underserved communities and populations; to establish benchmarks and best practices for meeting local banking needs, and to make recommendations on meeting those needs. In preparing the biennial needs assessment (the first of which would be due March 1, 2014), the Advisory Board would hold at least one hearing in each borough, and review data submitted by depository banks (see below).

In additional, on an annual basis, the Advisory Board would publish an assessment of individual depository banks’ performance and contribution to meeting the needs identified in the biennial report, and make public data provided by banks in several areas:

- Small business lending;
- Provisions of branches and services to low- and moderate-income communities and individuals;
- Lending and investment in affordable housing and economic development projects;
- Home mortgage foreclosures and delinquencies and efforts to prevent foreclosure;
- Efforts to address conditions in building foreclosed on or owned by the bank;
- Other activities that benefit communities and help to meet the identified needs; and
- Plans on how the bank intends to help meet identified needs in the coming year.

Data will be summarized and published at the Community District, Borough, and Citywide levels, but analyzed by the CIAB at the census tract level. The Board will evaluate each bank’s performance and plans, indicating areas of progress or

needed improvement, taking into account the bank’s type. The annual report will be transmitted to the Banking Commission, which may consider the annual report when selecting depository banks, and made available on the City’s website.

**EFFECTIVE DATE:** This local law shall take effect immediately upon its enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:**  
**FISCAL 2013**

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$551,025	\$551,025
Net	\$0	\$551,025	\$551,025

**IMPACT ON REVENUES:** This legislation will have no impact on City tax revenue.

**IMPACT ON EXPENDITURES:** This legislation would greatly broaden the responsibilities and scope of services of the Banking Commission which currently only has four employees and therefore has insufficient staffing in order to carry out the goals of this legislation. In order to properly staff the Community Investment Advisory Board the Commission will have to hire new staff with expertise in community development banking services and in particular the Community Reinvestment Act (CRA). The projected costs of enacting this legislation would entail hiring a staff of at least six employees who would consist of a Unit Director, a Senior Evaluator with experience in analyzing community development banking services and an expertise in the legal and regulatory nuances of the CRA law. The Senior Evaluator will oversee at least three financial analysts who will provide technical expertise in compiling, disaggregating, and summarizing data for the annual reporting process and one employee to provide administrative support. The total personal costs of this new staff are projected to be approximately \$551,025 including fringe costs starting in Fiscal 2013. Other than personal costs (OTPS) associated with this legislation such as printing costs is expected to be absorbed within the Department of Finance’s OTPS budget.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City General Fund

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

**ESTIMATE PREPARED BY:** Anthony Brito, Senior Legislative Financial Analyst

Nathan Toth, Deputy Director

**HISTORY:** Introduced by City Council and referred to the Finance Committee as Int. No. 485 on February 16, 2011. Hearing held by Committee on March 7, 2011 and the bill was laid over. An amended version, Proposed Int. 485-A, will be voted by the Committee on April 30, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 485-A:)

Int. No. 485-A

By Council Members Vann, Recchia, Mark-Viverito, Lander, Arroyo, Comrie, Dickens, Ferreras, Fidler, Foster, Gonzalez, Jackson, Koppell, Koslowitz, Mendez, Reyna, Rivera, Rose, Sanders Jr., Seabrook, Van Bramer, Williams, Wills, Dromm, Brewer, Eugene, Cabrera, Gentile, Rodriguez, Barron, Palma, James, Levin, Garodnick, Chin, Koo, Mealy, Greenfield and Gennaro.

**A Local Law to amend the New York City charter, in relation to the evaluation of depository banks.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 58 of the New York City charter is amended by adding a new section 1524-A to read as follows:

§ 1524-A. Community investment advisory board. 1. There is hereby established within the department an advisory board known as the community investment advisory board, which shall perform the following functions:

a. Conduct a needs assessment every two years, the first of which shall be published on the department's website on or before March 1, 2014. In conducting such needs assessment the board shall (1) assess the credit, financial and banking services needs throughout the City with a particular emphasis on low and moderate income individuals and communities, by means including but not limited to (i) convening at least one public hearing in each borough of the city; (ii) accepting, reviewing and considering public comments which describe the nature and extent of such needs; and (iii) considering the data and information collected by the board pursuant to subdivision 3 of this section; and (2) establish benchmarks, best practices, and recommendations for meeting the needs identified in such needs assessment, by, among other things, considering the data and information collected by the board pursuant to subdivision 3 of this section; and

b. Issue an annual report in plain language, the first of which shall be published on the department's website and transmitted to the banking commission on or before March 1, 2015 and each March first thereafter, which may be considered by the banking commission in reviewing a bank's application for designation or redesignation as a deposit bank, covering the preceding fiscal year, which (i) addresses how each bank that is designated as a deposit bank pursuant to section 1524 of the charter is meeting the needs identified pursuant to paragraph a of this subdivision and subdivision 3 of this section, including an evaluation of how each bank performed relative to the benchmarks and best practices applicable to such bank as established by the board pursuant to the needs assessment required pursuant to paragraph a of this subdivision, (ii) identifies areas of improvement from past evaluations, where applicable, and areas where improvement is necessary, taking into account the information collected by the board pursuant to subdivision 3 of this section, (iii) specifically identifies any deposit bank's failure to provide information requested in writing by the board pursuant to subdivision 3 of this section that is applicable to such deposit bank, (iv) summarizes written comments submitted to the board pursuant to subdivision 4 of this section and the role played by such comments; and (v) summarizes, in tabular format, the data collected by the board pursuant to paragraphs a through g of subdivision 3 of this section, and to the extent not deemed confidential or proprietary by the bank, paragraph h, at the community district, borough, and citywide levels of aggregation. For purposes of this section, "fiscal year" shall mean the period from July first to June thirtieth.

2. The board shall consist of eight members who shall be: the mayor or his or her designee, the comptroller or his or her designee, the speaker of the council or his or her designee, the commissioner of the department of housing preservation and development, the commissioner of the department of finance, a member of a community-based organization whose principal purpose is community and/or economic development, or consumer protection who shall be designated by the speaker, a representative of an organization or association that represents small business owners who shall be designated by the speaker and a representative of the city banking industry who shall be designated by the mayor. The mayor, comptroller, speaker and commissioners shall serve for the duration of their tenure. The three nongovernmental members shall serve four years from the date of their appointment, or through the issuance of two needs assessments pursuant to paragraph a of subdivision 1 of this section, whichever is longer, and be eligible for reappointment; provided, however, that each member shall serve until his or her qualified successor is appointed. Any vacancy occurring other than by expiration of term shall be filled in the same manner as the original position was filled for the unexpired portion of the term. Members shall serve without compensation. The members of the board shall be appointed within sixty days of the effective date of the local law that added this section.

3. In performing its functions as set forth in subdivision 1 of this section, the board shall seek to collect and consider information at the census tract level, relating to the credit, financial and banking services needs throughout the City and the extent to which such needs are being met, including but not limited to, information, to the extent applicable, regarding each deposit bank's efforts to:

a. address the key credit and financial services needs of small businesses;

b. develop and offer financial services and products that are most needed by low and moderate income individuals and communities throughout the city and provide physical branches;

c. provide funding, including construction and permanent loans and investments, for affordable housing and economic development projects in low and moderate income communities;

d. In the case of properties acquired by foreclosure and owned by the bank, reasonably address serious material and health and safety deficiencies in the maintenance and condition of the property;

e. conduct consumer outreach, settlement conferences, and similar actions relating to mortgage assistance and foreclosure prevention, and provide information, at the community district level to the board, relating to mortgage and foreclosure actions, including, but not limited to, total number of loans serviced and/or owned by the bank, total number of loans that are at least sixty days delinquent, total number of foreclosures commenced, total number of foreclosures prevented through loan modification, short sales, deeds in lieu of foreclosure or other mechanisms, total number of loan modifications applications, total number of loan modifications made and denied, and bank owned properties donated or sold at a discount;

f. partner in the community development efforts of the city;

g. positively impact on the city and its communities through activities including, but not limited to, philanthropic work and charitable giving; and

h. plan for and articulate how the bank will respond to the credit, financial and

banking services needs of the city identified by the needs assessment pursuant to paragraph a of subdivision 1 of this section, as applicable to the bank's type and size.

In performing the needs assessment pursuant to paragraph a of subdivision 1 of this section, the board shall also consider, to the extent practicable, the information listed in paragraphs a through g of this subdivision relating to the efforts of the city's banking industry as a whole.

4. In preparation for each annual report pursuant to paragraph b of subdivision 1 of this section, the board shall publish all information collected pursuant to paragraphs a through g of subdivision 3 of this section, and to the extent not deemed confidential or proprietary by the bank, paragraph h, summarized at the community district, borough, and citywide levels of aggregation, for each deposit bank on the department's website no later than November first of the year preceding the issuance of the report. At least thirty days after such publication, but no later than December fifteenth, the board shall hold a public hearing at which the public may testify concerning the efforts and extent to which the deposit banks are meaningfully addressing the credit and financial needs throughout the city. The board shall also take written comments for at least thirty days preceding such public hearing.

5. On or before March 1, 2013 and on or before March 1, 2014, the board shall publish on the department's website, for each deposit bank, the information collected pursuant to paragraphs a through g of subdivision 3 of this section, and to the extent not deemed confidential or proprietary by the bank, paragraph h, summarized at the community district, borough, and citywide levels of aggregation. Each such publication of information shall specifically identify any deposit bank's failure to provide information requested in writing by the board pursuant to subdivision 3 of this section that is applicable to such deposit bank.

§2. Subdivision 1 of section 1524 of the New York City charter is amended to read as follows:

1. The banking commission which consists of the mayor, the commissioner and the comptroller shall, by majority vote, by written notice to the commissioner, designate the banks or trust companies in which all moneys of the city shall be deposited, and may by like notice in writing from time to time change the banks and trust companies thus designated. The banking commission shall notify the council within thirty days of receiving an application for designation or redesignation, and shall also notify the council within thirty days of approving or denying such application and, if designation or redesignation was denied, the basis for denial.

§3. Paragraph (b) of subdivision 2 of section 1524 of the New York City charter is amended to read as follows:

b. If the banking commission by a majority vote shall decide that a requirement or condition contained in paragraph a of this subdivision has been violated after giving the bank or trust company an opportunity to be heard, then upon thirty days' notice to the bank or trust company such designation may be revoked. The banking commission shall post notice of such revocation and the reason for such revocation on the department's website.

§4. This local law shall take effect immediately upon its enactment.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, April 30, 2012.

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

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

*Approved New Applicant's Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Amgad Fawzy	10 Waterside Plaza #6A New York, N.Y. 10010	4
Michael K. Zambluskas	441 East 83 <sup>rd</sup> Street #A New York, N.Y. 10028	5
Hope Sterling	2441 7 <sup>th</sup> Avenue #1C New York, N.Y. 10030	7
Priscilla Scott	270 West 136 <sup>th</sup> Street #5B New York, N.Y. 10030	9
Sabeern Jordan	1285 Washington Avenue #21 Bronx, N.Y. 10456	16

Jasmine Miranda	209 Berry Street #1 Brooklyn, N.Y. 11249	34	Serene M. Blascovich	150-19 61 <sup>st</sup> Road Queens, N.Y. 11367	24
Lloyd Noel	239 New York Avenue Brooklyn, N.Y. 11216	36	Kimbley Felder	166-05 Highland Avenue Queens, N.Y. 11432	24
Edeline Dubuche	210 East 51 <sup>st</sup> Street #B7 Brooklyn, N.Y. 11203	41	Lucia Mendieta	35-20 Leverich Street Queens, N.Y. 11372	25
Bilal Malik	572 Rockaway Avenue Brooklyn, N.Y. 11212	41	Joseph R. Paulus	34-55 12 <sup>th</sup> Street Queens, N.Y. 11106	26
Katherine Baiardi	953 71 <sup>st</sup> Street Brooklyn, N.Y. 11228	43	Mary Baker	115-12 210 <sup>th</sup> Street Queens, N.Y. 11411	27
Dumitru Dormenco	2311 East 22 <sup>nd</sup> Street #1R Brooklyn, N.Y. 11229	48	Timothy James	118-68 Riverton Street St. Albans, N.Y. 11412	27
Carmine T. Raimondi	19 Wilson Street Staten Island, N.Y. 10304	50	Carolyn Stevens	112-50 205 <sup>th</sup> Street St. Albans, N.Y. 11412	27
Alicia Avallone	515 Jefferson Blvd Staten Island, N.Y. 10312	51	Kiandra Venson	186-18 Williamson Avenue Springfield Gardens, N.Y. 11413	27

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>			
Raissa Kravchunas	310 Greenwich Street #36G New York, N.Y. 10013	1	Lisa Daye	257-09 148 <sup>th</sup> Road #3 Rosedale, N.Y. 11422	31
Donald Neville	1 Haven Plaza #21A New York, N.Y. 10009	2	Martha Ilegbameh	7400 Shorefront Parkway #8K Queens, N.Y. 11692	32
Stanley W. Lopez	499 West 130 <sup>th</sup> Street New York, N.Y. 10027	7	Joel A. Miele Sr.	162-35 99 <sup>th</sup> Street Queens, N.Y. 11414	32
Alisa Poindexter	55 Lasalle Street #16J New York, N.Y. 10027	7	Joann McErlean	31 Hausman Street Brooklyn, N.Y. 11222	33
Yvelisse Mota	1707-09 Park Avenue #2B New York, N.Y. 10035	8	Carmen Bonilla	384 Central Avenue #6 Brooklyn, N.Y. 11221	34
Ramona Ramirez	246 West 116 <sup>th</sup> Street #5C New York, N.Y. 10026	9	Lisa Suzette Long-Waithe	150 Crown Street #D4 Brooklyn, N.Y. 11225	35
Cynthia Watkins	480 St. Nicholas Avenue #12E New York, N.Y. 10030	9	Paul E. Nash	295 Washington Avenue #613 Brooklyn, N.Y. 11205	35
Lizbeth Ceballos	117 Post Avenue #3H New York, N.Y. 10034	10	Yves Vilus	345 Lincoln Place #1D Brooklyn, N.Y. 11238	35
Ramon A. Sosa	24 Laurel Hill Terrace New York, N.Y. 10033	10	Everlina Cox	438 Kosciusko Street Brooklyn, N.Y. 11221	36
Kenneth E. Kelly	3777 Independence Avenue #7A Bronx, N.Y. 10463	11	Sinai Halbertstan	1214 43 <sup>rd</sup> Street Brooklyn, N.Y. 11219	39
Carl Merante	4295 Webster Avenue #5G Bronx, N.Y. 10470	11	Mario Tesoriero	276 Carroll Street #B Brooklyn, N.Y. 11231	39
Milagros Cruz-Javier	825 East 233 <sup>rd</sup> Street Bronx, N.Y. 10466	12	Herminia Eludia Brown	14 Erasmus Street Brooklyn, N.Y. 11226	40
Mary Y. Scheman	3866 Laconia Avenue Bronx, N.Y. 10469	12	Sabrina Reyes	208 East 38 <sup>th</sup> Street Brooklyn, N.Y. 11203	40
Victoria Vega	2180 Wallace Avenue Bronx, N.Y. 10462	13	Vanessa Jones	249 Thomas Boyland Street #3K Brooklyn, N.Y. 11233	41
Carmen S. Lopez	1950 Andrews Avenue Bronx, N.Y. 10453	14	Karene Fowler	1132 East 104 <sup>th</sup> Street Brooklyn, N.Y. 11236	42
Ronda Middleton-Pendelton	1002 Garrison Avenue #5D Bronx, N.Y. 10474	17	Vivian A. Johnson	763 Lincoln Avenue Brooklyn, N.Y. 11208	42
Lawrence A. Palladino	823 East 147 <sup>th</sup> Street #26 Bronx, N.Y. 10455	17	Nettie Morgan	735 Pennsylvania Avenue Brooklyn, N.Y. 11207	42
Renee Reeves	750 Grand Concourse #1A Bronx, N.Y. 10451	17	Ernest Vasquez	596 Pine Street #2 Brooklyn, N.Y. 11208	42
Jessica Roman	1030 Nelson Avenue #3G Bronx, N.Y. 10452	17	Jerome Daniel Burdi	8616 Fort Hamilton Parkway Brooklyn, N.Y. 11209	43
Migdalia R. Ebbin	1480 Thieriot Avenue Bronx, N.Y. 10460	18	Mary Forestiere	7005 Louise Terrace Brooklyn, N.Y. 11209	43
John Mulvey	125-03 6 <sup>th</sup> Avenue Queens, N.Y. 11356	19	Diana T. Howe	168 81 <sup>st</sup> Street Brooklyn, N.Y. 11209	43
Daniel Puerta	35-24 95 <sup>th</sup> Street #D2 Jackson Heights, N.Y. 11372	21	Brunilda Rivera	902 72 <sup>nd</sup> Street #3D Brooklyn, N.Y. 11228	43
Susan Clemendore	89-15 210 <sup>th</sup> Street Queens, N.Y. 11427	23	Martha Berkowitz	2286 Brigham Street #5E Brooklyn, N.Y. 11229	46
Abert Gamill	53-11 Oceania Street Queens, N.Y. 11364	23	Joan P. Byrnes	3105 Avenue V #3H Brooklyn, N.Y. 11229	46
Frances S. Antigone	64-49 138 <sup>th</sup> Street Queens, N.Y. 11367	24	Adam J. D'Amico	1615 East 38 <sup>th</sup> Street Brooklyn, N.Y. 11234	46
			Cassandra Williams	1631 East 91 <sup>st</sup> Street	46

Beverly Crandon-Hutston	Brooklyn, N.Y. 11236 2820 West 32 <sup>nd</sup> Street #4D	47
Rose M. Madden	Brooklyn, N.Y. 11224 44 Bay 37 <sup>th</sup> Street #3	47
George Rodriguez	Brooklyn, N.Y. 11214 2064 Cropsey Avenue	47
Edmund Golat Jr.	Brooklyn, N.Y. 11214 93 Sawyer Avenue	49
Susan Been	Staten Island, N.Y. 10314 77 Cameron Avenue	50
Gina Bisogna	Staten Island, N.Y. 10305 42 Jerome Road	50
Patricia A. Ledoux	Staten Island, N.Y. 10314 75B Freedom Avenue	50
Dawn Townsley	Staten Island, N.Y. 10306 1316 Mason Avenue	50
Debra Vadola	Staten Island, N.Y. 10306 334 Colony Avenue	50
Kelly Bauerlein	Staten Island, N.Y. 10312 236 Thomeyeroft Avenue	51
John Buday	Staten Island, N.Y. 10314 11 Windham Loop #III	51
Steven Gonzalez	Staten Island, N.Y. 10312 14 Vanessa Lane	51
Maria Martocci	Staten Island, N.Y. 10308 86 Kennington Street	51

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

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

- (1) **M-798 --** Communication from the Mayor – Mayor’s Veto and Disapproval Message of Introductory Number 18-A, prevailing wage requirement for building service employees in city leased or financially assisted facilities (**Coupled to be Filed**).
- (2) **Int 18-A --** Prevailing wage requirement for building service employees in city leased or financially assisted facilities (**Coupled for an Override vote requiring affirmative vote of at least two-thirds of the Council for passage**).
- (3) **Int 485-A --** In relation to the evaluation of depository banks.
- (4) **Int 784-A --** In relation to allowing for transfer of uni-meter time
- (5) **L.U. 552 & Res 1333 --** App. C **120107 HAX**, 92 West Tremont Avenue and the disposition of city owned property, Borough of the Bronx, Council District no. 16.
- (6) **L.U. 590 & Res 1334 --** App. **20125458**, Authorizing franchises for cable television services.
- (7) **L.U. 595 & Res 1335 --** App. C **120108 ZMK**, amendment of the Zoning Map, Section Nos.29a and 29c, Council District 46.
- (8) **L.U. 596 & Res 1336 --** App. C **070512 MMK**, amendment to the City Map, Borough of Brooklyn, Community District 18, Council District no. 46.
- (9) **L.U. 597 & Res 1337 --** App. C **120111 PPK**, 2875 Flatbush Avenue (Block 8591, p/o Lot 125, and p/o Lot 175), which includes the disposition of an easement over p/o Lot 100 and a restriction prohibiting Use Group 16 on Block 8591, p/o Lot 100 and p/o Lot 125, Borough Brooklyn, Community District 18, Council District 46.
- (10) **L.U. 598 & Res 1338 --** App. N **120109 ZAK**, in connection with a proposed waterfront zoning lot

- subdivision, on property bounded by Mill Basin, Four Sparrow Marsh Park, and Flatbush Avenue (Block 8591, Lots 125, 175, 980 and p/o Lot 100) in a C3 and C8-1 Districts, Borough of Brooklyn, Community District 18, Council District 46.
- (11) **L.U. 599 & Res 1339 --** App. C **090466 ZMQ**, amendment of the Zoning Map, Section No. 19a, Council District 27.
- (12) **L.U. 602 & Res 1340 --** App. **20125364 TCM**, 7 Ninth Avenue, Borough of Manhattan, Council District 3.
- (13) **L.U. 607 & Res 1341 --** App. **20125571 PNM**, ground floor of the Battery Maritime Building between the Department of Small Business Services and the Governors Island Corporation a.k.a. The Trust for Governors Island, Council District 1.
- (14) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

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

The following was the override vote recorded for **Int No. 18-A**:

**Affirmative** –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Rivera, and the Speaker (Council Member Quinn) – **44**.

**Negative** – Halloran, Ignizio, Oddo, and Vallone, Jr. – **4**.

**Notwithstanding the objection of the Mayor, Int No. 18-A was re-adopted by the Council by the 44-4-0 override vote shown above and was thereby enacted into law pursuant to the City Charter.**

The following was the vote recorded for **Int No. 485-A**:

**Affirmative** –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Rivera, and the Speaker (Council Member Quinn) – **44**.

**Negative** – Halloran, Ignizio, Odo, and Vallone, Jr. - **4**

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 485-A and 784-A.*



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

### RESOLUTIONS

*Presented for voice-vote*

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

Report for voice-vote Res. No. Res 1226-A

**Report of the Committee on Women's Issues in favor of approving, as amended, a Resolution calling on Village Voice Media to stop accepting adult services advertisements on its online classified site, Backpage.com, because it serves as a platform to traffic minors and adult victims for sex.**

The Committee on Women's Issues, to which the annexed amended resolution was referred on February 29, 2012 (Minutes, page 542), respectfully

### REPORTS:

#### INTRODUCTION

On May 15, 2012, the Women's Issues Committee, chaired by Council Member Julissa Ferreras, held a hearing to consider Proposed Resolution No. 1226-A, which calls on Village Voice Media to stop accepting adult services advertisements on its online classified site, Backpage.com, because it serves as a platform to traffic minors and adult victims for sex. The resolution was passed.

#### BACKGROUND

Human trafficking is often referred to as modern day slavery. According to the Trafficking Victims Protection Act of 2000 (TVPA), trafficking in persons includes the recruitment, harboring, transportation, provision, or obtaining of a person for one of the three following purposes: labor or services, through the use of force, fraud or coercion, and resulting in involuntary servitude, peonage, debt bondage, or slavery; commercial sex act, through the use of force, fraud or coercion; or if the person is under 18 years of age, any commercial sex act, whether or not force, fraud or coercion is involved.<sup>1</sup>

The number of sexually exploited people living in the United States is unknown. The underground nature of the sex market and stigma associated with sex work make it difficult to identify this population. Also, sex workers are commonly only identified once they are arrested for prostitution, which, according to some researchers, is the most reliable way of estimating the size of this population.<sup>2</sup> Sex traffickers often lure their victims with promises of employment, financial rewards or housing. Some are simply abducted or are driven to trafficking by poverty. Sex traffickers often use a variety of methods to control their victims, including confinement, starvation, physical abuse and beatings, rape, gang rape, threats of violence to victims and/or victims' families, forced drug use, and threats of shaming their victims by revealing their activities to others.<sup>3</sup>

Those being marketed for sex are sometimes "advertised" online via various social networking tools. One such networking site, Craigslist, was being used in this manner but after much public pressure, including a letter signed by 17 states' attorneys general, Craigslist halted its adult advertising section in 2010. According to an October 30, 2011 *New York Times* article, a substantial percentage of the estimated \$44 million in sex-related advertising then moved to Backpage.com, which is owned and operated by Village Voice media.<sup>4</sup>

Now, attention and concerns are being focused on Backpage.com and its adult services section. On August 31, 2011, the National Association of Attorneys General (NAAG) sent a letter to Backpage.com stating that "...Craigslist's decision to shut down its adult services section was applauded as a clear way for it to eradicate advertising on its website that trafficked children for prostitution. It is also why we have called on Backpage.com to take similar action..."<sup>4</sup> On September 16, 2011, the NAAG sent another letter indicating that additional Attorneys General signed on, bringing the total number of signatories to 51.<sup>5</sup> In addition, on March 23, 2012, nineteen United States Senators sent a letter to Village Voice Media's CEO, echoing the sentiments of the NAAG and noting that a number of child prostitution cases have included the use of Backpage.com.<sup>6</sup>

A number of recent articles written by Nicholas Kristof and published in the *New York Times*, addressed sex trafficking and Backpage.com's alleged role in it, bringing additional attention to the issue. Additionally, on March 29, 2012, as a result of action taken by Groundswell-movement.org, a petition signed by about 2,000 people was delivered to the Village Voice, calling upon the Village Voice to remove its adult classified advertisements.

In response, Village Voice Media representatives have asserted that the statistics frequently used citing the numbers of trafficked children in the United States are inflated and they question the magnitude of the problem.<sup>7</sup> They do, however, agree it

is a heinous crime when committed and they describe their efforts to prevent it by monitoring the content of adult ads on Backpage.com and working closely with law enforcement, including the NAAG, when any criminality is detected.<sup>8</sup>

In her testimony at the April 25, 2012 Women's Issues hearing on this resolution, Elizabeth McDougall, Village Voice Media's General Counsel, stated that the digital trails left through usage of sites such as Backpage.com, actually aid law enforcement and it is therefore a necessary tool in the fight against online criminality. Ms. McDougall further testified that shutting down the site entirely would send the traffickers further out of reach.

Both the Brooklyn and Manhattan DAs testified in support of the resolution and stated that the majority of their sex trafficking cases involve the use Backpage.com.

#### RESOLUTION NO. 1226-A

Resolution No. 1226-A would note that according to the United States' Trafficking Victims Protection Act (TVPA) of 2000, human trafficking is defined as the "recruitment, harboring, transportation, provision, or obtaining of a person to perform labor or a commercial sex act through force, fraud, or coercion." The Resolution would also note that according to the United States Department of Justice (DOJ), the TVPA further states that "any commercial sex act performed by a person under age 18 is considered human trafficking, regardless of whether force, fraud or coercion is involved".

The Resolution would indicate that a DOJ Office of Justice Programs (OJP) December 2011 Fact Sheet on Human Trafficking states that as many as 300,000 children are at risk for sexual exploitation each year in the United States. Resolution No. 1226-A would point out that one vehicle used to exploit and "market" such victims is online advertising for "adult services". Resolution No. 1226-A would note that after news reports linking Craigslist adult advertising to crimes that included sex trafficking and murder, and after much public pressure and a letter signed by 17 states' attorneys general, Craigslist banned sexually related advertising in September 2010.

Resolution No. 1226-A would state that according to a *New York Times* article entitled "Fighting Over Online Sex Ads", once Craigslist discontinued such advertising, a large amount of the approximately \$44 million in sex-related advertising went to Backpage.com. The Resolution would further state that Backpage.com and its parent company, Village Voice Media, have been contacted by numerous advocacy groups, law enforcement officials and religious organizations asking them to cease hosting ads that facilitate commercial sexual exploitation through its website Backpage.com. The Resolution would note that a letter to Backpage.com from the National Association of Attorneys General (NAAG) dated August 31, 2011, states that charges were filed against persons who trafficked or attempted to traffic minors using Backpage.com in over 50 instances in 22 states over the course of three years.

Resolution No. 1226-A would state that in a *New York Times* article published on January 25, 2012, the lead sex trafficking prosecutor from the Brooklyn District Attorney's Office said a vast majority of the 32 cases her office prosecuted in the last year included victims "marketed" through Backpage.com. The Resolution would indicate that in the same article she stated "Pimps are turning to the internet" and "Backpage is a great vehicle for pimps trying to sell girls".

Resolution No. 1226-A would indicate that currently Backpage.com refuses to cease hosting ads that facilitate sex trafficking and claims the company monitors the adult services section "24/7". The Resolution would note that on March 23, 2012, nineteen United States Senators sent a letter to the Village Voice Media's Chief Executive Officer echoing the sentiments of the Attorneys General and others by calling on the Village Voice to remove the adult services section from Backpage.com.

The Resolution would state that sex trafficking is a heinous crime that must be addressed in the most serious manner possible. Resolution No. 1226-A would further state that to bolster actions by law enforcement, society should assist in eradicating such crimes by adjusting practices to make it more difficult for these criminals to function. The Resolution would note that Backpage.com is facilitating sex trafficking and should alter its current practice. Finally Resolution No. 1226-A would state that the Council of the City of New York calls on Village Voice Media to stop accepting adult services advertisements on its online classified site, Backpage.com, because it serves as a platform to traffic minors and adult victims for sex.

<sup>1</sup> United States Department of State, Fact Sheet: Distinctions Between Human Smuggling and Human Trafficking 2006 available at <http://www.state.gov/m/ds/hstcenter/90434.htm> last accessed on May 14, 2012.

<sup>2</sup> Rick Curtis, Karen Terry, Meredith Dank, Kirk Dombrowski, and Bilal Khan, Center for Court Innovation and John Jay College of Criminal Justice, *The Commercial Sexual Exploitation of Children in New York City Volume One The CSES Population in New York City: Size, Characteristics and Needs*, at 32 (September 2008).

<sup>3</sup> Heather J. Clawson and Nicole Dutch, *Identifying Victims of Human Trafficking: Inherent Challenges and Promising Strategies from the Field*, Study of HHS Programs Serving Human Trafficking Victims, January 2008, available at <http://aspe.hhs.gov/hsp/07/humantrafficking/IdentVict/ib.htm#Who> last accessed on May 14, 2012.

<sup>4</sup> David Carr, *Fighting Over Online Sex Ads*, *The New York Times*, October 30, 2011 available at <http://www.nytimes.com/2011/10/31/business/media/backpagecom-confronts-new-fight-over-online-sex-ads.html?pagewanted=all> last accessed on May 14, 2012.

<sup>5</sup> Available at <http://www.naag.org/assets/files/pdf/signons/Backpage%20WG%20Letter%20Aug%202011Final.pdf>

Last accessed on May 14, 2012.

<sup>6</sup> Available at <http://www.naag.org/assets/files/pdf/signons/Backpage.com%20FINAL%209-16-11.pdf> last accessed on May 14, 2012.

<sup>7</sup> Available at <http://www.scribd.com/doc/86506740/Nineteen-U-S-Senators-Sign-Letter-to-Village-Voice-Against-Backpage> last accessed on May 14, 2012.

<sup>8</sup> Martin Cizmar, Ellis Conklin, Kristen Hinman. *Real Men Get Their Facts Straight*. June 29, 2011. *The Village Voice*, accessed at <http://www.villagevoice.com/2011-06-29/news/real-men-get-their-facts-straight-sex-trafficking-ashton-kutcher-demi-moore/> last accessed on May 14, 2012.



<sup>9</sup> Response of Backpage.com to NAAG letter dated August 31, 2011, retrieved at [http://www.atg.wa.gov/uploadedFiles/Another/News/BACKPAGE\\_com%20RESPONSE%20TO%20NAAG.PDF](http://www.atg.wa.gov/uploadedFiles/Another/News/BACKPAGE_com%20RESPONSE%20TO%20NAAG.PDF) last accessed on May 14, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1226-A:)

Res. No. 1226-A

**Resolution calling on Village Voice Media to stop accepting adult services advertisements on its online classified site, Backpage.com, because it serves as a platform to traffic minors and adult victims for sex.**

By Council Members Lander, Mark-Viverito, Brewer, Chin, Crowley, James, Lappin, Levin, Recchia, Rose, Palma, Ferreras, Rodriguez, Barron, Gennaro, Jackson, Mealy, Sanders and Ulrich.

**Whereas**, According to the United States' Trafficking Victims Protection Act (TVPA) of 2000, human trafficking is defined as the "recruitment, harboring, transportation, provision, or obtaining of a person to perform labor or a commercial sex act through force, fraud, or coercion;" and

**Whereas**, In addition, according to the United States Department of Justice ("DOJ"), the TVPA further states that "any commercial sex act performed by a person under age 18 is considered human trafficking, regardless of whether force, fraud, or coercion is involved;" and

**Whereas**, A DOJ Office of Justice Programs (OJP) December 2011 Fact Sheet on Human Trafficking states that as many as 300,000 children are at risk for sexual exploitation each year in the United States; and

**Whereas**, One vehicle used to exploit and "market" such victims is online advertising for "adult services;" and

**Whereas**, After news reports linking Craigslist adult advertising to crimes that included sex trafficking and murder, and after much public pressure and a letter signed by 17 states' attorneys general, Craigslist banned sexually related advertising in September 2010; and

**Whereas**, According to a *New York Times* article entitled "Fighting Over Online Sex Ads," once Craigslist discontinued such advertising, a large amount of the approximately \$44 million in sex-related advertising went to Backpage.com; and

**Whereas**, Backpage.com and its parent company, Village Voice Media, have been contacted by numerous advocacy groups, law enforcement officials and religious organizations asking them to cease hosting ads that facilitate commercial sexual exploitation through its website Backpage.com; and

**Whereas**, A letter to Backpage.com from the National Association of Attorneys General (NAAG) dated August 31, 2011, states that charges were filed against persons who trafficked or attempted to traffic minors using Backpage.com in over 50 instances in 22 states over the course of three years; and

**Whereas**, In a *New York Times* article published on January 25, 2012, the lead sex trafficking prosecutor from the Brooklyn District Attorney's Office said a vast majority of the 32 cases her office prosecuted in the last year included victims "marketed" through Backpage.com; and

**Whereas**, Furthermore, in the same article she stated "Pimps are turning to the internet" and "Backpage is a great vehicle for pimps trying to sell girls;" and

**Whereas**, Currently Backpage.com refuses to cease hosting ads that facilitate sex trafficking and claims the company monitors the adult services section "24/7;" and

**Whereas**, On March 23, 2012, nineteen United States Senators sent a letter to the Village Voice Media's Chief Executive Officer echoing the sentiments of the Attorneys General and others by calling on the Village Voice to remove the adult services section from Backpage.com; and

**Whereas**, Sex trafficking is a heinous crime that must be addressed in the most serious manner possible; and

**Whereas**, To bolster actions by law enforcement, society should assist in eradicating such crimes by adjusting practices to make it more difficult for these criminals to function; and

**Whereas**, Backpage.com is facilitating sex trafficking and should alter its current practice; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Village Voice Media to stop accepting adult services advertisements on its online classified site, Backpage.com, because it serves as a platform to traffic minors and adult victims for sex.

JULISSA FERRERAS Chairperson; ANNABEL PALMA, MARGARET S. CHIN; Committee on Women's Issues, May 15, 2012.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice-vote. Hearing no objections, President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 1319-A

**Report of the Committee on Civil Service and Labor in favor of approving, as amended, a Resolution in support of A.9148/S.6413, which would raise the state minimum wage, and calling upon the New York State Legislature to pass and the Governor to sign this legislation.**

The Committee on Civil Service and Labor, to which the annexed amended resolution was referred on April 30, 2012 (Minutes, page 1429), respectfully

#### REPORTS:

##### Introduction:

On Thursday, May 15, 2012, the Committee on Civil Service and Labor chaired by Council Member James Sanders, Jr., will hold its second hearing and vote on Proposed Resolution No. 1319-A in support of A.9148/S.6413, which would raise the state minimum wage and call upon the New York State Legislature to pass and the Governor to sign this legislation. The Council previously held a hearing on this resolution on May 10, 2012.

##### Background:

The Federal Labor Standards Act of 1938 (FLSA), was enacted as a consequence of the United States Congress finding that labor conditions in some industries impeded the ability of workers to maintain a basic standard of living necessary to be productive in society.<sup>1</sup> Pursuant to the FLSA, a state's minimum wage cannot be set below the federal minimum wage rate. However, the FLSA does not provide for mandatory increases and does not mandate that states link their minimum wage rates to inflation.

On January 30, 2012, New York State Assemblyman Keith Wright and New York State Speaker Sheldon Silver sponsored A.9148, an act to amend the labor law, in relation to the minimum wage and making technical corrections relating thereto. New York State Senator Jeffrey Klein, sponsored legislation in the New York State Senate, S.6413, a companion bill to do the same. Senator Klein recently issued a report which indicates that increasing the statewide minimum wage will help New York State's economy.<sup>2</sup> According to the report, a significant number of New Yorkers would directly or indirectly benefit from increases to the minimum wage.

##### Increasing the Minimum Wage and its Impact on Workers

According to the Fiscal Policy Institute (FPI), as of 2011, there were 880,000 workers in New York State retained as hourly employees who receive less than \$8.50 per hour, 352,000 of whom reside in New York City.<sup>3</sup> Women would account for 55 percent of those impacted by changes to the state minimum wage and Blacks and Latinos would account for 40 percent.<sup>4</sup> In New York State, the majority of workers directly affected by changes to the states hourly minimum wage are age 20 and older; adults account for more than 84 percent of these workers.<sup>5</sup> In addition, FPI research indicates that nearly three out of every five City resident workers who would benefit are immigrants.<sup>6</sup>

Furthermore, the failure of the minimum wage to keep up with inflation over the past 30 years has played a significant role in the growth of inequality in the United States (U.S.).<sup>6</sup> In New York State, the minimum wage was last raised incrementally in 2009 from \$5.15 to \$7.25 an hour. However, it has been estimated that because of the rate of inflation, \$7.56 would now be required to buy what \$7.25 worth of goods would have in 2009.<sup>7</sup> This means that instead of currently receiving \$580 in two weeks pre-tax for full time minimum wage earnings, an adjusted earnings amount should be around \$604.80 to remain consistent with 2009 purchasing power.<sup>8</sup>

##### Cost of Living in New York State and City

The cost of purchasing food in New York State has steadily increased since 2004.<sup>9</sup> This increase has drastically impacted low wage workers across the state, where food prices are already 8 percent above the national average.<sup>10</sup> In addition to the rising cost of food, low wage workers are now spending more of their incomes on rent.<sup>11</sup> According to a report issued by the New York State Comptroller, in 2009, 43.5 percent of New York City rental households devoted more than 30 percent of their incomes toward rent (excluding utilities) and roughly 24 percent of households paid more than 50 percent of their incomes to rent.<sup>12</sup> The median rent in the City (adjusted for inflation, and excluding utilities) for regulated and unregulated rental units increased by 7.2 percent in 2009, to \$980 per month. Including utilities, the median rent rose by 4.4 percent, to \$1,080 per month.<sup>13</sup> When the cost of utilities was included, rental costs exceeded 30 percent of income for nearly half of New York City renters, and exceeded 50 percent of income for more than one-quarter of renters.<sup>14</sup>

##### Minimum Wage in Other Jurisdictions

If New York State increased the minimum wage, it would be one of several other states to do so the year. At least 17 states recently raised the minimum wage or are considering doing so in 2012, the most in at least six years.<sup>15 16</sup> Indexing the minimum wage means adjusting it automatically each year to keep pace with the rising cost of living. In an effort to help workers keep up with the cost of living and diminished purchasing power, Arizona, Colorado, Florida, Missouri, Montana,

Nevada, Ohio, Oregon, Vermont, and Washington have indexed their respective minimum wage to inflation.<sup>17</sup> According to data provided by the U.S. Department of Labor, in 2011, these states saw their minimum wages automatically go up by 9 to 12 cents.<sup>18</sup> However, the remaining states and the federal government have not yet indexed their minimum wages.<sup>19</sup> As a result, they erode in value each year. Raising the minimum wage at the federal level or in the remaining states requires an act of Congress, action by a state legislature, or a state ballot initiative.<sup>20</sup>

#### Impact on Jobs

In 2010, Economists at the University of Massachusetts, University of North Carolina, and University of California, compared employment data among every pair of neighboring U.S. counties that straddle a state border and had differing minimum wage levels, at any time between 1990 and 2006, and found that minimum wage increases were not to the significant detriment of jobs.<sup>21</sup> A follow up study conducted in April 2011 found that these results were consistent during periods of recession and high unemployment.<sup>22</sup>

Finally, there is a strong body of research that shows modest increases in the minimum wage do not harm local economies and some research suggests it may even aid the local economy by putting income into the hands of households who will spend it on local goods and services.<sup>23,24,25</sup>

#### Proposed Res. No 1319-A:

This resolution would note that pursuant to the Fair Labor Standards Act (FLSA), the federal minimum wage for covered nonexempt employees is \$7.25 per hour, effective July 24, 2009; and

This resolution would state that the New York State minimum wage is currently \$7.25 and is superceded by the federal minimum wage rate if the latter is higher than the New York State rate; and

This resolution would further state that various minimum wage exceptions apply under specific circumstances to workers with disabilities, full-time students, youth under age 20 in their first 90 consecutive calendar days of employment, tipped employees and student-learners; and

This resolution would then state that A.9148 sponsored by New York State Assemblyman Keith Wright and Speaker of the Assembly Sheldon Silver, and S.6413 sponsored by New York State Senator Jeffrey Klein were introduced in the New York State Legislature; and

This resolution would indicate that these acts seek to raise New York State's minimum wage to \$8.50 an hour and provide for additional increases to the minimum wage that are tied to future increases in inflation; and

This resolution would then indicate that the a number of states, including Alaska, Arizona, California, Colorado, Connecticut, Florida, Illinois, Maine, Massachusetts, Michigan, Montana, New Mexico, Nevada, Ohio, Rhode Island, Vermont, Washington, and the District of Columbia, all have minimum wages higher than the federal government rate; and

This resolution would note that Arizona, Colorado, Montana, Ohio, Oregon, Vermont, Florida and Washington all increased their minimum wages in 2012 and have cost of living adjustments written into their state laws; and

This resolution would also note that according to some existing economic research, the increased minimum wage would potentially translate into increased spending on locally produced goods and services by workers benefiting from the higher minimum wage, which could produce greater demand and could help stimulate the local economy; and

This resolution would further note that according to a recent New York Times article, New Jersey is considering increasing its minimum wage to \$8.50 this year; and

This resolution would state that before taxes, a full time minimum wage worker in New York earning \$7.25 per hour, working 40 hours a week, 52 weeks a year, will earn \$58 per day, \$290 per week, or \$15,080 per year; and

This resolution would then state that the New York City poverty level for a family unit consisting of two people is \$19,626 per year; and

This resolution would also state that according to the New York City Center for Economic Opportunity, the most recent available data indicates that poverty in New York City has increased with twenty-one percent of residents living at or below the poverty level; and

Finally, this resolution would then state that in New York City residents in minimum wage jobs should be provided with an increased wage to better support their families and provide them with food and shelter.

Thus, the resolution would state that the Council of the City of New York supports A.9148/S.6413, which would raise the state minimum wage, and calls upon the New York State Legislature to pass and the Governor to sign this legislation.

<sup>1</sup> Retrieved at <http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf> on May 2, 2012.

<sup>2</sup> Retrieved at [http://www.nysenate.gov/files/pdfs/min%20wage%20final\\_0.pdf](http://www.nysenate.gov/files/pdfs/min%20wage%20final_0.pdf) on May 8, 2012.

<sup>3</sup> Retrieved at [http://www.fiscalpolicy.org/FPI\\_RaisingNewYorkStatesMinimumWage\\_20120423.pdf](http://www.fiscalpolicy.org/FPI_RaisingNewYorkStatesMinimumWage_20120423.pdf) on May 7, 2012.

<sup>4</sup> Retrieved at [http://www.fiscalpolicy.org/FPI\\_NumbersThatCount\\_BenefitsOfIncreasingTheMinimumWage.pdf](http://www.fiscalpolicy.org/FPI_NumbersThatCount_BenefitsOfIncreasingTheMinimumWage.pdf) on May 7, 2012.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> The Contribution of the Minimum Wage to U.S. Wage Inequality over Three Decades: A Reassessment\*

David H. Autor, Alan Manning, Christopher L. Smith, MIT Working Paper 2010 - <http://economics.mit.edu/files/3279>

<sup>8</sup> Calculation based on inflation estimate provided by the Federal Reserve Bank of Cleveland. Retrieved at [http://www.clevelandfed.org/research/Data/US-Inflation/inf\\_calculator.cfm?first=7.25&year1=2009&year2=2011](http://www.clevelandfed.org/research/Data/US-Inflation/inf_calculator.cfm?first=7.25&year1=2009&year2=2011) on May 2, 2012.

<sup>9</sup> Analysis conducted by City Council Committee Staff.

<sup>10</sup> Retrieved at <http://www.ers.usda.gov/Publications/eib48/spreads/19/index.htm> on May 8, 2012.

<sup>11</sup> Ibid.

<sup>12</sup> Office of the Comptroller. Affordable Housing in New York City. June 2011. Report 5-2012. Retrieved at <http://www.osc.state.ny.us/osdc/rpt5-2012.pdf> on May 8, 2012.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Retrieved at <http://www.dol.gov/whd/minwage/america.htm> on May 8, 2012.

<sup>17</sup> Retrieved at [http://www.nytimes.com/2012/04/10/business/economy/a-campaign-to-raise-the-minimum-wage.html?\\_r=1&pagewanted=all#](http://www.nytimes.com/2012/04/10/business/economy/a-campaign-to-raise-the-minimum-wage.html?_r=1&pagewanted=all#) on May 8, 2012.

<sup>18</sup> Retrieved at <http://www.dol.gov/whd/minwage/america.htm> on May 8, 2012.

<sup>19</sup> Retrieved at <http://www.dol.gov/whd/state/stateMinWageHis.htm> on May 8, 2012.

<sup>20</sup> Retrieved at <http://www.dol.gov/whd/minwage/america.htm> on May 8, 2012.

<sup>21</sup> Retrieved at <http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf> on May 9, 2012.

<sup>22</sup> Retrieved at <http://www.irle.berkeley.edu/workingpapers/157-07.pdf> on May 9, 2012.

<sup>23</sup> Retrieved at <http://www.irle.berkeley.edu/workingpapers/166-08.pdf> on May 9, 2012.

<sup>24</sup> Card, David. 1992. Do Minimum Wages Reduce Employment? A Case Study of California, 1987-89, *Industrial & Labor Relations Review*, Vol. 46 (1): 38-54

<sup>25</sup> Card, David and Alan B. Krueger. 1994. Minimum Wages and Employment: A Case Study of the Fast-Food Industry in New Jersey and Pennsylvania quick view. *The American Economic Review*, Vol. 84(4): 772-793

<sup>26</sup> Krugman, Paul. 2009. Would cutting the minimum wage raise employment? <http://krugman.blogs.nytimes.com/2009/12/16/would-cutting-the-minimum-wage-raise-employment/>

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Res. No. 1319-A:)**

Res. No. 1319-A

**Resolution in support of A.9148/S.6413, which would raise the state minimum wage, and calling upon the New York State Legislature to pass and the Governor to sign this legislation.**

By Council Members Williams, The Speaker (Council Member Quinn), Seabrook, Palma, Rodriquez, Lappin, Chin, Mark-Viverito, Brewer, Comrie, Dromm, Eugene, Ferreras, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Levin, Mendez, Rose, Sanders, Van Bramer, Vann, Garodnick, Recchia, Jackson, Barron, Foster, Dickens, Gennaro, Greenfield, Mealy and Halloran.

**Whereas**, Pursuant to the Fair Labor Standards Act (FLSA), the federal minimum wage for covered nonexempt employees is \$7.25 per hour, effective July 24, 2009; and

**Whereas**, The New York State minimum wage is currently \$7.25 and is superceded by the federal minimum wage rate if the latter is higher than the New York State rate; and

**Whereas**, Various minimum wage exceptions apply under specific circumstances to workers with disabilities, full-time students, youth under age 20 in their first 90 consecutive calendar days of employment, tipped employees and student-learners; and

**Whereas**, A.9148 sponsored by New York State Assemblyman Keith Wright and Speaker of the Assembly Sheldon Silver, and S.6413 sponsored by New York State Senator Jeffrey Klein were introduced in the New York State Legislature; and

**Whereas**, These acts seek to raise New York State's minimum wage to \$8.50 an hour and provide for additional increases to the minimum wage that are tied to future increases in inflation; and

**Whereas**, A number of states, including Alaska, Arizona, California, Colorado, Connecticut, Florida, Illinois, Maine, Massachusetts, Michigan, Montana, New Mexico, Nevada, Ohio, Rhode Island, Vermont, Washington, and the District of Columbia, all have minimum wages higher than the federal government rate; and

**Whereas**, Arizona, Colorado, Montana, Ohio, Oregon, Vermont, Florida and Washington all increased their minimum wages in 2012 and have cost of living adjustments written into their state laws; and

**Whereas**, According to some existing economic research, the increased minimum wage would potentially translate into increased spending on locally produced goods and services by workers benefiting from the higher minimum wage, which could produce greater demand and could help stimulate the local economy; and

**Whereas**, According to a recent New York Times article, New Jersey is considering increasing its minimum wage to \$8.50 this year; and

**Whereas**, Before taxes, a full time minimum wage worker in New York earning \$7.25 per hour, working 40 hours a week, 52 weeks a year, will earn \$58 per day, \$290 per week, or \$15,080 per year; and

**Whereas**, The New York City poverty level for a family unit consisting of two people is \$19,626 per year; and



**Whereas**, According to the New York City Center for Economic Opportunity, the most recent available data indicates that poverty in New York City has increased since 2008, with twenty-one percent of residents living at or below the poverty level; and

**Whereas**, New York City residents in minimum wage jobs should be provided with an increased wage to better support their families and provide them with food and shelter; now, therefore, be it

**Resolved**, That the Council of the City of New York supports A.9148/S.6413, which would raise the state minimum wage, and calls upon the New York State Legislature to pass and the Governor to sign this legislation.

JAMES SANDERS, Jr., Chairperson; DOMENIC M. RECCHIA, Jr., LARRY B. SEABROOK, MELISSA MARK-VIVERITO; Committee on Civil Service and Labor, May 15, 2012.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice-vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following Council Members formally voted against this item:

Council Member Ignizio.

The following Council Members formally abstained to vote on this item:

Council Members Vallone, Jr.

Adopted by the Council by voice-vote.

#### INTRODUCTION AND READING OF BILLS

Int. No. 854

By Council Members Arroyo, Ferreras, Gonzalez, Jackson, James, Mendez, Palma, Rose, Seabrook and Wills.

#### **A Local Law to amend the New York City Charter, in relation to records maintained by the office of the chief medical examiner.**

*Be it enacted by the Council as follows:*

Section 1. Section 557 of chapter 22 of the New York City Charter is amended by adding a new subdivision (h) to read as follows:

(h) *The records maintained by the office of the chief medical examiner, or the contents of such records, shall not be made available to the public or be open to public inspection except as follows:*

(1) *Upon application of the personal representative, spouse or next of kin of the deceased person to the office of the chief medical examiner, a copy of the autopsy report shall be furnished to such applicant.*

(2) *Upon application of any person who is or may be affected in a civil or criminal action by the contents of the record of any investigation by the office of the chief medical examiner, or upon application of any person having a substantial interest in such action, an order may be made by a court of competent jurisdiction that the record of such investigation be made available to such applicant for inspection, or that a transcript thereof be furnished to such applicant, or both.*

(3) *The office of the chief medical examiner may disclose such records or the content of such records in response to a public health emergency.*

§2. This local law shall take effect immediately.

Referred to the Committee on Health

Res. No. 1326

#### **Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1155/A.5222, legislation that would amend the New York State Education Law in relation to charter school locations in New York City.**

By Council Members Dickens, Brewer, Chin, Comrie, Fidler, Jackson, Mark-Viverito, Mendez, Reyna, Rose, Seabrook, Vann, Williams and Wills.

**Whereas**, The New York State Education Department (NYSED) defines a charter school as an independent and autonomous public school that operates under a five year contract or charter; and

**Whereas**, According to NYSED, a charter school has the ability to establish its own policies, design its own educational programs, control its own budget and employ its own teachers and staff; and

**Whereas**, At the end of a five-year contract, a charter school is at risk of losing a subsequent five-year renewal of its charter if it does not demonstrate success; and

**Whereas**, Charter schools are governed by a not-for-profit board of trustees which may include educators, community members, and leaders from the private sector; and

**Whereas**, In New York City, charter schools are publicly funded and open to all

students who reside in the City through a non-discriminatory admissions lottery; and

**Whereas**, According to the New York City Department of Education (DOE), charter schools are allocated startup funds but are not provided with financial support for facilities; and

**Whereas**, The Chancellor of the New York City school district may secure temporary facilities for charter schools in New York City public school buildings but those charter schools must demonstrate that they pursued private facility options in their applications; and

**Whereas**, According to the NYSED, temporary facilities are generally secured in underutilized buildings or in vacant buildings that were previously utilized by a district or charter school which may have closed; and

**Whereas**, Many advocates contend that the current practice of placing charter schools directly into existing school buildings takes place without adequate consideration of whether the site is appropriate, and often without considering community views; and

**Whereas**, Siting multiple schools in a single building means that the district and charter schools must share common areas including cafeterias, gymnasiums, and auditoriums; and

**Whereas**, According to the DOE, more than half of all schools throughout the City are co-located on campuses with other schools; and

**Whereas**, There are several issues that are often attributed to sharing a school building, including overcrowding, unsafe hallways, inadequate resources, and competition over common areas; and

**Whereas**, Although the current State Education Law provides some opportunity for public comment when siting or when co-locating a charter school, there are often minimal opportunities at these hearings for change or to challenge the location selected; and

**Whereas**, Under current law, charter schools are excluded from the New York City Uniform Land Use Review Procedure (ULURP) process; and

**Whereas**, In 2011, Senator Kevin Parker (D-NY) and Assembly Member Daniel O'Donnell (D-NY) introduced S.1155 and companion bill A.5222 in the New York State Legislature to amend the Education Law in relation to charter school locations in New York City; and

**Whereas**, S.1155/A.5222 would allow charter schools to be located in part of an existing school building, but would require full compliance with the ULURP process before a charter school could be sited in any building or space owned by the City of New York; and

**Whereas**, Under the ULURP process, when City-owned property is to be sold, transferred, or leased, ULURP review is required; and

**Whereas**, The ULURP process includes a specific timeline, review by a community board and approval by the City Council; and

**Whereas**, This bill would require the ULURP process to be applied before changes regarding charter schools are made that may affect New York City public school buildings; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.1155/A.5222, legislation that would amend the New York State Education Law in relation to charter school locations in New York City.

Referred to the Committee on Education.

Res. No. 1327

#### **Resolution calling on the New York State Legislature to pass and the Governor to sign A.9824/S.7247, legislation which would amend the State Education Law to require school districts to provide supplemental educational services to low-income students in failing schools.**

By Council Members Dilan, Jackson, Barron, Chin, Dickens, Eugene, Ferreras, Koo, Mark-Viverito, Mendez, Palma, Recchia, Rose, Seabrook, Vann, Williams and Wills.

**Whereas**, On September 23, 2011, President Obama announced an opportunity for states to apply for relief from provisions of the Elementary and Secondary Education Act (ESEA), also known as No Child Left Behind (NCLB), four years after NCLB was due to be rewritten by Congress; and

**Whereas**, A state may request flexibility from the U.S. Department of Education (USDOE) through waivers of several specific provisions of NCLB, including flexibility related to the use of federal education funds; and

**Whereas**, In February 2012, the USDOE announced that it had granted waivers to 11 states and that it had received a second round of waiver requests from 26 additional states, including New York; and

**Whereas**, Currently, under the ESEA, schools that fail to make Adequate Yearly Progress (AYP) for two consecutive years must set aside a portion of their Title I funds to provide supplemental educational services (SES) to low income students; and

**Whereas**, The dedication of these funds ensures that low-income students receive quality tutoring through the SES program, and nearly 66% of students (87,406) who are eligible for the program in New York elect to take part in the program; and

**Whereas**, The New York State Education Department (NYSED) has applied to

USDOE for a waiver to the requirements of ESEA that would, among other things, eliminate the requirement that schools that fail to make AYP for two consecutive years set aside a percentage of their Title I funds for SES; and

**Whereas**, Under the NYSED waiver request, school districts would have the option to provide tutoring but would no longer be required by federal law and state regulation to set aside federal funds to do so; and

**Whereas**, According to the NYSED 's recent ESEA waiver request, only 53% of students statewide met or exceeded English Language Arts (ELA) standards in 2009-10, while in math, only 63% of students met or exceeded standards.; and

**Whereas**, Further, there is a significant achievement gap for African-American and English Language Learners (ELLs) throughout the state; and

**Whereas**, Thirty-five percent of African-American students met or exceeded the ELA proficiency standard compared to 64% of white students, and 44% met or exceeded the proficiency standard in math, compared to 73% for white students; and

**Whereas**, Only 13 percent of ELLs met the proficiency standard in ELA and just 32% met the math proficiency standard; and

**Whereas**, As evidenced by these statistics, New York has a long way to go to ensure that all students meet proficiency standards in ELA and in math, while African-American and ELL students are even further behind their peers in meeting the proficiency standards; and

**Whereas**, SES is a highly effective way to provide one-on-one or small group instruction to disadvantaged students, as studies by the USDOE conclude that tutoring programs lead to significant gains in reading and math; and

**Whereas**, It is critical that failing schools be required to provide supplemental educational services to students and to set aside dedicated Title I funds to cover the costs associated with the tutoring; and

**Whereas**, Without the requirement to set aside Title I funds and to provide supplemental educational services, low-income students in failing schools will no longer have access to proven educational opportunities outside of the normal school day that will help them improve in ELA and math; and

**Whereas**, A.9824, introduced by Assembly Member Karim Camara, and S.7247, introduced by Senate Education Committee Chair John Flanagan, would preserve and continue supplemental tutoring opportunities at schools that have failed to make adequate yearly progress for two consecutive years by requiring that they continue to set aside a portion of their Title I funds to offer supplemental educational services to low-income students free of charge; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.9824/S.7247, legislation which would amend the State Education Law to require school districts to provide supplemental educational services to low-income students in failing schools.

Referred to the Committee on Education.

Int. No. 855

By Council Members James, Chin, Jackson, Koo, Lander, Mendez, Palma, Rose and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalty for the class B misdemeanor of counterfeiting a parking permit.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-166 of the administrative code of the city of New York is amended by amending subdivisions one and six and by adding a new subdivision 7, to read as follows:

1. Makes or engraves, or causes or procures to be made or engraved, or willingly aids or assists in making or engraving, a plate or other means of reproducing or printing the resemblance or similitude of an official department of transportation special vehicle identification card or any other official card, including driving permits, issued by [the department of transportation] *any city agency*; or

6. Has in his or her custody or possession any of the cards hereinbefore mentioned, or any copy or reproduction thereof; is guilty of an offense punishable by a fine of not less than [two hundred fifty] *five* hundred dollars, or imprisonment for not more than thirty days, or both.

7. *In any proceeding that relates to a violation of any provision of this section, there shall be a presumption that a person charged with a violation knew that engaging in the production, possession or use of a fraudulent vehicle identification card or any other official card, including driving permits, issued by a city agency was unlawful.*

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

Referred to the Committee on Transportation.

Res. No. 1328

**Resolution in support of the Fairness in Foreclosures Act of 2011, H.R. 3566.**

By Council Members James, Barron, Chin, Eugene, Jackson, Lander, Mark-Viverito, Mendez, Palma, Rose, Sanders Jr., Seabrook, Vann, Williams and Wills.

**Whereas**, In New York State, when a property is sold at a public foreclosure sale for less than the amount of the underlying promissory note or loan, the lender can obtain a deficiency judgment against the borrower for the difference between the price of the property at auction and the amount of the original loan; and

**Whereas**, Many homes foreclosed on in the last several years have failed to cover the original loan amount when they are sold due to falling home prices; and

**Whereas**, A motion for deficiency may be served by the holder of the promissory note or loan within 90 days of delivery of the deed used to convey the title to the property sold at a foreclosure sale; and

**Whereas**, Judgments for money can be enforced for a period of twenty years with applicable interest; and

**Whereas**, According to analysis of mortgage default and delinquency data by the Neighborhood Economic Development Advocacy Project, foreclosure risk remained distressingly high in 2011 with 94,890 mortgages at risk of foreclosure in New York City; and

**Whereas**, The Fairness in Foreclosures Act of 2011, H.R. 3566, would ensure both uniformity and fairness in deficiency judgments arising from foreclosures on mortgages for single family homes; and

**Whereas**, Under this act, no deficiency judgment derived from an obligation under a residential mortgage can be issued unless the court has determined that the foreclosure was conducted at a "commercially reasonable sale"; and

**Whereas**, This act reduces the total amount owed on the mortgage that a plaintiff can recover in a deficiency judgment by the price of the property at auction, or by a fair market appraisal price, whichever is greater; and

**Whereas**, This act would also prohibit bringing an action for deficiency judgment when the mortgagor is a member of a low-income family and would also prohibit reporting such deficiency to any consumer reporting agencies except where required by other law; and

**Whereas**, Federal and state government should continue to identify systemic solutions to the foreclosure crisis as homeownership in distress rises, now, therefore, be it

**Resolved**, That the Council of the City of New York supports the Fairness in Foreclosures Act of 2011, H.R. 3566.

Referred to the Committee on Community Development.

Int. No. 856

By Council Members Lander, Barron, Chin, Gentile, Jackson, James, Koppell, Mark-Viverito, Mendez, Palma, Rose, Seabrook, Williams, Wills and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to an annual report on park maintenance and capital expenditures.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-140 to read as follows:

§18-140 *Annual report on park maintenance.* a. *On or before December first of each year, the commissioner shall submit a report to the council for the immediately preceding fiscal year on maintenance work performed at each park under the jurisdiction of the commissioner pursuant to subdivision b of this section. Such report shall include (i) the location of each park; (ii) the size of each park; (iii) the amount of funding spent on maintenance for each park per quarter; (iv) the number of work orders issued and completed at each park for repair work per quarter; and (v) the daily mean number of full time and part time staff allocated to perform maintenance activities at each park per quarter.*

b. *The commissioner shall submit such annual report to the mayor and the council pursuant to the following timetable:*

1. *On or before December 1, 2013, information on maintenance work performed at the one hundred largest parks, as determined by acreage;*

2. *On or before December 1, 2014, information on maintenance work performed at the two hundred largest parks, as determined by acreage; and*

3. *On or before December 1, 2015, and each year thereafter, information on maintenance work performed at all parks under the jurisdiction of the commissioner.*

§ 2. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-141 to read as follows:

§18-141 *Annual report on capital project expenditures in parks.* a. *On December first of each year, the commissioner shall submit a report to the mayor and the council for the immediately preceding fiscal year on the status of each capital project, as defined in section 5-101 of the administrative code, occurring in property under the jurisdiction of the commissioner. Such report shall include (i) the starting date and estimated completion date of such project; (ii) the total amount of funds allocated to such project; (iii) the identification and amount of each separate source of funding allocated to such project; (iv) a description of such project; (v) the location of such project; and (vi) an estimate of funding that will be necessary to complete such project.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 857

By Council Members Lander, Sanders, Dromm, Comrie, Barron, Brewer, Chin, Dickens, Eugene, Ferreras, Garodnick, Gonzalez, Jackson, James, Koppell, Mark-Viverito, Mendez, Palma, Recchia, Reyna, Rose, Seabrook, Vann, Williams, Wills, Levin, Arroyo, Cabrera, Rodriguez, and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's consumer credit history.**

*Be it enacted by the Council as follows:*

Section 1. Section 8-102 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, is amended by adding a new subdivision 26 to read as follows:

26. The term "consumer credit history" means any information bearing on an individual's credit worthiness, credit standing, or credit capacity, including but not limited to an individual's credit score, credit account and other consumer account balances, and payment history.

§2. Section 8-107 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, is amended by adding a new subdivision 21 to read as follows:

21. *Employment; consumer credit history.* (a) Except as provided in paragraph b, it is an unlawful discriminatory practice for an employer, labor organization, employment agency or licensing agency to request or to use for employment purposes information contained in the consumer credit history of an applicant for employment or to retaliate or otherwise discriminate against an applicant or an employee with regard to hiring, termination, promotion, demotion, discipline, compensation or the terms, conditions or privileges of employment based on information in the consumer credit history of the applicant or employee.

(b) Paragraph a of this subdivision shall not apply to employers that are required by state or federal law to use an individual's consumer credit history for employment purposes.

§ 3. This local law shall take effect immediately upon enactment.

Referred to the Committee on Civil Rights.

Res. No. 1329

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, Senate bill S.741-A, and its Assembly companion bill A.6394-A, in relation to the Rent Guidelines Board.**

By Council Members Levin, James and Dilan.

**Whereas**, According to Section 26-510 of the Administrative Code of the City of New York, the Rent Guidelines Board is charged with determining the appropriate level of rent increases for apartments occupied by approximately one million New Yorkers; and

**Whereas**, The members of the Rent Guidelines Board serve an important public duty by establishing the "lease guidelines for apartments and hotels"; and

**Whereas**, Currently members of the Rent Guidelines Board are appointed by the Mayor and their appointment is not subject to the advice and consent of the Council; and

**Whereas**, Conferring upon the Council the power to consent to the appointment of members of the Rent Guidelines Board will give the Council the ability to evaluate the background in housing of proposed appointees and their qualifications to serve on the Rent Guidelines Board; and

**Whereas**, Senate bill S.741-A, and its Assembly companion bill A.6394-A would also change the composition of the Rent Guidelines Board by requiring the five public members to have five years of experience in "public service, philanthropy, social services, urban planning, architecture, social sciences, service with non-for-profit corporations"; and

**Whereas**, Currently, the public members of the Rent Guidelines Board are only required to have experience in "finance, economics or housing"; and

**Whereas**, The Council finds that Senate bill S.741-A, and its Assembly companion bill A.6394-A would authorize a much needed review of the members of the Rent Guidelines Board and provide the Council with proper oversight over a body with the power to affect the lives of nearly one million New Yorkers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, Senate bill S.741-A, and its Assembly companion bill A.6394-A, in relation to the Rent Guidelines Board.

Referred to the Committee on Housing and Buildings.

Res. No. 1330

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.9861/S.7015, legislation which would amend the State Education Law enabling New York City to require that all 5 year old children in the City attend kindergarten.**

By Council Members Levin, Brewer, Chin, Comrie, Eugene, Fidler, Garodnick, Jackson, James, Koo, Koppell, Lander, Lappin, Mendez, Recchia, Rose, Sanders, Seabrook, Vann, Williams and Wills.

**Whereas**, Early childhood education can have a lasting impact on children's academic and social outcomes; and

**Whereas**, Research in neuroscience has shown the importance of the early childhood years in human development; and

**Whereas**, Quality early childhood education helps prepare young children to succeed in school and become better citizens as adults: they earn more, pay more taxes, and commit fewer crimes; and

**Whereas**, Early childhood education has been shown to reduce the need for remediation and special education, as well as grade repetition and dropouts; and

**Whereas**, Early childhood education also makes economic sense, as economists project that every dollar invested in quality early care and education saves taxpayers up to \$13 in future costs; and

**Whereas**, Kindergarten is a critical part of early education, setting the stage for success in school and in life; and

**Whereas**, While kindergarten has been shown to provide positive benefits, not every child has the opportunity to access those benefits; and

**Whereas**, Currently, in New York State, kindergarten is not mandatory; and

**Whereas**, The State Education Law mandates that a child begin his or her education at six years of age; and

**Whereas**, However, state law also permits the City of Syracuse to require full day kindergarten at age five for its residents, and the City of New York has no such authorization; and

**Whereas**, In the past five years, there are, on average, 7% more children who attend first grade than kindergarten at New York City public schools, meaning that annually, over 2,500 children are not attending kindergarten and getting an early start on education that is so critical; and

**Whereas**, Districts with the largest difference in kindergarten enrollment tend to be mostly Black and Latino and have over 75% of students eligible for free and reduced lunch and many have high percentages of English language learners, indicating that some of the city's neediest children may not be getting the early start they need for success; and

**Whereas**, Further, community based organizations report that parents and guardians of some of the City's most vulnerable children, including English language learners, children with special needs, and foster children, are told that 5 year olds are not required to go to school and are turned away from kindergarten enrollment; and

**Whereas**, Requiring that all 5 year olds in New York City attend kindergarten would ensure that more young children in New York City would reap the benefits of early childhood education; and

**Whereas**, A.9861, introduced by Assembly Education Committee Chair Cathy Nolan, and S.7015, introduced by Senate Education Committee Chair John Flanagan would authorize the school district of the City of New York to require children five years of age to attend kindergarten; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.9861/S.7015, legislation which would amend the State Education Law enabling New York City to require that all 5 year old children in the City attend kindergarten.

Referred to the Committee on Education.

Int. No. 858

By Council Members Mark-Viverito, Chin, Jackson, James, Lander, Mendez, Rose, Sanders, Seabrook, Williams and Wills.

**A Local Law to amend the administrative code of the city of New York in relation to technical and minor amendments to the local law establishing a prevailing wage requirement for building service employees in city leased or financially assisted facilities.**

*Be it enacted by the Council as follows:*

Section 1. The heading of section 6-130 of Title 6 of the administrative code of the city of New York relating to Prevailing Wage for Building Service Employees in City Leased or Financially Assisted Facilities is amended to read as follows:

§ 6-13[0]4 Prevailing Wage for Building Service Employees in City Leased or Financially Assisted Facilities.



§2. Paragraphs 5, 9 and 10 of subdivision a of title 6 of section 6-130 of the administrative code of the city of New York as added by Int. No. 18-A, adopted by the Council on May 15, 2012 and renumbered by section 1 hereof as section 6-134 is amended to read as follows:

(5) "City economic development entity" means a *local development corporation*, not-for-profit organization, public benefit corporation, or other entity that provides or administers economic development benefits, *and with which the department of small business services serves as a liaison* [on behalf of the City] pursuant to paragraph b of subdivision one of section 1301 of the New York city charter.

(9) "Covered lessor" means any person entering into a lease with a contracting agency. (10) "Financial assistance" means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (a) directly by the city, or (b) indirectly by a city economic development entity, and that is paid in whole or in part by the city, and that at the time the covered developer enters into a written agreement with the city or city economic development entity is expected to have a total present financial value of one million dollars or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or leases, or the cost of capital improvements *undertaken for the benefit of a city development project*. *Financial assistance shall include only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and shall not include as-of-right assistance, tax abatements or benefits, such as those under the Industrial and Commercial Abatement Program, the J-51 Program, and other similar programs*. Any [related to real property that, under ordinary circumstances, the city would not pay for; provided, however, that any] tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or exemption, shall be deemed to be as of right (or non-discretionary); and [provided] further [that] the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first serve or other non-discretionary basis set forth in such state or local law shall not render such abatement, credit, reduction or exemption discretionary. [Financial assistance shall include only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and shall not include as-of-right assistance, tax abatements or benefits.] Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a city economic development entity.

§3. Paragraph 2 of subdivision b of title 6 of section 6-130 of the administrative code of the city of New York as added by Int. No. 18-A, adopted by the Council on May 15, 2012 and renumbered by section 1 hereof as section 6-134 is amended to read as follows:

(2) Prior to entering into a lease, or extension, renewal, amendment or modification thereof, and annually thereafter for the term of the lease, the contracting agency shall obtain from the prospective covered lessor, and provide to the comptroller, a certification, executed under penalty of perjury, that all building service employees employed in the building to which the lease pertains or under contract with the covered [developer] *lessor* to perform building service work in such building will be and/or have been paid the prevailing wage for the term of the lease. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at such building which shall be available for inspection by the city. Such certification shall be certified by the chief executive or chief financial officer of the covered lessor, or the designee of any such person. The certification shall be annexed to a part of any prospective lease. A violation of any provision of the certification or failure to provide such certification shall constitute a violation of this section by the party committing the violation of such provision.

§4. Paragraphs 2 and 4 of subdivision c of title 6 of section 6-130 of the administrative code of the city of New York as added by Int. No. 18-A, adopted by the Council on May 15, 2012 and renumbered by section 1 hereof as section 6-134 is amended to read as follows:

(2) Prior to commencing work at the city development project, and annually thereafter, every covered developer shall provide to the city economic development entity and the comptroller an annual certification executed under penalty of perjury that all building service employees employed at a city development project by the covered developer or under contract with the covered developer to perform building service work will be and/or have been paid the prevailing wage. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each building service employee employed at the city development project or under contract with the covered developer. Such certification shall be certified by the chief executive or chief financial officer of the covered developer, or the designee of any such person. A violation of any provision of the certification, or failure to provide such certification, shall constitute a violation of this section by the party committing the violation of such provision.[.]

(4) No later than the day on which any *building service employee begins work*

[begins] at any city economic development project subject to the requirements of this section, a covered developer shall post in a prominent and accessible place at every such city economic development project and provide each building service employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which building service employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising building service employees that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notices shall be provided in English and Spanish. Such notice shall remain posted for the duration of the [lease] *period set forth in paragraph 6 of this subdivision*, and shall be adjusted periodically to reflect the current prevailing wage for building service employees. The comptroller shall provide the city with sample written notices explaining the rights of building service employees and covered developers' obligations under this section, and the city shall in turn provide those written notices to covered developers.

§5. Paragraphs 4 and 6 of subdivision d of title 6 of section 6-130 of the administrative code of the city of New York as added by Int. No. 18-A, adopted by the Council on May 15, 2012 and renumbered by section 1 hereof as section 6-134 is amended to read as follows:

(4) The comptroller shall report the results of such investigation to the mayor or his or her designee, who shall, in accordance with the provisions of paragraph 6 of this subdivision and after providing the covered lessor or covered developer an opportunity to cure any violations, where appropriate issue an order, determination, or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination, or disposition may at the discretion of the mayor, or his or her designee, impose the following on the covered lessor *or* covered developer committing the applicable violations: (i) direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the building service employee, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the state banking law, but in any event at a rate no less than six percent per year; (ii) direct payment of a further sum as a civil penalty in an amount not exceeding twenty-five percent of the total amount found to be due in violation of this section, except that in cases where a final disposition has been entered against a person in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the prevailing wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice, or reporting requirements of this section, the mayor, or his or her designee, may impose a civil penalty in an amount not exceeding fifty percent of the total amount found to be due in violation of this section; (iii) direct the maintenance or disclosure of any records that were not maintained or disclosed as required by this section; (iv) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section; or (v) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the covered lessor or covered developer. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered lessor or covered developer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.

(6) Before issuing an order, determination, or any other disposition, the mayor, or his or her designee, as applicable, shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor, or his or her designee, as applicable, may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings, or other appropriate agency or tribunal, for a hearing and disposition. Such person [or covered employer] shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate agency or tribunal, and shall have the opportunity to be heard in respect to such matters.

§ 6. Paragraph 2 of subdivision e of title 6 of section 6-130 of the administrative code of the city of New York as added by Int. No. 18-A, adopted by the Council on May 15, 2012 and renumbered by section 1 hereof as section 6-134 is amended to read as follows:

(2) Notwithstanding any inconsistent provision of paragraph 1 of this subdivision where a complaint filed with the comptroller or the mayor is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this chapter as if no such complaint had been filed; *provided, however, that for purposes of this paragraph, the failure of the comptroller or the mayor to issue a disposition within one year of the filing of a complaint shall be deemed to be a dismissal*.

§ 7. This local law shall take effect on the same date as the effective date of Int. No. 18-A, adopted by the Council on May 15, 2012.

Referred to the Committee on Finance.

Res. No. 1331

**Resolution condemning the passage of Amendment 1 in the State of North Carolina.**

By Council Members Rose, Chin, Eugene, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Mendez, Palma, Recchia, Seabrook and Vann.

**Whereas**, On May 8, 2012, North Carolina voters approved Amendment 1, which amended the state constitution to legally define marriage as the union between one man and one woman to the exclusion of all other definitions; and

**Whereas**, The ballot language for Amendment 1 read, "Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts"; and

**Whereas**, SB 514, the state bill which placed Amendment 1 on the ballot, was passed by the North Carolina House of Representatives on September 12, 2011 and by the North Carolina Senate on September 13, 2011; and

**Whereas**, Prior to the vote on May 8, 2012, North Carolina state law already defined marriage as being the union of a man and a woman; and

**Whereas**, In approving Amendment 1, the voters of North Carolina have banned the legal recognition of any other relationship agreement, including civil unions and domestic partnerships; and

**Whereas**, Before the passage of Amendment 1, North Carolina was the only southern state without a constitutional amendment limiting the legal recognition of marriage to two persons of different genders; and

**Whereas**, Several notable elected officials have spoken out in opposition to Amendment 1, including President Barack Obama, North Carolina Governor Bev Purdue, United States Senator Kay Hagan (D-NC), Congresswoman Renee Elmers (R-NC), and former President Bill Clinton; and

**Whereas**, The passage of Amendment 1 has robbed local municipalities in North Carolina, including the cities of Asheville, Chapel Hill, Orange, Durham, and Greenboro, of their previous ability to legally recognize domestic partnerships between unmarried couples; and

**Whereas**, In limiting legal recognition of relationships to married opposite-sex couples, Amendment 1 has eliminated a host of benefits, including health insurance and prescription drug coverage, for domestic partners and children of public employees; and

**Whereas**, Family law professors in North Carolina have expressed concern that Amendment 1's passage will threaten domestic violence protections, child custody agreements and hospital visitation rights for unmarried couples; and

**Whereas**, Same-sex couples are one of North Carolina's fastest growing demographic groups and, as of the 2010 Census, accounted for 27,250 North Carolinians; and

**Whereas**, Amendment 1 adversely affects heterosexual couples in North Carolina who have opted to enter into domestic partnerships instead of marriages; and

**Whereas**, The fallout from Amendment 1 has consequences for citizens in other states, including New York where legally married same-sex couples and couples in domestic partnerships will lose a myriad of rights and benefits in the event that they relocate to North Carolina; and

**Whereas**, The passage of Amendment 1 enshrines discrimination in the North Carolina state constitution and subjects the rights of a minority to the will of the majority; and

**Whereas**, It is imperative that every American enjoy the same rights as his or her peers, no matter his or her home state or sexual orientation; and

**Whereas**, The Council stands in solidarity with members of North Carolina's communities that have been adversely affected by this discriminatory amendment; now, therefore, be it

**Resolved**, That the Council of the City of New York condemns the passage of Amendment 1 in the State of North Carolina.

Referred to the Committee on Civil Rights.

Int. No. 859

By Council Members Vallone Jr., Comrie, Eugene, Ferreras, Fidler, Gentile, Jackson, James, Koppell, Lander, Mendez, Recchia, Rose, Sanders, Williams, Wills, Halloran, Oddo and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports of crime in all parks and playgrounds within the City that are greater than one acre in size.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 4 of subdivision a of section 14-150 of the administrative code of the city of New York is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board

notice of violation, or criminal court summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of major felony crime complaints for [the twenty largest parks, as determined by acreage,] *all parks one acre or greater in size* under the jurisdiction of the department of parks and recreation, [ . In addition, the department shall submit to the council, subject to the availability of resources and the introduction of the necessary technology, the total number of major felony crime complaints,] pursuant to the following timetable: [ , for parks under the jurisdiction of the department of parks and recreation: ]

1. [By] *Beginning January 1, 2014* [one year after enactment of this law], the [one] *two* hundred largest parks, as determined by acreage; *and*

[2. By two years after enactment of this law, the two hundred largest parks, as determined by acreage; and]

[3.] 2. [By] *Beginning January 1, 2015* [three years after enactment of this law], all parks one acre or greater in size.

*The department shall conspicuously post all quarterly reports of major felony crime complaints for parks online via the department's website within five business days of the department's submission of such reports to the Council.*

§2. This local law shall become effective 30 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 860

By Council Members Vallone Jr., Rose, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting certain vehicles from purchasing muni-meter time.**

*Be it enacted by the Council as follows:*

Section 1. 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 19-167.3 to read as follows:

*§19-167.3 Exemption from purchasing muni-meter time. a. For the purposes of this section, the term "muni-meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.*

*b. Any motorcycle or other motor vehicle registered by the department of motor vehicles with a dashboard that is not capable of being fully enclosed shall not be required to purchase time from a muni-meter or display a muni-meter receipt on such vehicle when such vehicle is parked at a location where such purchase and display is otherwise required by posted signs.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation

Res. No. 1332

**Resolution calling upon the New York State Legislature to enact and for the Governor to sign into law A.9219/S.6416, which would give authority to the New York Police Department to enforce Vehicle and Traffic Law Section 1146, regardless of whether the police officer witnessed the incident.**

By Council Members Vallone, Vacca, Comrie, Jackson, Koo, Lander and Ulrich.

**Whereas**, In 2010, the State Legislature amended Article 26 of the Vehicle and Traffic law (VTL) by adding section 1146, commonly known as Hayley and Diego's Law, to create an infraction for the failure to exercise due care in operating a motor vehicle; and

**Whereas**, Failure to exercise due care can result in a fine of no more than \$750 or imprisonment of no more than fifteen days; and

**Whereas**, However, current enforcement of VTL section 1146 has been limited because of the interpretation that a police officer must witness the incident in order to issue a summons for a violation of this section; and

Where, The New York State Attorney General in 1987 issued an advisory opinion stating that a summons may be issued for a traffic infraction even if the

police officer issuing the summons did not witness the incident; and

**Whereas**, There have been a number of recent high profile instances where a driver was suspected of not exercising due care, but no violation was issued because a police officer did not witness the incident; and

**Whereas**, Current legislation pending in the New York State Legislature, A.9219, sponsored by Assemblyman Brian Kavanagh, and S.6416, sponsored by Senator Dan Squadron, would specifically authorize police officers to issue a violation or make an arrest under VTL section 1146 if there is reasonable cause to believe that the driver did not exercise due care; and

**Whereas**, The enactment of A.9219/S.6416 would provide clarification to the current law and would contribute to saving lives; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to enact and for the Governor to sign into law A.9219/S.6416, which would give authority to the New York Police Department to enforce Vehicle and Traffic Law Section 1146, regardless of whether the police officer witnessed the incident.

Referred to the Committee on Transportation.

Int. No. 861

By Council Members Williams, Barron, Brewer, Chin, Comrie, Fidler, Jackson, James, Koslowitz, Lander, Mark-Viverito, Mendez, Wills and Halloran.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring hotel developers to present their plans to affected community boards.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 2800 of the New York city charter is amended by renumbering the paragraphs 18, 19, 20, and 21 as paragraphs 19, 20, 21, and 22, respectively, and by adding a new paragraph 18 to read as follows:

*(18) Exercise the initial review of plans of public agencies and private entities for development of apartment hotels and transient hotels, as defined in the zoning resolution of the city of New York, located in the community district. Such review shall occur even if the planned use of the development is permitted as-of-right in the applicable zoning district, and shall include the conduct of a public hearing. Such review shall be deemed to be completed immediately after such a public hearing, or sixty days after the applicant submits the plan to the community board, whichever comes first.*

§2. Section 28-104.8.1 of the administrative code of the city of New York is amended by adding a new item 5 to read as follows:

*5. In applications for construction of apartment hotels or transient hotels, as defined in the zoning resolution of the city of New York, a statement certifying that the community board of the district in which the property is located has completed their review of the plan in accordance with paragraph 18 of subdivision d of section 2800 of the New York city charter.*

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

Referred to the Committee on Housing and Buildings.

L.U. No. 611

By Council Member Comrie:

**Application no. N 120144 ZRM submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article XIII, Chapter 2 (Special Enhanced Commercial District), along Broadway, Amsterdam and Columbus avenues Council District 6, 8 and 9.**

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

L.U. No. 612

By Council Member Comrie:

**Application no. C 120145 ZMM submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Sections Nos. 5d & 8c. Council District 6, 8 and 9.**

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

L.U. No. 613

By Council Member Comrie:

**Application no. C 110077 ZMR submitted by Jhong Uhk Kim pursuant to Sections 197-cand 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c. Council District 51**

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

L.U. No. 614

By Council Member Comrie:

**Application no. C 110078 ZRR submitted by Jhong Uhk Kim pursuant to Sections 197-cand 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter7), Appendix A, relating to the modification of the arterial setback plan. Council District 51.**

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

L.U. No. 615

By Council Member Comrie:

**Application no. 20125425 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 103 GW12 LLC., d.b.a. Monument Lane, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 103 Greenwich Avenue, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

L.U. No. 616

By Council Member Comrie:

**Application no. 20115529 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Franco-American Restaurant Investment Group, Inc., d.b.a. The Tea Set, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 235 West 12<sup>th</sup> Street, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

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

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

**ANNOUNCEMENTS:**

**NEW YORK CITY COUNCIL FISCAL YEAR 2013 EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XXXVIII & CD-XXXVIX Programs for the Fiscal Year 2013 to be held in the Committee Room, 16<sup>th</sup> Floor, 250 Broadway (except where indicated), as follows:

**Wednesday, May 16, 2012**

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee ★ Location: Council Chambers, City Hall
10:00 - 12:00	Aging	Aging and Subcommittee on Senior Centers
12:00 – 1:00	Parks and Recreation	Parks and Recreation

**Thursday, May 17, 2012**

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Council Chambers, City Hall
10:00 - 12:00	Police	Public Safety
12:00 - 2:00	District Attorney / Special Narcotics Prosecutor	Public Safety
2:00 - 3:00	Civilian Complaint Review Board	Public Safety

**Friday, May 18, 2012**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	City University of New York	Higher Education
11:30 – 12:00	Human Rights Commission	Civil Rights

**Monday, May 21, 2012**

**★ Note Topic Addition**

Committee on Health ..... 10:00 a.m.

**Res. 1196** - By Council Members Arroyo, Brewer, Dromm, James, Mark-Viverito, Mendez, Palma, Recchia, Vacca, Williams, Garodnick and Ulrich - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, Lauren’s Law, S.3885-A/A.6148-C, legislation that would require mandatory registration or declination of registration in the organ donor registry.

**★Preconsidered Res. \_\_\_** - By Council Members Brewer, Arroyo, Foster, Koslowitz, Palma, the Speaker (Council Member Quinn), Barron, Cabrera, Chin, Dromm, Ferreras, Garodnick, Gennaro, Gentile, Greenfield, Jackson, James, Lander, Lappin, Mark-Viverito, Nelson, Recchia, Reyna, Rose, Vacca, Van Bramer, Vann and Halloran - **Resolution** calling on the United States House of Representatives and the United States Senate to pass and for the President to reauthorize an adequately funded Farm Bill that creates a strong and healthy food system.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

..... Maria del Carmen Arroyo, Chairperson

**★ Note Location Change**

Committee on Community Development ..... 10:00 a.m.

**Oversight** - Promise Neighborhoods Initiatives - Social Intervention Impact on Intergenerational Poverty

★Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Albert Vann, Chairperson

**★ Addition**

Committee on Contracts ..... 1:00 p.m.

**Oversight** - Leveraging the City’s Purchasing Power in Procurement

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Darlene Mealy, Chairperson

**★ Addition**

Committee on Waterfronts jointly with the

Committee on Lower Manhattan ..... 1:00 p.m.

**Oversight** - Pier Redevelopment in Lower Manhattan: Piers 17, 26, A, and 42

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Michael Nelson, Chairperson

..... Margaret Chin, Chairperson

**★ Addition**

Committee on Housing and Buildings.. ..... 1:00 p.m.

**Int. 807** - By Council Member Dilan (by request of the Mayor) - **A Local Law** to amend the New York city plumbing code, in relation to bringing it up to date with the 2009 edition of the international plumbing code, with differences that reflect the unique character of the city

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

..... Erik Martin-Dilan, Chairperson

**Tuesday, May 22, 2012**

Subcommittee on Zoning & Franchises ..... 9:30 a.m.

**See Land Use Calendar** Available Thursday, May 17, 2012

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mark Weprin, Chairperson

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Council Chambers, City Hall
10:00 - 11:30	Human Resources Administration / Social Services	General Welfare
11:30 – 2:00	Administration for Children’s Services (Agency for Child Development and Juvenile Justice Issues)	General Welfare, Women’s Issues and Juvenile Justice
2:00 – 4:00	Homeless Services	General Welfare

Subcommittee on Landmarks, Public Siting & Maritime Uses ..... 11:00 a.m.

**See Land Use Calendar** Available Thursday, May 17, 2012

Committee Room– 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on Planning, Dispositions & Concessions ..... 1:00 p.m.

**See Land Use Calendar** Available Thursday, May 17, 2012

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

**Wednesday, May 23, 2012**

**★ Note Deferral and Time Changes**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:30	Transportation (Expense)	Transportation
10:30 - 11:30	Transportation (Capital)	Transportation
11:30 - 12:00	MTA NYC Transit (Capital)	Transportation
12:00 – 12:30	MTA NYC Transit (Expense)	Transportation
12:30 – 1:15	Taxi & Limousine Commission	Transportation
★1:15 – 2:45	Finance	Finance
★1:15 – 1:45	Design & Construction	Finance

Thursday, May 24, 2012

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

★*Note Deferrals, Additions, Time and Location Change*

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Council Chambers, City Hall
11:00 – 12:00	City Planning	Land Use
12:00 – 1:00	Landmarks	Land Use
★11:00 – 12:00	Information and Technology and Telecommunication	Land Use and Technology
★11:00 – 12:30	Youth and Community Development	Youth Services & Community Development
★12:30 – 2:30	Sanitation	Sanitation and Solid Waste Management

Monday, May 28, 2012

*Memorial Day Observed*

Tuesday, May 29, 2012

★*Note Additions and Deferrals*

Time	Agency Testifying	Finance jointly with Council Committee
★10:00 – 12:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
★12:00 – 12:30	Correction	Fire & Criminal Justice Svcs.
★12:30 – 1:30	Criminal Justice Coordinator (Indigent Defense Services)	Fire & Criminal Justice Svcs.
★12:30 – 1:30	Legal Aid	Fire & Criminal Justice Svcs.
★10:00 - 10:45	Consumer Affairs	Consumer Affairs
★10:45 - 11:15	Business Integrity Commission	Consumer Affairs
★11:15 – 12:30	Information and Technology and Telecommunication	Technology

Wednesday, May 30, 2012

★*Note Deferral and Time Changes*

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Council Chambers, City Hall

10:00 - 1:00	Education (Expense)	Education
1:00 - 1:30	Citywide Administrative Services	Governmental Operations
★1:30 – 2:15	Department of Records and Information Services	Governmental Operations
★1:30 - 2:15	Board of Elections	Governmental Operations
★2:15 – 2:45	Office of Administrative Trials and Hearings	Governmental Operations
★2:45 – 3:30	Law Department	Governmental Operations
★3:30 - 4:00	Campaign Finance Board	Governmental Operations

Thursday, May 31, 2012

*Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.*  
*..... Agenda – 1:30 p.m.*  
*Location..... ~ Council Chambers ~ City Hall.....*

Friday, June 1, 2012

★*Note Additions, Deferrals and Time Changes*

Time	Agency Testifying	Finance Committee jointly with Council Committee
★10:00– 11:30	Youth and Community Development	Youth Services & Community Development
★10:00 - 11:00	Small Business Services	Economic Development and Small Business
★11:00 - 12:00	Economic Development Corporation	Economic Development
★12:00– 12:45	Consumer Affairs	Consumer Affairs
★12:45 – 1:15	Business Integrity Commission	Consumer Affairs
★12:00 - 12:30	Correction	Fire & Criminal Justice Svcs.
★12:30 - 1:30	Legal Aid	Fire & Criminal Justice Svcs.
★1:30 - 3:30	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.

Monday, June 4, 2012

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 - 11:00	Medical Examiner	Health
11:00 - 12:30	Health and Hospitals Corporation	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse
12:30 - 2:30	Health & Mental Hygiene	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse



**Tuesday, June 5, 2012**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 - 10:30	Housing Preservation & Development (Expense)	Housing & Buildings
10:30 - 11:30	Housing Preservation & Development (Capital)	Housing & Buildings
11:30 - 12:30	Buildings	Housing & Buildings
12:30 – 2:00	NYCHA	Public Housing

**Wednesday, June 6, 2012**

**★Note Addition and Time Changes**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee ★ Location: Council Chambers, City Hall</b>
10:00 - 1:00	Office of Management & Budget - Overview of Budgets - Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
★1:00 – 2:30	Finance	Finance
★2:30 – 3:00	Comptroller	Finance
★3:00 - 3:30	Independent Budget Office	Finance
★3:30	Public	

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Thursday, May 31, 2012.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int Nos. 534-A, 711-A, and 838, all adopted by the Council at the April 18, 2012 Stated Meeting, were signed into law by the Mayor on May 1, 2012 as, respectively, Local Laws Nos. 24, 25, and 26 of 2012.*

*Int No. 18-A, originally adopted by the Council at the March 28, 2012 Stated Meeting before being re-adopted by the Council at this May 15, 2012 Stated Meeting, was enacted into law by the Council's override of the Mayor's April 25, 2012 veto. Int No. 18-A was subsequently assigned, respectively, as Local Laws 27 of 2012.*

