

# THE COUNCIL

STATED MEETING OF

WEDNESDAY, FEBRUARY 26, 2014

## THE COUNCIL

*Minutes of the Proceedings for the  
STATED MEETING*

*of*

Wednesday, February 26, 2014, 1:45 p.m.

The Public Advocate (Ms. James)  
*Acting President Pro Tempore and Presiding Officer*

### Council Members

Melissa Mark-Viverito, Speaker

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

The Public Advocate (Ms. James) assumed the Chair as the Acting President Pro Tempore and Presiding Officer.

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

*There were 51 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Rev. T.K. Nakagaki, The Interfaith Center of New York, 475 Riverside Drive, New York, NY 10115.

First of all, thank you very much for inviting me to do a Buddhist Invocation for today.

What I would like to do is the silent meditation;  
... try to stand, relax, [with] your back straight and follow your breath,  
breathe in and breathe out, slowly and deeply. [*one bell chime*]

As you breathe in, you may invite your God,  
your Buddha, truth, energy to yourself;  
and as you breathe out, you may relax yourself free from the tensions,  
from greed, anger, jealousy, pride and self-centeredness;  
and extend loving kindness to all living beings. [*three bell chimes*]

May all sentient beings be happy, well, and peaceful;  
may we all be free from suffering, may we all be free from pain,  
may we all be free from attachment from greed, anger and ignorance;  
may we all attain ultimate happiness and peace of enlightenment  
through the guidance of Buddha's wisdom and compassion;  
and may your mindful action bring peace and well-being  
to ourselves as individuals, to our community and to our city,  
and blessing to you all.

Thank you. *Arigato.*

At a later point in the Meeting, the Acting President Pro Tempore and Public Advocate (Ms. James) recognized the presence of Patricia Williams, mother of Council Member Williams, in the Council Chambers.

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

### MESSAGES & PAPERS FROM THE MAYOR

M-21

**Communication from the Mayor – Submitting Preliminary Mayor's Management Report (PMMR) for Fiscal Year 2014.**

**(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007; also please refer to the Mayor's Office of Management and Budget website at [www.nyc.gov/omb](http://www.nyc.gov/omb) )**

Received, Ordered, Printed and Filed.

M-22

**Communication from the Mayor - Submitting Preliminary Expense Budget for Fiscal Year 2015, pursuant to Sections 225 and 236 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; also please refer to the Mayor's Office of Management and Budget website at [www.nyc.gov/omb](http://www.nyc.gov/omb) )**

Referred to the Committee on Finance.

M-23

**Communication from the Mayor - Submitting Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2014-2018, pursuant to Sections 101 and 213 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; also please refer to the Mayor's Office of Management and Budget website at [www.nyc.gov/omb](http://www.nyc.gov/omb) )**

Referred to the Committee on Finance.

M-24

**Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2015, pursuant to Sections 100 and 231 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; also please refer to the Mayor's Office of Management and Budget website at [www.nyc.gov/omb](http://www.nyc.gov/omb) )

Referred to the Committee on Finance.

M-25

**Communication from the Mayor - Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2015, pursuant to Sections 100, 212 and 231 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; also please refer to the Mayor's Office of Management and Budget website at [www.nyc.gov/omb](http://www.nyc.gov/omb) )

Referred to the Committee on Finance.

M-26

**Communication from the Mayor - Submitting Contract Budget Report for Fiscal Year 2015, pursuant to Section 104 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; also please refer to the Mayor's Office of Management and Budget website at [www.nyc.gov/omb](http://www.nyc.gov/omb) )

Referred to the Committee on Finance.

M-27

**Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2015, pursuant to Section 213 and 236 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; also please refer to the Mayor's Office of Management and Budget website at [www.nyc.gov/omb](http://www.nyc.gov/omb) )

Referred to the Committee on Finance.

M-28

**Communication from the Mayor - Submitting the Capital Commitment Plan, Fiscal Year 2015, Volumes 1, 2, & 3, and the Capital Commitment Plan, Financial Summary, pursuant to Section 219 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; also please refer to the Mayor's Office of Management and Budget website at [www.nyc.gov/omb](http://www.nyc.gov/omb) )

Referred to the Committee on Finance.

M-29

**Communication from the Mayor - Submitting Preliminary 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 2015 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 NY City Charter.**



February 12, 2014

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller

Honorable Ruben Diaz, Jr., Bronx Borough President  
 Honorable Eric L. Adams, Brooklyn Borough President  
 Honorable Gale A. Brewer, Manhattan Borough President  
 Honorable Melinda R. Katz, Queens Borough President  
 Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify on a preliminary basis 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 2015 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2015	\$7,308	Million
2016	6,793	Million
2017	6,055	Million
2018	5,500	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 2015 – 2018:

2015	\$5,781	Million
2016	5,204	Million
2017	4,651	Million
2018	4,112	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 2015 – 2018:

2015	\$1,527	Million
2016	1,588	Million
2017	1,404	Million
2018	1,389	Million

I further certify on a preliminary basis that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2015, 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:

2015	\$4,083	Million
2016	3,412	Million
2017	3,486	Million
2018	3,395	Million

Sincerely,

Bill de Blasio  
 Mayor

Received, Ordered, Printed and Filed.

#### LAND USE CALL UPS

M-30

By Council Member Chin:

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 98 Kenmare Street, in the Borough of Manhattan, Community District 2, Application no. 20145310 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-31

By Council Member Chin:

**Pursuant to Rule 11.20(b) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 140055 ZSM shall be subject to Council review.**

Coupled on Call – Up Vote

M-32

By Council Member Chin:

**Pursuant to Rule 11.20(b) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 140056 ZSM shall be subject to Council review.**

Coupled on Call – Up Vote

M-33

By Council Member Johnson:

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 567 Hudson Street, in the Borough of Manhattan, Community District 2, Application no. 20145268 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-34

By Council Member Vallone:

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an enclosed sidewalk café located at 22-30 154<sup>th</sup> Street, in the Borough of Queens, Community District 7, Application no. 20145354 TCQ shall be subject to review by the Council.**

Coupled on Call – Up Vote

#### LAND USE CALL UP VOTE

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

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – 51.

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

#### REPORTS OF THE STANDING COMMITTEES

##### Reports of the Committee on Civil Service and Labor

Report for Int. No. 1-A

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the provision of sick time earned by employees, and section 7 of local law number 46 for the year 2013, relating to such sick time, in relation to the effective date of such local law, and to repeal section 6 of local law number 46 for the year 2013, relating to a determination of the Independent Budget Office.**

The Committee on Civil Service and Labor, to which the annexed amended proposed local law was referred on January 22, 2014 (Minutes, page 82), respectfully

#### REPORTS:

##### Introduction

On February 25, 2014, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, will hold a second hearing on Proposed Int. No. 1-A, a Local Law to amend the Charter and Administrative Code of the City of New York in relation to the provision of sick time earned by employees. This bill amends and repeals parts of Local Law 46 of 2013, the Earned Sick Time Act (ESTA)<sup>1</sup> which was passed by the Council in the previous legislative session and also amends Local Law 6 of 2014 which amended the ESTA.

##### Legislative History

The Committee first held a hearing on Int. No. 1059 during the 2006-2009 session on November 17, 2009. That bill was reintroduced in the 2010-2013 session as Int. No. 97 and subsequently amended to Int. No. 97-A. The Committee held a hearing on Int. No. 97-A on March 22, 2013 and various interested parties presented testimony, providing diverse perspectives on this legislation, including workers, businesses, advocates and public policy institutions. Subsequently, amendments were made to the bill, which the Committee passed on May 6, 2013 and the Council passed the bill on May 8, 2012. Mayor Bloomberg's veto message was received by the Council on June 12, 2013. The Committee voted to repass the bill and the Council voted to override the veto on June 26, 2013. The bill then became Local Law 46 for the year 2013.

On December 12, 2013, the Committee held a hearing on Int. No. 1208-A, which made technical amendments to the ESTA. The Committee passed the bill on December 17, 2013 and it was passed by the Council on December 19, 2013. Mayor Bloomberg's veto of this bill was received on December 27, 2013. The Committee repassed the legislation on January 30, 2014 and the Council overrode the veto on February 4, 2014. The bill became Local Law 6 for the year 2014.

During the interim between when the Council passed Int. No. 1208-A and the Council overrode the veto of that bill, Mayor de Blasio sent a bill to the Council, which was introduced as Int. No. 1 of the year 2014. Int. No. 1 significantly expands the scope of the ESTA.

The Committee held a first hearing on Proposed Int. No. 1-A on February 13, 2014. A variety of activists, business owners, workers and business groups testified. The bill was amended after the hearing (see discussion on Proposed Int. No. 1-A below).

##### Background: Paid Sick Time in the United States

In March of 2013, the Healthy Families Act was reintroduced in the United States Congress. This law would require sick time for employers with 15 or more employees. This and similar legislation were introduced in recent Congressional sessions without being voted out of committee. Meanwhile, several local jurisdictions have proposed and considered paid sick time legislation. Currently, six cities and one state now have paid sick leave laws: San Francisco, California; Washington, D.C.; Seattle, Washington; Portland, Oregon; Newark and Jersey City New Jersey; and Connecticut. Last year, a paid sick leave bill was considered and passed by the Philadelphia City Council, but the bill was vetoed by Mayor Michael Nutter, and the Council fell short on trying to override the veto.<sup>2</sup> A paid sick time law was also passed by public referendum in Milwaukee, but it was blocked by a lawsuit and in

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<sup>1</sup> Introduced as Int. No. 97 and amended to Int. No. 97-A.

<sup>2</sup> NBC10 Philadelphia, "Paid Sick Leave Veto Override Falls 1 Vote Short," April 11, 2013, available at: <http://www.nbcphiladelphia.com/news/politics/Paid-Sick-Leave-Bill-Veto-Stands-202535031.html>.

May of 2012, the state passed legislation preempting local paid sick time laws in Wisconsin.<sup>3</sup> Other jurisdictions have pending sick time legislation at various stages.

**Proposed Int. No. 1-A**  
**Overview**

The ESTA Law requires employers to provide sick time – paid or unpaid depending on the size of the business – to employees.<sup>4</sup> Proposed Int. No. 1-A would significantly expand the scope of the ESTA, including who it would cover, the Mayor’s powers to enforce and administer it, and remove an exemption for paid time for manufacturers.

**Legislative Discussion**

The first section of the bill would amend subdivision e of section 2203 of the City Charter to give the Commissioner power to conduct investigations regarding violations of the ESTA upon his or her own initiative (in the current version of the law, the process is complaint driven).

The second section of the bill would amend Section 2203 of the City Charter by adding a new subdivision i which would allow the Mayor to designate a different City agency to administer and enforce the ESTA (the law currently designates the Department of Consumer Affairs (DCA)).

Section three of the bill amends the City’s Domestic Worker Bill of Rights, Section 20-771 of the Administrative Code (the “Code”). Previously this section required agencies that employ domestic workers to inform them of their rights under State and Federal law. This bill would add local laws as well, so that they are informed of the ESTA.

The fourth section of the bill would change subdivisions b and h of section 20-912 (the law’s definitions). It would change the definition of “Chain business” so that the ESTA covers chain businesses that employs at least five employees (currently it covers chain businesses with fifteen or more employees.). It would also change the definition of “Family Member” from “employee’s child, spouse, domestic partner, parent, or the child or parent of an employee’s spouse or domestic partner” to add “sibling, grandchild, and grandparent.”

The next section adds several definitions to section 20-912 of the code as follows:

- s. “Department” shall mean the department of consumer affairs or such other agency as the mayor shall designate pursuant to section 20-925 of this chapter.
- t. “Grandchild” shall mean a child of an employee’s child.
- u. “Grandparent” shall mean a parent of an employee’s parent.
- v. “Sibling” shall mean an employee’s brother or sister, including half-siblings, step-siblings and siblings related through adoption.

The bill’s sixth section would amend section 20-913 of the Code to change who is required to provide earned sick time to their employees. It reduces the size of business covered from fifteen or more employees to five or more employees, and removed an exemption to have paid time for manufacturers. It also takes out a reference to the enactment schedule in bill Section 7 of the ESTA, which would have started the law off covering businesses of twenty or more, before dropping to employers with fifteen or more employees after eighteen months. It also removed a reference to the same schedule for unpaid sick time.

The seventh section of the bill makes a technical amendment to section 20-919 of the code, changing the word “fine” to “penalty.”

The eighth section of the bill would change the requirement of businesses to keep records regarding the ESTA from two to three years in section 20-920 of the Code and clarifies that the department and the employer must agree to a mutual time of day to review records in connection with an investigation.

In the bill’s ninth section, the statute of limitations in subdivision b of section 20-924 of the Code would be changed from 270 days to two years. In addition, subdivision c of section 20-924 of the Code would be amended provide a deadline for responses to complaints to be 30 days and to clarify that the department can investigate and initiate complaints on its own volition.

Section ten of the bill would add a new section 20-925 to the Code, which would state that the Mayor may designate another administering agency which would have the same powers that DCA is granted in the ESTA and to conduct investigations on its own volition. It also would allow powers granted to DCA or a substituted agency to be exercised by the Office of Administrative Trials and Hearings upon Mayoral order.

Section eleven of the bill would repeal bill Section 6 of the ESTA, which in essence along with other duties, required the Independent Budget Office to check the NYC Coincident Economic Index post on December 16, 2013 a determination that would have delayed the bill from going into effect if the index was below the January 20, 2012 level.

The twelfth section of the bill would change the effective date of the ESTA to April 1, 2014 for every business with five or more employees, from a schedule that had determined when businesses with twenty or more employees would have to comply with the paid sick time section of the law and when the law would apply to businesses with fifteen or more.

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<sup>3</sup> *Milwaukee Journal Sentinel*, “Walker signs law pre-empting sick day ordinance,” May 5, 2011, available at: <http://www.jsonline.com/news/milwaukee/121332629.html>.

<sup>4</sup> The definition of “employee” in the ESTA section 20-912(f), as well as the accrual of sick time in section 20-913(b) are intended to affect employees hired to work in New York City. For example, employees who work for a temp agency based in New York City that places them at different workplace assignments outside of New York City should accrue and be able to use sick time when they are placed by their agency at a New York City workplace.

The thirteenth section of the bill would state that civil penalties for a violation of the ESTA by businesses under twenty employees and manufacturers would be waived for the first six months that the bill is in effect, although another remedy, including equitable relief, could be imposed. However, the provision also provides that a second or subsequent violation during this time shall serve as a predicate for imposing penalties on subsequent violations on or after October 1, 2014.

The fourteenth and final section of the bill would make the enactment date for this bill the same as the ESTA, April 1, 2014. It also states that prior to that date, the Mayor can designate a different agency to administer the law and take measures to implement the law, including promulgation of rules.

**Significant amendments from Int. No. 1 to Proposed Int. No. 1-A**

Several amendments were made to Intro. No. 1 after it was introduced and was the subject of a hearing of the Civil Service & Labor Committee. These changes include:

**Bill New Section 3:**

Amending the City’s Domestic Worker Bill of Rights, Section 20-771 the Code so that agencies that employ domestics to inform must them of their rights under Federal, state and City laws, including the ESTA.

**Bill Section 4:**

The definition of “Chain Business” in subsection b, section 20-912 of the Code, was amended from covering chains with fifteen or more employees to reflect the change in the ESTA that it would cover business of five and under.

**Bill section 5:**

Definitions in section 20-912 of the Code added for “grandchild,” “grandparent” and “sibling.”

**Bill new section 7:**

In section 20-919 of the code, technical amendment changing the word “fine” to “penalty.”

**Bill section 8 (renumbered from section 7 in Int. No. 1):**

In section 20-920 of the code, regarding employee records, “of day” added to “mutually agreeable time” for the department to review employer records.

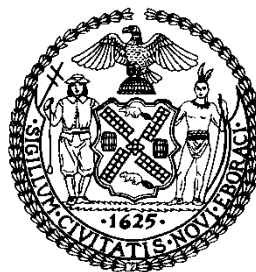
**Bill section 9 (renumbered from section 8 in Int. No. 1):**

Statute of limitations for filing a complaint in section 20-924(b) of the code reduced from three years to two years. And in 20-924(c) a thirty day deadline for responding to complaints added.

**Bill new section 14:**

The section states that civil penalties for violation of the ESTA by businesses under twenty employees and manufacturers would be waived for the first six months that the bill is in effect, however, other remedies, including equitable relief could be imposed.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1-A:)**



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

**PROPOSED INTRO. NO: 1-A**

**COMMITTEE: Civil  
Service and Labor**

**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the provision of sick time earned by employees, and section 7 of local law number 46 for the year 2013, relating to such sick time, in relation to the effective date of such local law, and to repeal section 6 of local law number 46 for the year 2013, relating to a determination of the Independent Budget Office.

**SPONSOR(S):** Council Members Chin, The Speaker (Council Member Mark-Viverito), Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dromm, Eugene, Ferreras, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Menchaca, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Van Bramer, Barron, Espinal, Gibson, Palma, Dickens, Maisel, Mendez, Williams, Vacca and Cabrera (by request of the Mayor and the Manhattan Borough President).

**SUMMARY OF LEGISLATION: Proposed Intro 1-A is a Local Law to amend the Charter and Administrative Code of the City of New York in relation to the provision of sick time earned by employees. This bill amends and repeals parts of Local Law 46 of 2013, the Earned Sick Time Act (ESTA), which was passed by the Council in the previous legislative session, and also amends Local Law 6 of 2014 which amended the ESTA.**

Notable amendments include:



- Giving the Department of Consumer Affairs (DCA) Commissioner power to conduct investigations regarding violations of the ESTA upon his or her own initiative (in the current version of the law, the process is complaint driven).
- Allowing the Mayor to designate a different City agency to administer and enforce the ESTA (the law currently designates DCA).
- Changing the definition of “Chain business” so that the ESTA covers chain businesses that employs at least five employees (currently it covers chain businesses with fifteen or more employees.).
- Changing the definition of “Family Member” to include “sibling, grandchild, and grandparent.”
- Reducing the size of business covered from fifteen or more employees to five or more employees, and removed an exemption to have paid time for manufacturers.
- Changing the statute of limitations from 270 days to two years.
- Allowing the Mayor to designate another administering agency which would have the same powers that DCA is granted in the ESTA and to conduct investigations on its own volition. It also would allow powers granted to DCA or a substituted agency to be exercised by the Office of Administrative Trials and Hearings upon Mayoral order.
- Removing the NYC Coincident Economic Index trigger for the effective date, and changes the effective date of the ESTA to April 1, 2014 for every business with five or more employees.
- Waiving the civil penalties for a violation of the ESTA by businesses under twenty employees and manufacturer for the first six months that the bill is in effect.

**EFFECTIVE DATE:** This law would go into effect on April 1, 2014, provided that in the case of employees covered by a valid collective bargaining agreement in effect on such date, this local law shall take effect on the date of the termination of such agreement, and provided further that prior to April 1, 2014.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2015

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenues	<i>De minimus</i>	<i>De minimus</i>	<i>De minimus</i>
Expenditures	See note below*	See note below*	See note below*
Net	*	*	*

**IMPACT ON REVENUES:** The revenues generated by the enactment of this legislation would be *de minimus*. The penalties are meant to deter, not generate revenues.

**IMPACT ON EXPENDITURES:** \*Funding for this program is assumed in the February 2014 Financial Plan. The plan adds funding to Department of Consumer Affairs specifically for Earned Sick Time Act. The net operating budget change for FY2014 is 4,783,176 and \$1,811,700 for FY2015, FY2016, FY2017 and FY2018. The City Council Finance Division believes this new need reflects the entirety of the Act and will cover the salary of the 17 staff members hired to implement the act, the outreach and enforcement cost and other OTPS costs such as translation services and space for the new staff. This bill has no fiscal impact other than what is already found in in the Plan.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City Funds as listed in the Preliminary Budget

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Fiscal 2015 Preliminary Budget  
New York City Office of Management and Budget

**ESTIMATE PREPARED BY:** Aliya Ali Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director  
Regina Poreda Ryan, Deputy Director  
Raymond Majewski, Deputy Director/Chief Economist  
Tanisha Edwards, Chief Counsel

**LEGISLATIVE HISTORY:** Intro 1 was introduced by Council and referred to the Committee on Civil Service and Labor on January 22, 2014. The Committee held a hearing on Intro 1 on February 14, 2014 and the Committee proposed an amendment to the bill and laid the bill over. The amended version, Proposed Intro 1-A, will be voted by the Committee on February 25, 2014, and upon a successful vote, will be submitted to the Full Council on February 26, 2014.

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

**(The following is the text of Int. No. 1-A:)**

Int. No. 1-A

By Council Members Chin, The Speaker (Council Member Mark-Viverito), Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dromm, Eugene, Ferreras, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Menchaca, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Van Bramer, Barron, Espinal, Gibson, Palma, Dickens, Maisel, Mendez, Williams, Vacca, Cabrera and Garodnick (by request of the Mayor and the Manhattan Borough President).

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the provision of sick time earned by employees, and section 7 of local law number 46 for the year 2013, relating to such sick time, in relation to the effective date of such local law, and to repeal section 6 of local law number 46 for the year 2013, relating to a determination of the Independent Budget Office.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (e) of section 2203 of the New York city charter, as added by local law number 46 for the year 2013, is amended to read as follows:

(e) The commissioner shall have all powers as set forth in chapter 8 of title 20 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, *and the power to conduct investigations regarding violations of such chapter upon his or her own initiative.*

§ 2. Section 2203 of the New York city charter is amended by adding a new subdivision (i) to read as follows:

(i) *Notwithstanding any inconsistent provision of law, the mayor may designate an agency other than the department to enforce the provisions of chapter 8 of title 20 of the administrative code of the city of New York. Upon such designation, such agency shall be deemed to have all powers of the commissioner as set forth in this section in connection with the enforcement of such chapter.*

§ 3. Section 20-771 of the administrative code of the city of New York, as added by local law number 33 for the year 2003, is amended to read as follows:

§ 20-771 Statement of employee rights and employer obligations under city, state and federal law. a. Every licensed employment agency under the jurisdiction of the commissioner and engaged in the job placement of domestic or household employees shall provide to each applicant for employment as a domestic or household employee and his or her prospective employer, before job placement is arranged, a written statement indicating the rights of such employee and the obligations of his or her employer under city, state and federal law. Such statement of rights and obligations shall embody provisions of city, state and federal laws that pertain to domestic or household employees, both in their capacity as workers in *New York city*, New York state and the United States and in their capacity specifically as domestic or household employees in *New York city*, New York state and the United States. Such statement of rights and obligations shall include, but not be limited to, a general description of employee rights and employer obligations pursuant to laws regarding minimum wage, overtime and hours of work, *sick time*, *days of rest*, record keeping, social security payments, unemployment insurance coverage, disability insurance coverage and workers' compensation. Such statement of rights and obligations shall be prepared and distributed by the commissioner to licensed employment agencies over which the commissioner has jurisdiction.

b. Every employment agency engaged in the job placement of domestic or household employees shall keep on file in its principal place of business for a period of three (3) years a statement, signed by the employer of a domestic or household employee whom the employment agency has placed with such employer, indicating that the employer has read and understands the statement of rights and obligations he or she received pursuant to subdivision (a) of this section.

§ 4. Subdivisions b and h of section 20-912 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, are amended to read as follows:

b. “Chain business” shall mean any employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments in such group is at least [fifteen] *five*.

h. "Family member" shall mean an employee's child, spouse, domestic partner [or], parent, *sibling, grandchild or grandparent*, or the child or parent of an employee's spouse or domestic partner.

§ 5. Section 20-912 of the administrative code of the city of New York is amended by adding four new subdivisions s, t, u, and v to read as follows:

s. "Department" shall mean the department of consumer affairs or such other agency as the mayor shall designate pursuant to section 20-925 of this chapter.

t. "Grandchild" shall mean a child of an employee's child.

u. "Grandparent" shall mean a parent of an employee's parent.

v. "Sibling" shall mean an employee's brother or sister, including half-siblings, step-siblings and siblings related through adoption.

§ 6. Subdivision a of section 20-913 of the administrative code of the city of New York, as amended by local law number 6 for the year 2014, is amended to read as follows:

a. All employees have the right to sick time pursuant to this chapter.

1. All employers that employ [fifteen] five or more employees [, except for any employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System,] and all employers of one or more domestic workers shall provide paid sick time to their employees in accordance with the provisions of this chapter [and the schedule set forth in section 7 of the local law which enacted this section].

2. All employees not entitled to paid sick time pursuant to this chapter shall be entitled to unpaid sick time in accordance with the provisions of this chapter [and the schedule set forth in section 7 of the local law which enacted this section].

[3. All employers that employ fifteen to nineteen employees, and all employers of one or more domestic workers, shall provide unpaid sick time in accordance with the provisions of this chapter and the schedule set forth in section 7 of the local law which enacted this section during any period in which, pursuant to the schedule set forth in section 7 of the local law which enacted this section, such employers are not required to provide paid sick time but employers that employ twenty or more employees, except for any employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System, are required to provide paid sick time.]

§ 7. Subdivision c of section 20-919 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, is amended to read as follows:

c. Any person or entity that willfully violates the notice requirements of this section shall be subject to a civil [fine] penalty in an amount not to exceed fifty dollars for each employee who was not given appropriate notice pursuant to this section.

§ 8. Section 20-920 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, is amended to read as follows:

§ 20-920 Employer records. Employers shall retain records documenting such employer's compliance with the requirements of this chapter for a period of [two] three years unless otherwise required pursuant to any other law, rule or regulation, and shall allow the department to access such records, with appropriate notice and at a mutually agreeable time of day, in furtherance of an investigation conducted pursuant to this chapter.

§ 9. Subdivisions b and c of section 20-924 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, are amended to read as follows:

b. Any person alleging a violation of this chapter shall have the right to file a complaint with the department within [270 days] two years of the date the person knew or should have known of the alleged violation. The department shall maintain confidential the identity of any complainant unless disclosure of such complainant's identity is necessary for resolution of the investigation or otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing his or her identity prior to such disclosure.

c. Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint and attempt to resolve it through mediation. *Within thirty days of written notification of a complaint by the department, the person or entity identified in the complaint shall provide the department with a written response and such other information as the department may request.* The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If, *as a result of an investigation of a complaint or an investigation conducted upon its own initiative,* the department believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation. The commissioner shall prescribe the form and wording of such notices of violation. The notice of violation shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter.

§ 10. Chapter 8 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-925 to read as follows:

§ 20-925 Designation of agency. a. *The mayor may designate an agency other than the department of consumer affairs to enforce the provisions of this chapter. Upon such designation, such agency shall be deemed to have all powers as set forth in this chapter relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, and the power to conduct investigations regarding violations of such chapter upon its own initiative. Such agency, in the performance of such functions, shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, render decisions and orders, and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of this chapter, and to promulgate, amend and modify rules and regulations necessary to enforce the provisions of this chapter.*

b. *Notwithstanding any inconsistent provision of law, such agency shall be authorized, upon due notice and hearing, to impose civil penalties for any violation of the provisions of this chapter, and to order equitable relief for and payment of monetary damages in connection with enforcement of this chapter. All proceedings*

*authorized pursuant to this section shall be conducted in accordance with rules promulgated by such agency.*

c. *Notwithstanding any inconsistent provision of law, powers conferred upon such agency by this section may be exercised by the office of administrative trials and hearings consistent with any orders of the mayor issued in accordance with subdivisions two and three of section one thousand forty-eight of the charter.*

§ 11. Section 6 of local law number 46 for the year 2013 is REPEALED.

§ 12. Section 7 of local law number 46 for the year 2013 is amended to read as follows:

§ 7. This local law shall take effect [pursuant to the following schedule:

(1) If the December 16, 2013 Independent Budget Office ("IBO") determination shows that the most recent New York City Coincident Economic Index or similar successor index as published by the Federal Reserve Bank of New York (the "Index") is at or above its January 2012 level, then:

(a) All employers that employ twenty or more employees must comply with the provisions of this local law on April 1, 2014;

(b) all employers that employ fifteen to nineteen employees or a domestic worker must comply with the provisions of this local law regarding paid sick time on October 1, 2015; and

(c) all employers with employees not entitled to paid sick time pursuant to chapter 8 of title 20 of the administrative code as added by section 3 of this local law, including those employers covered by paragraph 3 of subdivision a of section 20-913 of such code as added by section 3 of this local law during the period specified therein, must comply with the provisions of this local law on April 1, 2014.

(2) If on December 16, 2013, the Index is not at or above its January 2012 level, but on June 16, 2014, the Index is at or above its January 2012 level as determined by the IBO, then:

(a) All employers that employ twenty or more employees must comply with the provisions of this local law on October 1, 2014;

(b) all employers that employ fifteen to nineteen employees or a domestic worker must comply with the provisions of this local law regarding paid sick time on April 1, 2016; and

(c) all employers with employees not entitled to paid sick time pursuant to chapter 8 of title 20 of the administrative code as added by section 3 of this local law, including those employers covered by paragraph 3 of subdivision a of section 20-913 of such code as added by section 3 of this local law during the period specified therein, must comply with the provisions of this local law on October 1, 2014.

(3) If on June 16, 2014, the Index is not at or above its January 2012 level, but on December 16, 2014, the Index is at or above its January 2012 level as determined by the IBO, then:

(a) All employers that employ twenty or more employees must comply with the provisions of this local law on April 1, 2015;

(b) all employers that employ fifteen to nineteen employees or a domestic worker must comply with the provisions of this local law regarding paid sick time on October 1, 2016; and

(c) all employers with employees not entitled to paid sick time pursuant to chapter 8 of title 20 of the administrative code as added by section 3 of this local law, including those employers covered by paragraph 3 of subdivision a of section 20-913 of such code as added by section 3 of this local law during the period specified therein, must comply with the provisions of this local law on April 1, 2015.

(4) If on December 16, 2014 the Index is not at or above its January 2012 level, then the IBO shall make a determination every June 16th and December 16th of each year thereafter until such Index is at or above its January 2012 level, and the effective date of this local law for all employers shall be on the succeeding October 1 or April 1, respectively, after the first such determination that the Index is at or above its January 2012 level.

(5) Notwithstanding the preceding paragraphs (1) through (4),] *on April 1, 2014, provided that in the case of employees covered by a valid collective bargaining agreement in effect on [the effective date prescribed by such preceding paragraphs] such date,* this local law shall take effect on the date of the termination of such agreement.

[(6) This local law shall take effect pursuant to the preceding paragraphs, and the commissioner of consumer affairs shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.]

§ 13. Notwithstanding any other provision of law, an employer with fewer than twenty employees or an employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System shall not be subject to a civil penalty for any violation of chapter 8 of title 20 of the administrative code of the city of New York or any rule promulgated thereunder, if such violation occurs before October 1, 2014; provided, however, that the department may order any other remedy authorized pursuant to such chapter, including equitable relief, for such a violation. A first time violation of any provision of chapter 8 of title 20 of the administrative code of the city of New York, or any rule promulgated thereunder, by an employer with fewer than twenty employees or an employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System, that occurs before October 1, 2014, shall not serve as a predicate for the purposes of imposing penalties for subsequent violations occurring on or after October 1, 2014 pursuant to section 20-924 of the administrative code of the city of New York, but any second or subsequent violation of the same provision by such an employer that occurs before October 1, 2014, shall serve as a predicate for the purposes of imposing penalties for subsequent violations that occur on or after October 1, 2014.

§ 14. This local law shall take effect on April 1, 2014, provided that in the case of employees covered by a valid collective bargaining agreement in effect on such

date, this local law shall take effect on the date of the termination of such agreement, and provided further that prior to April 1, 2014:

(1) the mayor may exercise the authority granted by subdivision a of section 20-925 of the administrative code of the city of New York, as added by section ten of this local law, to designate an agency other than the department of consumer affairs to enforce the provisions of chapter 8 of title 20 of the administrative code of the city of New York; and

(2) the department, as defined in subdivision s of section 20-912 of the administrative code of the city of New York, as added by section five of this local law, shall take such measures as are necessary for the implementation of chapter 8 of title 20 of the administrative code of the city of New York, as added by local law 46 for the year 2013, and as amended by local law number 6 for the year 2014, and as further amended by this local law, including the promulgation of rules.

I. DANEEK MILLER, Chairperson; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, February 25, 2014. *Other Council Members Attending: Chin.*

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

At this point the Speaker (Council Member Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Civil Service and Labor and had been favorably reported for adoption.

Report for Int. No. 98

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of environmental protection.**

The Committee on Civil Service and Labor, to which the annexed proposed local law was referred on February 26, 2014, respectfully

**REPORTS:**

**STATUTORY BACKGROUND:**

Currently, section 12-126(b)(2)(i) of the Administrative Code of the City of New York provides health insurance benefits to a surviving spouse or domestic partner, and dependent children of police officers, firefighters, uniformed members of the correction or sanitation department, emergency medical technician, advanced emergency medical technician and employees whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician of the fire department of the city of New York while in performance of duty on or after September 11, 2001. Benefits are provided if the employee was killed as the natural and proximate result of an accident or injury sustained while in the performance of duty. The health insurance benefits are provided to a surviving spouse or domestic partner until he or she dies, and are provided to dependent children until age 19, or, if enrolled full-time as an undergraduate at an accredited degree-granting institution of higher education, until the completion of the educational program, or age 23, whichever occurs first.

The section also provides that the Mayor has the discretion to extend such benefits to surviving spouses, domestic partners and eligible dependent children of employees of the fleet services division of the Police Department who died in the line of duty on or after October 1, 1998 and before April 30, 1999; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division of the Department of Transportation who died on or after September 1, 2005 and before September 28, 2005; and the surviving spouses, domestic partners and children of employees of deceased employees of the Bureau of Wastewater Treatment of the Department of Environmental Protection who have died on or after January 8, 2009 and prior to January 10, 2009. The cause of death would still be required to be a natural and proximate result of an accident or injury sustained while in the performance of duty.

In addition, this section provides that any individual in active service covered by section 126(b)(2)(i) shall be deemed to have died in the line of duty if such death occurs while the individual was ordered to active duty, other than for training purposes, pursuant to Title 10 of the United States Code, with the United States armed forces.

**APPLICATION OF LAW**

On February 3, 2014, Aron Thomas, an employee of the New York City Department of Environmental Protection, Bureau of Water Supply was shot and

killed at a department facility in Kingston, NY allegedly by a coworker.

The inclusion of survivors of the Department of Environmental Protection, Bureau of Water Supply would be within the purview of 12-126(b)(2)(i) of the Code that grants authority to the Mayor to use his or her discretion to extend benefits to the spouses, domestic partners and eligible dependent children of employees of the specified agencies who died during the course of their employment.

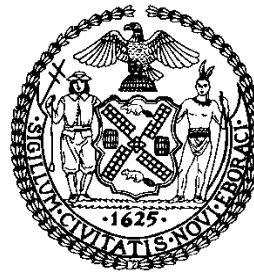
This preconsidered legislation would extend health insurance coverage to Aron Thomas's widow and any eligible children, thus helping to ease the financial burdens of his family and demonstrating the City's appreciation of this employee's dedicated service to the people of this City.

**PRECONSIDERED INT. 98**

Section 1 of the legislation would amend section 126(b)(2)(i) to include the surviving spouses, domestic partners and children of employees of deceased employees of the Bureau of Water Supply who died on or after February 2, 2014 and prior to February 4, 2014. The cause of death would still be required to be a natural and proximate result of an accident or injury sustained while in the performance of duty.

Section 2 of the legislation would provide that this proposed local law would take effect immediately, and would be retroactive to and deemed to have in full force and effect on and after February 3, 2014.

**(The following is the text of the Fiscal Impact Statement for Int. No. 98:)**



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

**PRE-CONSIDERED INTRO.**

**COMMITTEE:** Civil Service and Labor

**TITLE:** To amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of environmental protection.

**SPONSOR(S):** Council Member Miller (by request of the Mayor)

**SUMMARY OF LEGISLATION:** This pre-considered Intro. would extend health insurance coverage to Aron Thomas' widow and two children following Mr. Thomas' death on February 3, 2014. Mr. Thomas worked for the Department of Environmental Protection and was killed while at work at the DEP facility in Kingston, New York.

**EFFECTIVE DATE:** February 3, 2014

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** None.

**IMPACT ON EXPENDITURES:** None.

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

**SOURCE OF INFORMATION:** Finance Division

**ESTIMATE PREPARED BY:** Regina Poreda Ryan, Deputy Director

**LEGISLATIVE HISTORY:** This legislation will be considered by the Committee on Civil Service and Labor as a Pre-considered Intro on February 25, 2014 and upon a successful vote, the bill will be submitted to the full Council for a vote.

**DATE SUBMITTED TO COUNCIL:** February 25, 2014

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered bill, please see the Introduction and Reading of Bills section printed in these Minutes)

I. DANEEK MILLER, Chairperson; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, February 25, 2014. *Other Council Members Attending: Chin.*

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

#### Reports of the Committee on Land Use

Report for L.U. No. 11

**Report of the Committee on Land Use in favor of approving Application No. N 130232 ZRY submitted by 945 Realty Holdings, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 2 to amend Section 32-421 to permit commercial use on the second floors of buildings in C1 and C2 districts mapped within R9 & R10 districts and in C1-8, C1-9, C2-7, & C2-8 districts, Borough of Manhattan, Community District 6, Council Districts 4 and 5.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 4, 2014 (Minutes, page 304), respectfully

#### REPORTS:

##### SUBJECT

CITYWIDE

N 130232 ZRY

City Planning Commission decision approving an application submitted by 945 Realty Holdings, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 2 to amend Section 32-421 to permit commercial use on the second floors of buildings in C1 and C2 districts mapped within R9 & R10 districts and in C1-8, C1-9, C2-7, & C2-8 districts.

##### INTENT

This amendment to the Zoning Resolution modifying Section 32-421 would permit commercial use on the second floor at 945 Second Avenue (Block 1324, Lot 23) to facilitate the placement of a 1,280 square foot restaurant.

##### PUBLIC HEARING

DATE: February 11, 2014

Witnesses in Favor: One

Witnesses Against: None

##### SUBCOMMITTEE RECOMMENDATION

DATE: February 11, 2014

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

In Favor: Weprin, Gentile, Garodnick, Wills, Reynoso, Ignizio

Against: None Abstain: None

##### COMMITTEE ACTION

DATE: February 14, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Arroyo, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Ignizio

Against: None Abstain: None

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

Res. No. 96

**Resolution approving the decision of the City Planning Commission on Application No. N 130232 ZRY, for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 2 to amend Section 32-421 to permit commercial use on the second floors of buildings in C1 and C2 districts mapped within R9 and R10 districts and in C1-8, C1-9, C2-7, and C2-8 districts, Citywide (L.U. No. 11).**

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 10, 2014 its decision dated December 18, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 945 Holdings, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article III, Chapter 2 to amend Section 32-421 to permit commercial use on the second floors of buildings in C1 and C2 districts mapped within R9 and R10 districts and in C1-8, C1-9, C2-7, and C2-8 districts to facilitate the placement of 1,280 square feet of commercial (restaurant) use on the second story of a four-story building at 945 Second Avenue (Block 1324, Lot 23) (Application No. N 130232 ZRY), all Community Districts, Citywide (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 11, 2014;

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, the negative declaration (CEQR No. 13DCP111M) issued on April 22, 2013 (the "Negative Declaration");

##### RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130232 ZRY, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

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

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

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

##### Article III: Commercial District Regulations

\* \* \*

##### Chapter 2: Use Regulations

\* \* \*

##### 32-421

##### Limitation on floors occupied by commercial uses

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building# occupied on one or more of its upper #stories# by #residential uses# or by #community facility uses#, no #commercial uses# listed in Use Group 6, 7, 8, 9 or 14 shall be located above the level of the first #story# ceiling, provided, however, that permitted #signs#, other than #advertising signs#, #accessory# to such #commercial uses# may extend to a maximum height of two feet above the level of the finished floor of the second



#story#, but in no event higher than six inches below the lowest window sill of the second #story#. In any other #building#, or portion thereof, not more than two #stories# may be occupied by #commercial uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14.

~~Non #residential uses# listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970 in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts.~~

However, in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts, non-#residential uses# listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970. For #buildings# constructed in such districts prior to September 17, 1970 located in Manhattan Community District Six, such non-#residential uses# may occupy the lowest two #stories# in such #building#, provided that:

- (a) the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the second #story# has not been occupied by a #community facility use#, a #dwelling unit# or a #rooming unit#, notwithstanding the certificate of occupancy, if any, for a continuous period from May 1, 2013 until a certification has been issued pursuant to this Section; and
- (b) the second #story# of at least one other #building# on the same #block# frontage is occupied by a #use# listed in Use Groups 6, 7, 8, 9, or 14.

*End Text*

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2014.

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

Report for L.U. No. 12

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 070194 ZMQ submitted by Tserpes Holding LLC pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. changing from an R3-2 District to a C4-2 District and changing from an R3A District to a C4-2 District property located in Borough of Queens, Community Board 12, Council District 28.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 4, 2014 (Minutes, page 304), respectfully

#### REPORTS:

#### SUBJECT

QUEENS CB - 12

C 070194 ZMQ

City Planning Commission decision approving an application submitted by Tserpes Holding, LLC, pursuant to Sections 197c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18d:

- changing from an R3-2 District to a C4-2 District property bounded by 135<sup>th</sup> Avenue, 142<sup>nd</sup> Street, North Conduit Avenue, and a line 105 feet westerly of 142<sup>nd</sup> Street; and
- changing from an R3A District to a C4-2 District property bounded by a line 40 feet northerly of North Conduit Avenue (straight line portion), a line 105 feet westerly of 142<sup>nd</sup> Street, North Conduit Avenue, and 140<sup>th</sup> Street.

as shown on a diagram (for illustrative purposes only), dated August 19, 2013, and subject to the conditions of CEQR Declaration E-319.

By letter dated February 11, 2014 and submitted to the City Council on February 11, 2014, the Applicant withdrew the application.

#### SUBCOMMITTEE RECOMMENDATION

DATE: February 11, 2014

**The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.**

**In Favor:** Weprin, Gentile, Garodnick, Wills, Reynoso, Ignizio  
**Against:** None      **Abstain:** None

#### COMMITTEE ACTION

DATE: February 14, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Ignizio  
**Against:** None      **Abstain:** None

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

Res. No. 97

**Resolution approving a motion to file pursuant to withdrawal of the decision of the City Planning Commission on ULURP Application No. C 070194 ZMQ, a Zoning Map amendment (L.U. No. 12).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on January 10, 2014 its decision dated January 8, 2014 (the "Decision"), on the application submitted by Tserpes Holding, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 18d, to rezone a portion of an R3-2 district and an R3A district to a C4-2 district. This action in conjunction with the related mapping action would to facilitate the construction of a 13-story hotel in the South Ozone Park neighborhood of Queens Community District 12 (ULURP No. C 070194 ZMQ), Borough of Queens (the "Application");

**WHEREAS**, the application is related to Application C 090033 MMQ (L.U. No. 13), a proposed amendment to the City Map to eliminate, discontinue and close of a portion of North Conduit Avenue, including the extinguishment of an easement located north of the street;

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

**WHEREAS**, by submission dated February 11, 2014 and submitted to the Council on February 11, 2014, the Applicant withdrew the application.

#### **RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2014.

Coupled to be Filed Pursuant to a Letter of Withdrawal.

Report for L.U. No. 13

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 090033 MMQ submitted by Tserpes Holding LLC pursuant to Section 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 to eliminate, discontinue, and close a portion of North Conduit Avenue, including the extinguishment of an easement**

located north of the street, Borough of Queens, Community Board 12, Council District 28. 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 a 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 February 4, 2014 (Minutes, page 305), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 12 C 090033 MMQ**

City Planning Commission decision approving an application submitted by Tserpes Holding, LLC, pursuant to Sections 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 elimination, discontinuance and closing of a portion of North Conduit Avenue;
- the extinguishment of an easement north of North Conduit Avenue between 140th and 142nd Streets; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5005 dated January 23, 2009 and signed by the Borough President.

By letter dated February 11, 2014 and submitted to the City Council on February 11, 2014, the Applicant withdrew the application.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 11, 2014

**The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.**

**In Favor:** Weprin, Gentile, Garodnick, Wills, Reynoso, Ignizio  
**Against:** None      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** February 14, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Ignizio  
**Against:** None      **Abstain:** None

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

Res. No. 98

**Resolution approving a motion to file pursuant to withdrawal of the decision of the City Planning Commission on ULURP Application No. C 090033 MMQ, an amendment to the City Map (L.U. No. 13).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on January 10, 2014 its decision dated January 8, 2014 (the "Decision"), on the application submitted by Tserpes Holding, LLC, pursuant to Sections 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 elimination, discontinuance and closing of a portion of North Conduit Avenue;
- the extinguishment of an easement north of North Conduit Avenue between 140<sup>th</sup> and 142<sup>nd</sup> streets;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5005 dated January 23, 2009 and signed by the Borough President, (ULURP No. C 090033 MMQ), Community District 12, Borough of Queens (the "Application");

**WHEREAS**, the application is related to Application C 070194 ZMQ (L.U. No. 12), a proposed amendment to the Zoning Map, Section No. 18d, changing from an R3-2 District to C4-2 District;

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

**WHEREAS**, by submission dated February 11, 2014 and submitted to the Council on February 11, 2014, the Applicant withdrew the application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2014.

Coupled to be Filed Pursuant to a Letter of Withdrawal.

Report for L.U. No. 14

**Report of the Committee on Land Use in favor of approving Application No. 20145276 HAX submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an amendment to a previously approved tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL) for the property located at 793 Fairmont Place (Block 2955, Lot 44), in the Borough of the Bronx, Community Board 6, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 4, 2014 (Minutes, page 305), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 6**

**20145276 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for Council approval of an amendment to a previously approved tax exemption, pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the property located at 793 Fairmont Place (Block 2955, Lot 44), in the Borough of the Bronx, Council District 15. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

**INTENT**

To amend a previously approved tax exemption area pursuant to Section 577 of Article XI of the Private Housing Finance Law.

**PUBLIC HEARING**

**DATE:** February 11, 2014

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 11, 2014

**The Subcommittee recommends that the Land Use Committee approve the tax exemption as requested by the New York City Department of Housing Preservation and Development.**

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger

**Against:** None      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** February 14, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Ignizio

**Against:** None      **Abstain:** None

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

Res. No. 99

**Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located at 793 Fairmont Place (Block 2955, Lot 44), Borough of the Bronx (L.U. No. 14; 20145276 HAX).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on December 19, 2013 its request dated December 6, 2013 that the Council approve an amendment for a previously approved tax exemption for real property tax area located at 793 Fairmont Place (Block 2955, Lot 44), Community District 6, Borough of the Bronx (the "Amendment");

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

**WHEREAS**, the request made by the New York City Department of Housing Preservation and Development is related to a previously approved City Council Resolution on June 28, 1995 (Resolution No. 1099 of 1995, L.U. No. 574);

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on February 11, 2014; and

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

**RESOLVED:**

The Council approves the exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law as follows:

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

a. "Effective Date" shall mean July 1, 1996.

b. "Exemption" shall mean the exemption from real property taxation provided hereunder.

c. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2955, Lot 44 on the Tax Map of the City of New York.

d. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

e. "HDFC" shall mean Fairmont Place Housing Development Fund Company.

f. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

g. "Owner" shall mean the HDFC or, with the prior written approval of HPD, any future owner of the Exemption Area that is a housing development fund company.

h. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on and after the date of execution of such Regulatory Agreement.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary:

a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2014.

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

Report for L.U. No. 15

**Report of the Committee on Land Use in favor of approving Application no. 20145204 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Belcantata Rest. Inc., d/b/a Pig N' Whistle, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 922 3rd Avenue, in the Borough of Manhattan, Community District 6, Council District 4. 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(e) 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 February 4, 2014 (Minutes, page 305), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 6**

**20145204 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Belcantata Rest. Inc., d/b/a Pig N' Whistle on 3rd, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 922 3rd Avenue.

**INTENT**

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

PUBLIC HEARING

**DATE:** February 11, 2014

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

SUBCOMMITTEE RECOMMENDATION

**DATE:** February 11, 2014

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

**In Favor:** Weprin, Gentile, Garodnick, Wills, Reynoso, Ignizio  
**Against:** None      **Abstain:** None

COMMITTEE ACTION

**DATE:** February 14, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Ignizio  
**Against:** None      **Abstain:** None

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

Res. No. 100

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 922 3rd Avenue, Borough of Manhattan (20145204 TCM; L.U. No. 15).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 6, 2014 its approval dated January 3, 2014 of the petition of Belcantata Rest. Inc., d/b/a Pig N' Whistle on 3rd, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located 922 3rd Avenue, Community District 6, 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(e) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on February 11, 2014; 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.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2014.

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

Report for L.U. No. 16

**Report of the Committee on Land Use in favor of approving Application no. 20145231 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Red Rooster Harlem LLC, d/b/a Red Rooster Harlem, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 310 Malcolm X Blvd, in the Borough of Manhattan, Community District 10, Council District 9. 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(e) 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 February 4, 2014 (Minutes, page 306), respectfully

**REPORTS:**SUBJECT

MANHATTAN CB - 10

20145231 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Red Rooster Harlem LLC, d/b/a Red Rooster Harlem, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 310 Malcolm X Boulevard.

INTENT

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

PUBLIC HEARING

**DATE:** February 11, 2014

**Witnesses in Favor:** One      **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

**DATE:** February 11, 2014

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

**In Favor:** Weprin, Gentile, Garodnick, Wills, Reynoso, Ignizio  
**Against:** None      **Abstain:** None

COMMITTEE ACTION

**DATE:** February 14, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Ignizio

**Against:** None      **Abstain:** None

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

Res. No. 101

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 310 Malcolm X Boulevard, Borough of Manhattan (20145231 TCM; L.U. No. 16).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 21, 2014 its approval dated January 17, 2014 of the petition of Red Rooster Harlem LLC, d/b/a Red Rooster Harlem, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located 310 Malcolm X Boulevard, Community District 10, 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(e) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on February 11, 2014; 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.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2014.

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

Report for L.U. No. 17

**Report of the Committee on Land Use in favor of approving Application No. C 140077HAQ submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area and Project for, and approval of the disposition of, property located at 51-21 Rockaway Beach Boulevard (Block 15926, p/o Lot 200), Borough of Queens, Community District 14, Council District 31. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and 197-c of the New York City Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 4, 2014 (Minutes, page 306), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 14**

**C 140077 HAQ**

City Planning Commission decision approving an application submitted by the New York City 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 57-21 Rockaway Beach Boulevard (Block 15926, part of Lot 200 as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to repair and rehabilitate the existing entrance way, planters and landscaping adjoining the Ocean Village development.

**INTENT**

This action would facilitate the repair and rehabilitation of an existing pedestrian walkway, steps, planters, and landscaping adjoining the Ocean Village development in Queens, Community District 14.

**PUBLIC HEARING**

**DATE:** February 11, 2014

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 11, 2014

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

**In Favor:** Dickens, Mealy, Rodriguez, Cohen, Treyger  
**Against:** None                      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** February 14, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Arroyo, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Treyger, Ignizio  
**Against:** None                      **Abstain:** None

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

Res. No. 102

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development ("HPD") and the decision of the City Planning Commission, ULURP No. C 140077 HAQ, approving the designation of property located at 57-21 Rockaway Beach Boulevard (Block 15926, part of Lot 200), Borough of Queens, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by HPD (L.U. No. 17; C 140077 HAQ).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on January 24, 2014 its decision dated January 22, 2014 (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 57-21 Rockaway Beach Boulevard (Block 15926, part of Lot 200), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the repair and rehabilitation of an existing pedestrian walkway, steps, planters, and landscaping adjoining the Ocean Village development (the "Disposition"), (ULURP No. C 140077 HAQ) Community District 14, 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**, 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 January 17, 2014 and submitted February 5, 2014, the New York City Department of Housing Preservation and Development (HPD) submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on February 11, 2014;

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

**WHEREAS**, the Council has determined the application to be a Type II action, which requires no further environmental review (CEQR No. 13HPD018Q);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as the application was determined to be a Type II action.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 140077 HAQ) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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

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

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

The Project shall be developed in a manner consistent with Project Summary submitted by HPD, a copy of which is attached hereto.

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, February 14, 2014.

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

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

*Approved New Applicant's Report*

Name	Address	District #
Rose Martinez	300 East 158 <sup>th</sup> Street #4C Bronx, N.Y. 10451	17
Zoila V. Salinas	66-32 52 <sup>nd</sup> Drive Queens, N.Y. 11378	30
Darren Fails	90 Downing Street #24 Brooklyn, N.Y. 11238	35
Jacob Paul	489 Park Place #4 Brooklyn, N.Y. 11238	35
Yana Glemaud	1003 40 <sup>th</sup> Street #3 Brooklyn, N.Y. 11219	38
Saniya Omarova	1150 Brighton Beach Avenue #4D Brooklyn, N.Y. 11235	48

*Approved New Applicants and Reapplicants*

Name	Address	District #
Lydia Pabon	26 Madison Avenue #11F New York, N.Y. 10038	1
Daryl Williams	55 Rutgers Street #7 New York, N.Y. 10002	1
Lucy Eng-D'Andrilli	40 First Avenue #11C	2

Donna Leak	New York, N.Y. 10009 300 West 46 <sup>th</sup> Street #4F #2 New York, N.Y. 10036	3
Mark K. Steinhauer	345 B <sup>ch</sup> Avenue #124J New York, N.Y. 10001	3
Esther Marlowe	272 First Avenue #8H New York, N.Y. 10009	4
Bruce Brandwen	20 West 76 <sup>th</sup> Street #5A New York, N.Y. 10023	6
Robert Brizel	333 West 86 <sup>th</sup> Street #1206 New York, N.Y. 10024	6
Anan Payamps	618 West 142 <sup>nd</sup> Street #3E New York, N.Y. 10031	7
Kenneth Corprew	50 West 131 <sup>st</sup> Street #3 C New York, N.Y. 10037	9
Kathy Washington	2289 5 <sup>th</sup> Avenue #15G New York, N.Y. 10037	9
Carmen Cabrea	608 West 189 <sup>th</sup> Street New York, N.Y. 10040	10
Denayswharie Dhanaraj	4228 Broadway New York, N.Y. 10033	10
Arleen Hernandez	3512 Oxford Avenue #4C Bronx, N.Y. 10463	11
Linda A. Angueria	120 Asch Loop #11F Bronx, N.Y. 10475	12
Joan Macafity	4240 Hutchinson River Parkway #20E Bronx, N.Y. 10475	12
Yolanda S. Wilson	140 Casals Place #3C Bronx, N.Y. 10475	12
Madeline Candelaria	2309 Holland Avenue #2J Bronx, N.Y. 10467	13
Steven J. Wallace	906 Dean Avenue Bronx, N.Y. 10465	13
Linda Brown	2050 Seward Avenue #3N Bronx, N.Y. 10473	14
Teesha Foreman	135 West 183 <sup>rd</sup> Street #11 Bronx, N.Y. 10453	14
Loretta Thomas	1477 Townsend Avenue #5R Bronx, N.Y. 10452	14
Lillian Robles	2015 Marmion Avenue Bronx, N.Y. 10460	15
Wayne Cunningham	800 Concourse Village West #24L Bronx, N.Y. 10451	16
Virginia Ortiz	1325 Grand Concourse #5M Bronx, N.Y. 10452	16
Sophia Osei-Sarfo	500 East 165 <sup>th</sup> Street #1K Bronx, N.Y. 10456	16
Luis M. Marte	961 Elder Avenue Bronx, N.Y. 10473	17
Jacqueline Pollitt	2010 Bruckner Blvd #10L Bronx, N.Y. 10473	18
Aisha Porter	2010 Bruckner Blvd #8A Bronx, N.Y. 10473	18
Mai Xuan Huynh	142-05 Roosevelt Avenue #210 Flushing, N.Y. 11345	20
Darlyne Joseph	33-32 96 <sup>th</sup> Street Queens, N.Y. 11368	21
Margaret Royal	23-37 38 <sup>th</sup> Street Astoria, N.Y. 11105	22
Ann Gobiuff	64-20 185 <sup>th</sup> Street Fresh Meadow, N.Y. 11365	24
Christina Jernigan	99-32 62 <sup>nd</sup> Avenue Rego Park, N.Y. 11374	24
Antoinette Waite	143-50 Hoover Avenue #412 Jamaica, N.Y. 11435	24
Ameena M. Hanif	94-11 59 <sup>th</sup> Avenue #C23 Elmhurst, N.Y. 11373	25
Ollie M. Bowen	119-05 234 <sup>th</sup> Street Queens, N.Y. 11411	27
Noreen Hollingsworth	119-09 180 <sup>th</sup> Street Jamaica, N.Y. 11434	27
Shondel O. Garnett	116-19 147 <sup>th</sup> Street Jamaica, N.Y. 11436	28

Pei Wu	62-89 Austin Street #1 Rego Park, N.Y. 11374	29
Sue Ellen Doria	65-09 77 <sup>th</sup> Place Queens, N.Y. 11379	30
Myrna Ortiz	62-09 62 <sup>nd</sup> Avenue Queens, N.Y. 11379	30
Maria S. Pagano	63-57 75 <sup>th</sup> Street Middle Village, N.Y. 11379	30
Michele D. Adams	222-03 141 <sup>st</sup> Avenue Queens, N.Y. 11413	31
Janice Jackson	125 Beach 17 <sup>th</sup> Street #23A Far Rockaway, N.Y. 11691	31
Shair Lopez	130-09 Beach Channel Drive Bell Harbor, N.Y. 11694	32
Emily Otero	91-18 91 <sup>st</sup> Avenue Woodhaven, N.Y. 11421	32
Paulette Daniels	1194 Greene Avenue Brooklyn, N.Y. 11221	34
Jasmine Martinez	73-06 Forrest Avenue #1 Ridgewood, N. Y. 11385	34
Ada Torres	1091-1103 Gates Avenue Brooklyn, N.Y. 11221	34
Eileen Boykin	941-43 Fulton Street Brooklyn, N.Y. 11238	35
Kimberly Brutus	1185 Carroll Street 144C Brooklyn, N.Y. 11225	35
Daniel Casados	301 Sullivan Place #3N Brooklyn, N.Y. 11225	35
Ruth M. Fulcher	475 Carlton Avenue #12F Brooklyn, N.Y. 11238	35
Teresa Mills	212 Crown Street #2C Brooklyn, N.Y. 11225	35
Phyllis K. Plato	375 Lexington Avenue #1F Brooklyn, N.Y. 11216	36
Ina Freeman	373 Wyona Street Brooklyn, N.Y. 11207	37
Ada N. Munoz	1258 Decatur Street #3R Brooklyn, N.Y. 11207	37
Jose J. Rivera	109 St. Nicholas Avenue #2R Brooklyn, N.Y. 11237	37
Anna S. Nevarez	75 Bush Street #113 Brooklyn, N.Y. 11231	38
Lorraine Bassett	120 Kingsborough 1 <sup>st</sup> Walk #5A Brooklyn, N.Y. 11233	41
Leslie Grandberry	192 Sumpter Street Brooklyn, N.Y. 11233	41
Ajah S. Griffin	582 Kosciuszko Street Brooklyn, N.Y. 11221	41
Gwendolyn King	287 Marion Street Brooklyn, N.Y. 11233	41
Leo A. Morris	712 Hancock Street Brooklyn, N.Y. 11233	41
Pandora Sanders	277 Malcolm X Blvd #3 Brooklyn, N.Y. 11233	41
Gloria Carathers	611 Pennsylvania Avenue #3B Brooklyn, N.Y. 11207	42
Denise DeLagarde	1411 Linden Blvd #9F Brooklyn, N.Y. 11212	42
Wilfredo Florentino	380 Cozine Avenue #1E Brooklyn, N.Y. 11207	42
Trevor S. Williams	1326 Blake Avenue #2 Brooklyn, N.Y. 11208	42
Mary A. Carbone	675 86 <sup>th</sup> Street Brooklyn, N.Y. 11228	43
Dorothy A. Croce	1949 78 <sup>th</sup> Street #2 Brooklyn, N.Y. 11214	43
Robert J. Romano	7201 15 <sup>th</sup> Avenue Brooklyn, N.Y. 11228	43
Anthony Macca	1063 East 2 <sup>nd</sup> Street Brooklyn, N.Y. 11230	44
Jacqueline J. Jackson	1489 East 46 <sup>th</sup> Street Brooklyn, N.Y. 11234	45
Mary Carbonaro	2073 East 38 <sup>th</sup> Street	46

Michael S. Fox	Brooklyn, N.Y. 11234 3920 Quentin Road	46
Lucia Acevedo	Brooklyn, N.Y. 11234 2842 West 25 <sup>th</sup> Street	47
Alina Aleeva	Brooklyn, N.Y. 11224 3405 Neptune Avenue #545	47
Yuliya Perapechka	Brooklyn, N.Y. 11224 109 Bay 29 <sup>th</sup> Street #1	47
Marvario Ulmasova	Brooklyn, N.Y. 11214 1414 East 14 <sup>th</sup> Street #4D	48
Stephen C. Franklin	Brooklyn, N.Y. 11230 15 Van Pelt Avenue	49
Marzina Shireen	Staten Island, N.Y. 10303 352 Simonson Avenue	49
Jody A. Wenrich	Staten Island, N.Y. 10303 28 Ada Drive	49
Annalisa Ciccotto	Staten Island, N.Y. 10314 24 Turf Road	50
Zhanna Yakoh	Staten Island, N.Y. 10314 194 Stonegate Drive	50
Rina Amato	Staten Island, N.Y. 10304 9 Zephyr Avenue	51
Cindy Marie Benenati	Staten Island, N.Y. 10312 598 Yetman Avenue	51
Kathleen Bennett	Staten Island, N.Y. 10307 108 Boulder Street	51
Sue Dargenio	Staten Island, N.Y. 10312 454 Elverton Avenue	51
Vincent DeGeorge	Staten Island, N.Y. 10308 74 Sandalwood Drive	51
Sheryl F. Diamond	Staten Island, N.Y. 10308 26 Florence Street	51
Barbara S. Fischetti	Staten Island, N.Y. 10308 24 Blue Heron Court	51
Geraldine Kiefer	Staten Island, N.Y. 10312 19 Glover Street	51
Helen J. McHugh	Staten Island, N.Y. 10308 111 Montreal Avenue	51
Denise Perretti	Staten Island, N.Y. 10306 25 Woodvale Loop	51
Linda M. Quinn	Staten Island, N.Y. 10309 18 Presley Street	51
Joan A. Santore	Staten Island, N.Y. 10308 684 Rensselaer Avenue	51
John Stringlie	Staten Island, N.Y. 10312 298 Maybury Avenue	51

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

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

- |     |                               |   |
|-----|-------------------------------|---|
| (1) | <b>Int 1-A -</b>              | Provision of sick time earned by employees.   |
| (2) | <b>Int 98 -</b>               | Health insurance coverage for surviving family members.   |
| (3) | <b>L.U. 11 &amp; Res 96 -</b> | App. N 130232 ZRY 945 Realty Holdings, LLC Borough of Manhattan, Community District 6, Council Districts 4 and 5.   |
| (4) | <b>L.U. 12 &amp; Res 97 -</b> | App. C 070194 ZMQ Tserpes Holding LLC Borough of Queens, Community Board 12, Council District 28 <b>(Coupled to be Filed pursuant to a Letter of Withdrawal).</b> |
| (5) | <b>L.U. 13 &amp; Res 98 -</b> | App. C 090033 MMQ Tserpes Holding LLC Borough of Queens, Community Board 12, Council District 28 <b>(Coupled to be Filed pursuant to a Letter of Withdrawal).</b> |
| (6) | <b>L.U. 14 &amp; Res 99 -</b> | App. 20145276 HAX 793 Fairmont Place (Block 2955, Lot 44), in the Borough of  |

- the Bronx, Community Board 6, Council District 17.
- (7) **L.U. 15 & Res 100 -** App. **20145204 TCM**, Belcantata Rest. Inc., unenclosed sidewalk café located at 922 3rd Avenue, in the Borough of Manhattan, Community District 6, Council District 4.
- (8) **L.U. 16 & Res 101 -** App. **20145231 TCM**, Red Rooster Harlem LLC, unenclosed sidewalk café located at 310 Malcolm X Blvd, in the Borough of Manhattan, Community District 10, Council District 9.
- (9) **L.U. 17 & Res 102 -** App. **C 140077HAQ** 51-21 Rockaway Beach Boulevard Queens, Community District 14, Council District 31.
- (10) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **51**.

**The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 1-A**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Vacca, Weprin, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**Negative** – Arroyo, Matteo, Ulrich, Vallone, and Ignizio – **5**.

*The following Introduction was sent to the Mayor for his consideration and approval: Int No 1-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. 2-A

**Report of the Committee on Education in favor of approving, as amended, a Resolution supporting the City's plan to establish high-quality universal pre-Kindergarten for all eligible four-year olds and high-quality after school programs for middle-school-aged youth.**

The Committee on Education, to which the annexed amended resolution was referred on February 4, 2014 (Minutes, page 220), respectfully

## REPORTS:

On Tuesday, February 25, 2014, the City Council's Committee on Education, chaired by Council Member Daniel Dromm, will consider Proposed Resolution No. 2-A, which supports the City's plan to establish high-quality universal pre-Kindergarten for all eligible four-year olds and high-quality after school programs for middle-school-aged youth. The Education Committee along with the

Women's Issues Committee heard testimony on the resolution on February 11, 2014. Amendments were made to the resolution after that hearing.

## Background

Early Childhood Education in New York City

New York City families have access to a variety of early childhood education options through the Administration for Children's Services (ACS), the Department of Education (DOE), and private preschools. ACS provides childcare and early education to qualifying children by providing childcare vouchers and through EarlyLearn, ACS's system of center-based childcare serving children ages 0-4. For four year old children, EarlyLearn services are provided for half of the day, and ACS uses a portion of DOE's Universal Pre-Kindergarten (UPK) funds to provide pre-K services for the other half of the day. ACS currently serves nearly 30,000 children in community-based organizations (CBOs). There are 364 EarlyLearn centers across NYC and over 1,400 EarlyLearn family child care providers. Roughly 90% of EarlyLearn services are provided in high-needs neighborhoods.

The DOE provides half-day and full-day UPK in public schools and through contracts with CBOs. In the 2013-2014 school year, the Department of Education has the capacity to provide half-day pre-kindergarten for 7,552 children and full-day services for 16,119 children in public schools.<sup>1</sup> The DOE funds CBOs to provide half-day UPK for up to 31,493 children, including 12,681 children in ACS programs. Full-day UPK capacity in CBOs is 3,364 seats this school year.<sup>2</sup>

Need for Full-Day Universal Pre-Kindergarten

There is a great need for free, high quality citywide universal pre-K New York City, including programs for English language learners. Children from low-income families encounter more barriers to achieving school readiness than their more affluent peers, combating risks associated with poverty such as limited parental education, constrained financial resources, poor health care and nutrition, and exposure to family and community violence.<sup>3</sup> Access to quality early childhood education can serve as an equalizer and mitigate some of the effects poverty can have on a child's success.

At 31.4%, New York City's child poverty rate is at its highest in over a decade. The child poverty rate in NYC by borough is as follows: 38% of children in Brooklyn, 29% in the Bronx, 19% in Queens, 11% in Manhattan and 3% in Staten Island. Citywide, approximately 68% of public and charter school students qualify for free lunch.<sup>4</sup>

These children need access to high quality full-day preschool education to serve as a foundation for future academic success. In addition to the benefits of additional learning time, full-day programs often enable children of working families and single parents to participate in pre-K programs, who might otherwise be forced to opt for full-day, non-educational childcare.

Given the fact that roughly 15% of public school students are English language learners,<sup>5</sup> the City is also in need of pre-K programs to accommodate these children.

Expanding Full-Day UPK in NYC

According to the Administration's report, "Ready to Launch: New York City's Implementation Plan for Free, High-Quality, Full-Day Universal Pre-Kindergarten", the City needs 73,250 total seats to meet the demand for full-day UPK.<sup>6</sup> Currently, 19,483 children are participating in full-day UPK programs and an additional 12,681 children are in full-day UPK/EarlyLearn programs.<sup>7</sup> The City estimates it would have to add 13,845 new UPK seats and convert the 27,241 half-day seats to full-day to meet the need.<sup>8</sup> The Administration also calls for improving the quality of programs for 32,164 full-day seats, starting with the UPK/EarlyLearn programs.<sup>9</sup> Providing high-quality services in CBOs would be a significant and necessary portion of pre-K expansion; given space constraints in schools and overcrowding in many neighborhoods, the DOE has limited capacity to add full-day seats in public schools.

In this fiscal year the DOE estimates it will spend \$324 million on UPK.<sup>10</sup> According to the Administration, the average per child cost for UPK in the proposed model would rise to be \$10,239 beginning next year from the current average cost per student of \$ 7,207. The total additional cost of expansion will be \$340 million per year.<sup>11</sup> This cost also factors in improving the quality of programs, such as by increasing professional development opportunities.

The Administration estimates the need for an additional 2,000 pre-K classrooms to accommodate the pre-K expansion.<sup>12</sup> The February 2014 Proposed Five-Year Capital Plan includes \$310 million for facility restructuring to add pre-K classrooms in schools, and \$210 million for adding 2,100 UPK seats in new schools.<sup>13</sup> The DOE has already identified roughly 4,000 classrooms available within public school buildings, and has released a survey to identify space in CBOs for pre-K expansion.<sup>14</sup>

Expanding the City's pre-kindergarten system to be truly universal full-day would be costly and would require a sustainable funding stream. Mayor de Blasio's proposal to increase the personal income tax rate on incomes over \$500,000, from the current 3.88% to 4.41%, would result in an estimated \$530 million in revenue in Fiscal 2015 and this projection would increase in the outyears.<sup>15</sup> The tax would impact approximately 48,000 taxpayers.<sup>16</sup> Increasing the tax rate requires authorization from the State. The UPK proposal would use about three-fifths of this new tax revenue to supplement the resources currently used to pay for UPK by DOE.

The "Ready to Launch" report outlines a collaborative effort of city agencies to expand access to full day pre-Kindergarten citywide. The plan would focus on meeting the needs of students in communities with the highest need including students whose primary language is not English. To accomplish this goal, schools applying for full day pre-K will be required to complete a "community needs



assessment” and demonstrate how their “instructional and family engagement practices advance these students’ learning toward pre-K standards.”<sup>17</sup> The pre-K providers who are selected will receive comprehensive support from DOE instructional coaches.<sup>18</sup>

For pre-existing pre-K programs, the focus will be on ensuring “consistent quality standards” for all programs whether a child attends a public school, community based organization pre-K or other services such as child care Head Start.<sup>19</sup> The first year of the program will focus on quality enhancements for approximately 12,000 seats in CBO programs in contract with ACS which will include covering parent fees for the UPK portion of the day. Approximately 13,845 new seats will be made available citywide in public schools and CBOs in contract with DOE—five percent of these seats will be allocated for “inclusion” programs, meaning classes designated for students with an individualized education plans(IEP)<sup>20</sup>

The instructional and professional development strategy will be based on a model developed by the DOE, ACS, and the Universal Pre-Kindergarten Planning and Implementation Task force.<sup>21</sup> The model, designed specifically for New York City, will provide all 4 year olds:

- 6 hours and 20 minutes of instruction for 180 days, for free.
- Consistent instruction based on the state pre-K learning standards.
- Recruitment and retention of high quality UPK lead teachers with early childhood certification.
- Increased support for children whose primary language is not English.<sup>22</sup>

The model will also rely on additional support from CBOs to increase the resources available to families. For example, the plan aims to increase the number of social workers to provide more intensive support for schools in high needs areas.<sup>23</sup>

#### After-School Programs for Middle Grade Students

Studies show that a sixth grader who fails Math or English, has poor attendance or significant behavior problems has less than a 1-in-5 likelihood of graduating from high school on time.<sup>24</sup> Substantial research shows that more learning time, used well, can lead to higher achievement, better attendance and healthier attitudes and habits that put students on the path to success. Intensive daily tutoring is shown to improve academic performance among high-needs middle school students. Those who received an hour each day in Math made gains equivalent to four-to-six extra months of schooling in one year.<sup>25</sup> Moreover, after-school programs ensure that young people are not left unsupervised during the hours from 3 to 6 pm.

According to the DOE, there are presently 224,279 6th – 8th grade students in New York City public schools, including Charter schools.<sup>26</sup> These students mostly attend separate middle schools, but there are also some K-8 schools and grade 6-12 secondary schools. Of the 271 stand-alone middle schools, there are 155 with an after school program and 116 without.<sup>27</sup>

There is currently a patchwork of publicly funded after-school programs offered by the DOE, and the Department of Youth and Community Development (DYCD), as well as through City Council grants. The DOE partners with community organizations and other New York City agencies to provide activities ranging from academic support to enrichment in the arts and sports programs. Some programs are offered through competitive grants, such as Advantage After School Programs (AASP), funded by the State’s Office of Children and Family Services (OCFS).<sup>28</sup> OCFS contracts with community-based organizations to provide AASPs at 56 sites in New York City, 14 of which are in middle grades schools.<sup>29</sup>

Other competitive grant after-school programs administered by DOE include Extended School Day/Violence Prevention (ESDVP) and the federally-funded 21st Century Community Learning Center (21st CCLC).<sup>30</sup> The grantees of these programs consist of community school districts, alternative schools and community based organizations.<sup>31</sup>

The vast majority of after-school programs available in the City’s public schools are funded through DYCD and include the Out-of-School Time (OST) initiative, Beacon programs, and Teen ACTION programs. OST is the largest municipally funded after school initiative in the nation, providing a mix of academic, recreational and cultural activities for young people after school, during holidays and in the summer in more than 400 New York City schools.<sup>32</sup> Programs are also offered at community centers, settlement houses, religious centers, libraries and Parks Department facilities.<sup>33</sup>

Beacon programs are school-based community centers serving children age 6 and older and adults. There are currently 80 Beacons located throughout the five boroughs of New York City, operating in the afternoons and evenings, on weekends, during school holidays and vacation periods, including the summer.<sup>34</sup>

DYCD is administering 17 Teen ACTION programs throughout the City in which participants, who are in grades 7th through 10th grade, are provided an opportunity to develop life skills while making a meaningful contribution to their community.<sup>35</sup>

The City Council also provides funding for a number of after-school programs and for programs, such as the Middle School Quality Initiative, that have extended day components. Council funding for OST alone totals approximately \$61.4 million, with just over \$8 million of that amount for middle grades.<sup>36</sup> Council-funded middle grade OST programs serve 5,815 students.

#### **Proposed Resolution No. 2-A**

Proposed Resolution No. 2-A would note that the City of New York is proposing a plan to provide every four-year old with high-quality full-day pre-Kindergarten (pre-K) and every middle school student with high-quality after school

programs. The Proposed Resolution would further note that the City of New York is proposing to fund its plan by enacting a tax increase on New York City residents earning more than \$500,000 per year which will ensure that a secure, dedicated and reliable funding stream will be available to fund a high-quality pre-K program and a high-quality after school program. The Proposed Resolution would point out that on January 27, 2014, Mayor Bill de Blasio released a report, “Ready to Launch: New York City’s Implementation Plan for Free, High Quality, Full-Day Universal Pre-Kindergarten,” (“Ready to Launch”), which was prepared by the Office of the Mayor, the Office of Management and Budget, the Department of Education, the Administration for Children’s Services, and a working group of experts who have decades of experience in early childhood education and who possess the requisite knowledge necessary to launch one of the largest pre-K expansions in history. The Proposed Resolution would indicate that “Ready to Launch” outlines the City’s plan to provide free, high-quality, full-day pre-K to an estimated 55,804 four-year olds in the 2014 – 2015 school year and to an estimated 73,250 four-year olds in the 2015 - 2016 school year.

Proposed Resolution No. 2-A would note that additionally, according to the “Ready to Launch” plan, currently, the City of New York can serve 58,528 four-year olds in pre-K programs with the vast majority either in a free half-day pre-K program, a free half-day program with a fee charged for the remainder of the day, or programs that contract with the Administration for Children’s Services, where they receive full-day services by combining half-day universal pre-K with Child Care and Head Start services.

The Proposed Resolution would point out that it will cost \$10,239 per child to bring all of the 73,250 seats up to the quality standards anticipated by the plan, which include consistent and full implementation of comprehensive state pre-K learning standards, recruiting and retaining high-quality pre-K teachers, increasing support for students whose primary language is not English, increasing support for families in high-need areas, and “further developing quality infrastructure within DOE’s Office of Early Childhood Education.”

Proposed Resolution No. 2-A would note that New York City and State have long had progressive income taxes and according to a 2010 article published in the Public Finance Review by Professor Howard Chernick of the City University of New York, economic models based on a “flight from progressivity” have not done very well empirically. The Proposed Resolution would state that additionally, according to Professor Chernick, all other things being equal, state and local governments with progressive taxes do not see lower rates of economic growth. Rather, increasing progressivity to finance human capital enhancing programs like universal pre-K can in the long run increase productivity and increase economic growth.

The Proposed Resolution would indicate that, according to research conducted by Cristobal Young and Charles Varner and published in 2011 in the National Tax Journal, half millionaires do not flee small changes in marginal tax rates. The Proposed Resolution would state that in fact, the personal income tax has been imposed on City residents since 1966 and has fluctuated throughout the years, and according to the Mayor’s Office of Management and Budget, 3.8 million tax filers pay the personal income tax.

Proposed Resolution No. 2-A would point out that many studies show that quality universal pre-K provides essential early childhood education and results in long term gains for disadvantaged students that could enhance human capital later in life. The Proposed Resolution would note that for example, according to research conducted through a partnership between New York University and the Children’s Museum of Manhattan in 2012, it was concluded that the preschool years are critical not only for developing basic skills for school readiness, but also for the development of children’s interests and beliefs about their own capabilities. The Proposed Resolution would note that in addition, James Heckman, a Nobel laureate at the University of Chicago, in his book, “Giving Kids a Fair Chance,” concludes that preschool is critical because the early years of children’s lives are crucial for creating the abilities, motivation, and other personality traits that produce success in school, in the workforce, and in other aspects of life.

Proposed Resolution No. 2-A would point out that furthermore, families’ inability or ability to access quality early childhood education programs can create disparities in the development of children. The Proposed Resolution would state that for example, the High/Scope Perry Preschool Study of low-income three and four year olds, beginning in 1962-1967, followed the children in the study throughout their lives until age forty, and those who participated in high quality early education programs were more likely than non-participants to graduate from high school, become employed, and had a higher median income at age forty.

Proposed Resolution No. 2-A would note that moreover, according to the United States Department of Education, sixty percent of new jobs in the 21st century will require skills possessed by only twenty percent of the current workforce. The Proposed Resolution would further note that according to the Institute for Children, Poverty & Homelessness, child care is the greatest expense for low-income families with children in New York City. The Proposed Resolution would state that according to a report by America’s Edge, a membership organization of business leaders, the average working parent in America misses five to nine days of work because of child care. The Proposed Resolution would note that also according to the report by America’s Edge, for every \$1 invested in early care and education in New York, \$1.86 is generated in additional spending within the state and quality programs can save as much as \$16 for every dollar invested.

Proposed Resolution No. 2-A would point out that the City’s plan for universal pre-K would help children build the fundamental skills necessary to start school and increase their opportunities later in life, create a better prepared workforce in New York City, and also help working families. The Proposed Resolution would note that in addition to universal Pre-K, it is critical that middle-school aged children remain productively occupied during afterschool hours. The

Proposed Resolution would point out that research has shown that more learning time, such as in high-quality after-school programs, leads to greater achievement, better school attendance and more enthusiastic learners, particularly among disadvantaged students. The Proposed Resolution would indicate that note that studies also indicate that disadvantaged African-Americans and Hispanic students show the greatest academic gains, providing evidence that afterschool programs help to close the achievement gap.

The Proposed Resolution would indicate that this proposal would add new programs between 3pm and 6pm in academics, culture and athletics, and provide after-school activities for nearly 120,000 middle school students, a significant increase from the nearly 56,000 middle school students who are currently served in after-school programs.

Proposed Resolution No. 2-A would note that the State Legislature and the Governor of the State of New York should enact the tax increase being proposed by the City of New York for the purpose of providing full-day universal pre-K to every four-year old in the City of New York and high-quality after school programs for middle-school-aged youth. Finally, Proposed Resolution No. 2-A would indicate that the Council of the City of New York supports the City's plan to establish high-quality universal pre-Kindergarten for all eligible four-year olds and a high-quality after school program for middle-school-aged youth.

<sup>1</sup> Office of the Mayor et. al. "Ready to Launch: New York City's Implementation Plan for Free High Quality full-Day Universal Pre- Kindergarten," January 2014.

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

<sup>3</sup> David H. Arnold and Greta L. Doctoroff, "The Early Education of Socioeconomically Disadvantaged Children," *Annual Review of Psychology* 54, no. 1 (2003): 517– 45.

<sup>4</sup> NYC Department of Education, School Allocation Memorandum no. 8, Table 2 – Title I School Allocation Detail, available at [http://schools.nyc.gov/offices/d\\_chanc\\_oper/budget/dbor/allocationmemo/fy13\\_14/FY14\\_PDF/sam08.pdf](http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy13_14/FY14_PDF/sam08.pdf)

<sup>5</sup> NYC Department of Education, School demographic Snapshot, available at <http://schools.nyc.gov/AboutUs/data/default.htm>

<sup>6</sup> Office of the Mayor et. al. "Ready to Launch: New York City's Implementation Plan for Free High Quality full-Day Universal Pre- Kindergarten," January 2014.

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

<sup>8</sup> *Id.*

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

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> School Construction Authority. "FY 2015-2019 Five-Year Capital Plan: Proposed Plan February 2014," February 2014.

<sup>14</sup> Office of the Mayor et. al. "Ready to Launch: New York City's Implementation Plan for Free High Quality full-Day Universal Pre- Kindergarten," January 2014.

<sup>15</sup> City Council Finance Division

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at p.5.

<sup>18</sup> *Id.*

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

<sup>20</sup> *Id.* at p.6.

<sup>21</sup> *Id.* at p.9.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at p.10

<sup>24</sup> The After-School Corporation (TASC), "MS Extra: A Literacy-Intensive Expanded School Day," accessed on 2/10/14 at [http://www.tascorp.org/sites/default/files/MS\\_Extra\\_Overview.pdf](http://www.tascorp.org/sites/default/files/MS_Extra_Overview.pdf).

<sup>25</sup> *Id.*

<sup>26</sup> DOE, email correspondence with Education Committee staff, 2/10/14.

<sup>27</sup> *Id.*

<sup>28</sup> DOE website, "Funded Programs," accessed on 2/10/14 at

<http://schools.nyc.gov/community/city/cbo/Programs/>.

<sup>29</sup> Office of Children and Family Services, Advantage After School Programs Contract list as of 9/1/13, accessed on 2/10/14 at <http://www.ocfs.state.ny.us/main/bcm/tanf/aas/contractlistAAS.pdf>.

<sup>30</sup> DOE website, "Funded Programs," accessed on 2/10/14 at

<http://schools.nyc.gov/community/city/cbo/Programs/>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> DYCD website, "Beacons program," accessed on 2/10/14 at

<http://www.nyc.gov/html/dycd/html/afterschool/beacon.shtml>.

<sup>35</sup> DYCD website, "Teen ACTION," accessed on 2/10/14 at

<http://www.nyc.gov/html/dycd/html/afterschool/teen.shtml>.

<sup>36</sup> DYCD, email correspondence with Finance staff, 12/6/13.

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

**(The following is the text of Res. No. 2-A:)**

Res. No. 2-A

**Resolution supporting the City's plan to establish high-quality universal pre-Kindergarten for all eligible four-year olds and high-quality after school programs for middle-school-aged youth.**

By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Ferreras, Rodriguez, Koslowitz, Eugene, Cabrera, Arroyo, Barron, Chin, Cohen, Constantinides, Cornegy, Cumbo, Deutsch, Dickens, Espinal, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rose, Rosenthal, Torres, Treyger, Vacca, Vallone, Van Bramer, Weprin, Williams, Wills and the Public Advocate (Ms. James).

**Whereas**, The City of New York is proposing a plan to provide every four-year old with high-quality full-day pre-Kindergarten (pre-K) and every middle school student with high-quality after school programs; and

**Whereas**, The City of New York is proposing to fund its plan by enacting a tax increase on New York City residents earning more than \$500,000 per year which will ensure that a secure, dedicated and reliable funding stream will be available to fund a high-quality pre-K program and a high-quality after school program; and

**Whereas**, On January 27, 2014, Mayor Bill de Blasio released a report, "Ready to Launch: New York City's Implementation Plan for Free, High Quality, Full-Day Universal Pre-Kindergarten," ("Ready to Launch"), which was prepared by the Office of the Mayor, the Office of Management and Budget, the Department of Education, the Administration for Children's Services, and a working group of experts who have decades of experience in early childhood education and who possess the requisite knowledge necessary to launch one of the largest pre-K expansions in history; and

**Whereas**, "Ready to Launch" outlines the City's plan to provide free, high-quality, full-day pre-K to an estimated 55,804 four-year olds in the 2014 – 2015 school year and to an estimated 73,250 four-year olds in the 2015 - 2016 school year; and

**Whereas**, Additionally, according to the "Ready to Launch" plan, currently, the City of New York can serve 58,528 four-year olds in pre-K programs with the vast majority either in a free half-day pre-K program, a free half-day program with a fee charged for the remainder of the day, or programs that contract with the Administration for Children's Services, where they receive full-day services by combining half-day universal pre-K with Child Care and Head Start services; and

**Whereas**, It will cost \$10,239 per child to bring all of the 73,250 seats up to the quality standards anticipated by the plan, which include consistent and full implementation of comprehensive state pre-K learning standards, recruiting and retaining high-quality pre-K teachers, increasing support for students whose primary language is not English, increasing support for families in high-need areas, and "further developing quality infrastructure within DOE's Office of Early Childhood Education;" and

**Whereas**, New York City and State have long had progressive income taxes and according to a 2010 article published in the Public Finance Review by Professor Howard Chernick of the City University of New York, economic models based on a "flight from progressivity" have not done very well empirically; and

**Whereas**, Additionally, according to Professor Chernick, all other things being equal, state and local governments with progressive taxes do not see lower rates of economic growth. Rather, increasing progressivity to finance human capital enhancing programs like universal pre-K can in the long run increase productivity and increase economic growth; and

**Whereas**, According to research conducted by Cristobal Young and Charles Varner and published in 2011 in the National Tax Journal, half millionaires do not flee small changes in marginal tax rates; and

**Whereas**, In fact, the personal income tax has been imposed on City residents since 1966 and has fluctuated throughout the years, and according to the Mayor's Office of Management and Budget, 3.8 million tax filers pay the personal income tax; and

**Whereas**, Many studies show that quality universal pre-K provides essential early childhood education and results in long term gains for disadvantaged students, that could enhance human capital later in life; and

**Whereas**, For example, according to research conducted through a partnership between New York University and the Children's Museum of Manhattan in 2012, it was concluded that the preschool years are critical not only for developing basic skills for school readiness, but also for the development of children's interests and beliefs about their own capabilities; and

**Whereas**, In addition, James Heckman, a Nobel laureate at the University of Chicago, in his book, "Giving Kids a Fair Chance," concludes that preschool is critical because the early years of children's lives are crucial for creating the abilities, motivation, and other personality traits that produce success in school, in the workforce, and in other aspects of life; and

**Whereas**, Furthermore, families' inability or ability to access quality early childhood education programs can create disparities in the development of children; and

**Whereas**, For example, the High/Scope Perry Preschool Study of low-income three and four year olds, beginning in 1962-1967, followed the children in the study throughout their lives until age forty, and those who participated in high quality early education programs were more likely than non-participants to graduate from high school, become employed, and had a higher median income at age forty; and

**Whereas**, Moreover, according to the United States Department of Education, sixty percent of new jobs in the 21st century will require skills possessed by only twenty percent of the current workforce; and

**Whereas**, According to the Institute for Children, Poverty & Homelessness, child care is the greatest expense for low-income families with children in New York City; and

**Whereas**, According to a report by America's Edge, a membership organization of business leaders, the average working parent in America misses five to nine days of work because of child care; and

**Whereas**, Also according to the report by America's Edge, for every \$1 invested in early care and education in New York, \$1.86 is generated in additional

spending within the state and quality programs can save as much as \$16 for every dollar invested; and

**Whereas,** The City's plan for universal pre-K would help children build the fundamental skills necessary to start school and increase their opportunities later in life, create a better prepared workforce in New York City, and also help working families; and

**Whereas,** In addition to universal pre-K, it is critical that middle-school aged children remain productively occupied during afterschool hours; and

**Whereas,** Research has shown that more learning time, such as in high-quality after-school programs, leads to greater achievement, better school attendance and more enthusiastic learners, particularly among disadvantaged students; and

**Whereas,** Studies also indicate that disadvantaged African-American and Hispanic students show the greatest academic gains, providing evidence that afterschool programs help to close the achievement gap; and

**Whereas,** This proposal would add new programs between 3pm and 6pm in academics, culture and athletics, and provide after-school activities for nearly 120,000 middle school students, a significant increase from the nearly 56,000 middle school students who are currently served in after-school programs; and

**Whereas,** The State Legislature and the Governor of the State of New York should enact the tax increase being proposed by the City of New York for the purpose of providing full-day universal pre-K to every four-year old in the City of New York and high-quality after school programs for middle-school-aged youth; now, therefore, be it

**Resolved,** That the Council of the City of New York supports the City's plan to establish high-quality universal pre-Kindergarten for all eligible four-year olds and high-quality after school programs for middle-school-aged youth.

DANIEL DROMM, Chairperson; VINCENT J. GENTILE, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, JUMAANE D. WILLIAMS, ANDREW L. KING, INEZ D. BARRON, MARK LEVINE, ALAN N. MAISEL; ANTONIO REYNOSO, MARK TREYGER; Committee on Education, February 25, 2014. *Other Council Members Attending: Johnson, Torres, Van Bramer and Cumbo.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally voted against this item: Council Members Matteo, Ulrich and Ignizio.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 45

By Council Members Cabrera, King, Koo and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to providing for-hire vehicles with an initial thirty day inspection grace period.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-503.2 to read as follows:

§ 19-503.2 *Initial inspection of for-hire vehicles. Notwithstanding any law, rule or provision to the contrary, any for-hire vehicle shall be permitted to operate for up to thirty days prior to an initial inspection by the commission required by this code or the rules of the commission, provided that the said vehicle has been properly inspected pursuant to new york state department of motor vehicles laws and rules, provided that passengers in said vehicles are informed that the vehicle has not yet been inspected by the commission, in accordance with a procedure to be established by the commission, and provided further that the vehicle adheres to all other laws and rules applicable to for-hire vehicles.*

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

Referred to the Committee on Transportation.

Int. No. 46

By Council Members Cabrera, Koo, Palma and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to traffic signals and signs.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-128 of subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended to read as follows:

§ 19-128 Damaged or missing *signals and signs*. a. For the purposes of this section, the phrase "priority regulatory *signal or sign*" shall mean [a] *any traffic control signal as defined in section 154 of the vehicle and traffic law, a stop sign, yield sign, do not enter sign, or one way sign.*

b. The department shall maintain a log of notices regarding priority regulatory *signals or signs* that are missing or damaged to the extent that any such *signal or sign* is not visible or legible to a motorist who must obey or rely upon such *signal or sign*. Such log shall include the date and time such notice was received and the date and time on which such priority regulatory *signal or sign* [or one way sign] was repaired or replaced, or the date on which a determination was made that repair or replacement was not warranted and the reason for such determination.

c. The department shall within [three business days] *twenty-four hours* of receiving notice that a *priority regulatory signal or sign* [stop sign, yield sign or do not enter sign] is missing or damaged to the extent that such *signal or sign* is not visible or legible to a motorist who must obey or rely upon such *signal or sign* either (i) repair or replace such *signal or sign* or (ii) make a determination that repair or replacement is not warranted.

[d. The department shall within seven business days of receiving notice that a one way sign is missing or damaged to the extent that such sign is not visible or legible to a motorist who must obey or rely upon such sign either (i) repair or replace such sign or (ii) make a determination that repair or replacement is not warranted.]

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

Referred to the Committee on Transportation.

Int. No. 47

By Council Member Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to removing the off-street parking requirement for base station licenses.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-511 of the administrative code of the city of New York, as amended by Local Law 51 of 1996, is amended to read as follows:

a. The commission shall require licenses for the operation of two-way radio or other communications systems used for dispatching or conveying information to drivers of licensed vehicles, including for-hire vehicles or wheelchair accessible vans and shall require licenses for base stations, upon such terms as it deems advisable and upon payment of reasonable license fees of not more than five hundred dollars a year. There shall be an additional fee of twenty-five dollars for late filing of a license renewal application where such filing is permitted by the commission.

b. [The operator of a base station shall provide and utilize lawful off-street facilities for the parking and storage of the licensed for-hire vehicles that are to be dispatched from that base station equal to not less than one parking space for every two such vehicles or fraction thereof. The commission shall establish by rule criteria for off-street parking which shall include, but not be limited to, the maximum permissible distance between the base station and such off-street parking facilities and the proximity of such off-street parking facilities and the proximity of such off-street parking facilities to residences and community facilities as defined in the zoning resolution of the city of New York. A license for a new base station shall only be granted where the applicant has demonstrated to the commission prior to the issuance of such license that off-street parking facilities sufficient to satisfy the requirements of this subdivision shall be provided.

c. Notwithstanding the provisions of subdivision b of this section, a license for a base station which was valid on the effective date of this section shall only be renewed upon the condition that within two years of such renewal the licensee shall provide off-street parking facilities as required by subdivision b of this section.

d.] (1) No license for a new base station shall be issued unless [the applicant demonstrates to the satisfaction of the commission that the applicant will comply with the off-street parking requirements of subdivision b of this section and] the commission finds that the operation of a base station by the applicant at the proposed location would meet such [other] criteria as may be established by the commission. Among the [other] factors which must be examined and considered by the commission in making a determination to issue a license are the adequacy of existing mass transit and mass transportation facilities to meet the transportation needs of the public any adverse impact that the proposed operation may have on those existing services and the fitness of the applicant. In determining the fitness of the applicant the commission shall consider, but is not limited to considering, such factors as the



ability of the applicant to adequately manage the base station, the applicant's financial stability and whether the applicant operates or previously operated a licensed base station and the manner in which any such base station was operated. The commission shall also consider the extent and quality of service provided by existing lawfully operating for-hire vehicles and taxicabs.

(2) No license for a new base station shall be issued for a period of three years subsequent to a determination in a judicial or administrative proceeding that the applicant or any officer, shareholder, director or partner of the applicant operated a base station that had not been licensed by the commission.

(3) In its review of an application for a license to operate a new base station and in its review of an application to renew a base station license the commission shall also consider the possible adverse effect of such base station on the quality of life in the vicinity of the base station including, but not limited to, traffic congestion, sidewalk congestion and noise. In its review of an application to renew a base station license the commission shall also consider whether a determination has been made after an administrative proceeding that the operator has violated any applicable rule of the commission.

[(4) No base station license shall be renewed where it has been determined after an administrative proceeding that the applicant has failed to comply with the off-street parking requirements set forth in subdivision b of this section or as they may have been modified pursuant to subdivision h of this section.]

e.] c. A licensed base station shall at all times have no fewer than ten affiliated vehicles, except that a base station for which a license was first issued prior to January 1, 1988 and which at that time had fewer than ten affiliated vehicles or a base station which has an affiliation with a wheelchair accessible vehicle may have as few as five affiliated vehicles, not including black cars and luxury limousines.

[f.] d. Prior to the issuance of a license for a base station or the renewal of a valid base station license, the applicant shall provide to the commission a bond in the amount of five thousand dollars with one or more sureties to be approved by the commission. Such bond shall be for the benefit of the city and shall be conditioned upon the licensee complying with the requirement that the licensee dispatch only vehicles which are currently licensed by the commission and which have a current New York city commercial use motor vehicle tax stamp and upon the payment by the licensee of all civil penalties imposed pursuant to any provision of this chapter.

[g.] e. Upon receiving an application for the issuance of a license for a new base station or for the renewal of a license for a base station pursuant to this section, the commission shall, within five business days, submit a copy of such application to the council and to the district office of the council member and the community board for the area in which the base station is or would be located.

[h. Notwithstanding the provisions of subdivisions b and c of this section, the commission may reduce the number of required off-street parking spaces or may waive such requirement in its entirety where the commission determines that sufficient lawful off-street parking facilities do not exist within the maximum permissible distance from the base station or an applicant demonstrates to the satisfaction of the commission that complying with the off-street parking requirements set forth in such subdivisions would impose an economic hardship upon the applicant; except that the commission shall not reduce or waive the off-street parking requirements where it has been determined in an administrative proceeding that the applicant, or a predecessor in interest, has violated any provision of section 6-03 of the rules of the commission or any successor thereto, as such may from time to time be amended. A determination to waive or reduce the off-street parking requirements shall be made in writing, shall contain a detailed statement of the reasons why such determination was made and shall be made a part of the commission's determination to approve an application for a base station license.]

i.] f. The determination by the commission to approve an application for a license to operate a new base station or for the renewal of a license to operate a base station shall be made in writing and shall be accompanied by copies of the data, information and other materials relied upon by the commission in making that determination. Such determination shall be sent to the council and to the district office of the council member within whose district that base station is or would be located within five business days of such determination being made.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 48

By Council Members Cabrera, Johnson, Koo, Rose and Rosenthal.

**A Local Law to amend the administrative code of the City of New York, in relation to a tenants bill of rights and responsibilities.**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

**CHAPTER 11**

**TENANTS BILL OF RIGHTS AND RESPONSIBILITIES**

§26-1001 *Tenants bill of rights and responsibilities. Every owner of a multiple dwelling shall be required to post in and provide to all tenants in such multiple dwelling a tenants bill of rights and responsibilities in accordance with the provisions of this chapter.*

§26-1002 *For purposes of this chapter, the following terms shall be defined as follows:*

“Commissioner” shall mean the commissioner of housing preservation and development.

“Dwelling unit” shall mean a dwelling unit as defined in paragraph thirteen of subdivision a of section 27-2004 of this code.

“Multiple dwelling” shall mean a dwelling as defined in paragraph seven of subdivision a of section 27-2004 of this code.

“Owner” shall mean an owner as defined in paragraph forty-five of subdivision a of section 27-2004 of this code.

“Tenant” shall mean any lawful occupant of a dwelling unit in a multiple dwelling.

§26-1003 *Contents of tenants bill of rights and responsibilities. Such statement of rights and responsibilities shall provide the following:*

1. *Eviction. (i) Your landlord is required to seek a warrant for your eviction from a court before evicting you and you have a right to defend yourself. It is illegal for your landlord to remove you or your possessions, prevent you from entering your dwelling unit or discontinue services such as water, heat or electricity and such actions should be reported to the police. These rights apply to anyone who lives in a dwelling unit for thirty or more days including roommates and others not named on a lease. In an eviction case for nonpayment of rent, at any time before the warrant of eviction is issued, you may request a stay (delay) of the issuance of a warrant of eviction by depositing with the housing court the rent due and the costs of the proceeding.*

*(ii) You must pay your rent on time to avoid late fees and legal action for the non-payment of rent. Your landlord can seek to evict you for any amount of rent owed that is past-due in a non-payment of rent case. You may end a non-payment case by paying the amount owed, and until a judgment is entered, your landlord may not refuse to accept the rent. You have a right to raise certain defenses in a non-payment case including the lack of required services or repairs.*

*(iii) Your landlord may seek to evict you in a holdover case for remaining past the term of your lease or agreement or if you have been properly given a notice to leave. Rent-stabilized and rent-controlled tenants are protected against lease terminations and evictions without cause. Your landlord may also seek to evict you in a holdover case for violating a substantial condition of your lease, for being a nuisance or for staying after a lease expires if your dwelling unit is not rent-regulated. In holdover cases your landlord is seeking to evict you whether or not you pay your rent.*

2. *Hot water and heat. Every tenant has the right to hot water all year long at all times at a minimum temperature of one hundred twenty degrees Fahrenheit and to adequate heat, during the period from October through May thirty-first the inside temperature must be at least sixty-eight degrees Fahrenheit from six a.m. to ten p.m. when the outside temperature is below fifty-five degrees Fahrenheit, and the inside temperature must be at least fifty-five degrees Fahrenheit from ten p.m. to six a.m. when the outside temperature is below forty degrees Fahrenheit.*

3. *Habitability. (i) Your landlord must maintain standards of habitability. The warranty of habitability requires that your landlord maintain your building in good repair; keep the hallways and public areas clean; paint your dwelling unit every three years; and exterminate rats, mice, roaches, bedbugs and other vermin, and deal with any other matter dangerous to life or health in a timely manner. The landlord must also maintain electrical, plumbing, sanitary, heating and ventilating systems and appliances installed by the landlord in good working order.*

*(ii) You are required to take care of your dwelling unit and to inform your landlord of the need for repairs in your dwelling unit and of vermin infestations requiring attention. You must provide your landlord or his or her agent access to your dwelling unit to make necessary repairs or to inspect conditions when your landlord makes a reasonable request with adequate notice. You do not have the right to make repairs or alterations to your dwelling unit without the written consent of your landlord and you can be subject to eviction for doing so. If you pay for emergency repairs or services when the landlord has failed to respond to a request for repairs and deduct the cost of such work from your rent, you risk your landlord suing you for non-payment of rent.*

4. *Quiet Enjoyment. You have the right to the quiet enjoyment of your dwelling unit and are entitled to be free of nuisances or harassment by your landlord, his or her agent or other tenants. It is your landlord's responsibility to address ongoing nuisances that are within his or her control.*

5. *Discrimination. It is illegal for landlords and their agents to discriminate in the rental of housing, or in the provision of services, based on actual or perceived race, creed, color, national origin, gender, gender identity, disability, age, marital or familial status, the presence of children, lawful occupation, sexual orientation or immigration status. In buildings with six or more dwelling units, tenants are also protected against discrimination based on a lawful source of income: the landlord may not refuse to rent to a tenant based on his or her intention to pay the rent using section 8 vouchers or through another rent subsidy or to refuse such subsidy from an existing tenant. If you have been discriminated against, you may contact the New York city human rights commission by calling 311.*

6. *Roommates. You have the right to have family members reside with you so long as the dwelling unit does not become overcrowded. If only one person has signed a lease, you also have the right to share your dwelling unit with one other adult not related to you, and that person's dependent children, but overcharging roommates is illegal and can put you at risk of eviction. Exceptions and restrictions to the rights to share your dwelling unit apply to tenants receiving section 8 assistance, a senior citizen rent increase exemption, a disability rent increase exemption or other rental assistance, and for tenants in housing programs where*



rent is based on income-eligibility. While participating in these programs, always check your program's rules before taking in another household member.

7. Assigning or subletting leases. If you ask to assign the remaining time of your lease and, the request is reasonable, your landlord must either agree to the assignment or release you from your lease obligations. In privately-owned buildings with at least four units, your landlord may not unreasonably deny your request to sublet your dwelling unit. Tenants must follow specific rules when seeking to assign or sublet their dwelling unit and a failure to follow these rules may be grounds for eviction. Tenants receiving section 8 assistance, a senior citizen rent increase exemption, a disability rent increase exemption other rental assistance programs or in housing where rent is based on income-eligibility, may not have such rights to assign and sublet, so while participating in these programs always check your program's rules.

8. Tenants sixty-two years of age or older and tenants with a disability. You have unique protections against certain types of evictions. Additionally, if you live in a rent stabilized, rent controlled or mitchell-lama apartment, are sixty-two years of age or older or have a disability and you pay one-third or more of your income in rent and your income falls below a certain income threshold, you may apply to have your rent frozen through the senior citizen rent increase exemption or disability rent increase exemption programs. You may apply for such programs through the department of finance by calling 311.

9. Tenants organizations. You have the right to form, join, and participate in a tenants organization for the purpose of protecting your rights. Tenants organizations have the right to use common areas of the building, free of charge for meetings, including the lobby if a community room is not available. Your landlord is forbidden by law to harass you for tenant-organizing activities.

10. Additional rights and responsibilities of rent regulated tenants. Tenants living in a rent stabilized and rent controlled tenants (rent regulated tenants) are subject to specific laws governing, among other things, maximum legal rents, causes for eviction, and leases. If you are a rent regulated tenant, you have certain rights relating to:

(i) leases, renewals and riders. With some exceptions, landlords cannot end the tenancy of rent regulated tenants without good cause. In most cases, when tenants are in compliance with their leases or other obligations, rent controlled tenants have rights to continuous occupancy, and rent-stabilized tenants must be offered the option of either a one- or two-year renewal lease, but if a renewal is not offered, the old lease remains in effect. Rent stabilized tenants are not obligated to sign any riders or amendments that change the terms of their original lease;

(ii) rent increases. In rent regulated units, a dwelling unit's unique rental history determines its legal maximum rent. Rents for rent controlled tenants are governed by the maximum base rent system. Rent increases for rent-stabilized tenants may not exceed the guidelines set annually by the New York city rent guidelines board. Landlords may also apply for increases for major capital improvements or individual apartment improvements for certain types of work, using specific guidelines and formulas. Tenants have an opportunity to review a landlord's major capital improvement application and challenge inconsistencies or violations of regulations. Individual apartment improvements performed during vacancy may be challenged by the subsequent tenant by filing a rent overcharge complaint with New York state homes and community renewal.

11. Tenants have the right to consult an attorney to protect their legal rights. Tenants who feel their rights have been violated may also contact the New York city department of housing preservation and development or the New York city human rights commission by calling 311. Tenants whose rents are regulated by rent stabilization or rent control laws may also contact New York state homes and community renewal if they believe that any of these rights has been violated. The government does not provide free legal counsel to tenants who cannot afford a lawyer and many tenants have to rely on advocates or become their own advocates.

§26-1004 Notice required. a. The owner of a multiple dwelling must deliver or cause to be delivered to the tenant of each occupied dwelling unit within one hundred twenty days of the effective date of this chapter a notice that states the rights and responsibilities of tenants as set forth in section 26-903 of this chapter, and the telephone numbers of the New York city department of housing preservation and development, New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

b. The owner of a multiple dwelling shall deliver or cause to be delivered to each tenant or prospective tenant of a dwelling unit in such multiple dwelling, along with a lease or lease renewal form, a notice that states the rights and responsibilities of tenants as set forth in section 26-903 of this chapter, and telephone numbers for the New York city department of housing preservation and development, New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

c. Posting required. The department shall determine the form of the notice stating the rights and responsibilities of tenants which shall be posted by the owner of a multiple dwelling in a conspicuous place within view of the area in the multiple dwelling to which mail is delivered. Such notice shall include the rights and responsibilities of tenants as set forth in section 26-903 of this chapter, information on how tenants may obtain a more detailed explanation of such rights and responsibilities as well as a tenants rights and responsibilities guide and shall include the telephone numbers for the New York city department of housing preservation and development, New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

d. Tenants rights and responsibilities guide. The department shall provide and maintain on the city's website a tenants rights and responsibilities guide which shall

include a detailed explanation of the rights and responsibilities set forth in section 26-903 of this chapter as well as information on additional issues related to security deposits, boarders, pets, window guards, lead paint, locks, brokers and any other landlord/tenant topics the department deems relevant. Such guide shall also be made available in a print copy upon request.

§26-1005. Violations and penalties. a. Any owner who fails to comply with the provisions of subdivision a of section 26-904 of this chapter shall be liable for a civil penalty of fifty dollars for each occupied dwelling unit for which there was a failure to comply.

b. Any owner who fails to comply with the provisions of subdivision b of section 26-904 of this chapter shall be liable for a civil penalty of one hundred fifty dollars for each dwelling unit for which there was a failure to comply.

c. Any owner who fails to comply with the provisions of subdivision c of section 26-904 of this chapter shall be liable for a civil penalty of two hundred fifty dollars.

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

Referred to the Committee on Housing and Buildings.

Int. No. 49

By Council Members Cabrera, Dickens, Koo, Lancman, Rose, Vacca and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of notice to council members and community boards of applications filed with the department of buildings.**

Be it enacted by the Council as follows:

Section 1. Section 28-103.11 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-103.11 Applications and permits. The department shall receive and review applications, construction documents, and other related documents and shall issue permits, in accordance with the provisions of this code. *No later than five business days after receiving a completed application for a new building permit or a permit for an alteration that will require a new certificate of occupancy for a building, the department shall send a copy of the application to the council member for the council district in which the property that is the subject of the application is located and to the community board for the community district in which the property that is the subject of the application is located.*

§2. Section 28-104.2.8 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-104.2.8 Notification of rejection. Applications failing to comply with the provisions of this code and other applicable laws and rules shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than the date required in section 28-104.2.7. *No later than five days after sending the applicant a notice of rejection of an application for a new building permit or a permit for an alteration that will require a new certificate of occupancy for a building, the department shall send a copy of the notice of rejection to the council member for the council district in which the property that is the subject of the application is located and to the community board for the community district in which the property that is the subject of the application is located.*

§3. This local law shall take effect ninety days after its enactment, except that the department of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 45

**Resolution calling for the condemnation of Barneys New York and their prejudiced security policies.**

By Council Members Cabrera, Mendez and Rose.

**Whereas**, Racial profiling is a term used to describe actions that rely on race, ethnicity, or national origin rather than the behavior of an individual or particularized information to identify one as being, or having been, engaged in criminal activity; and

**Whereas**, While racial profiling has been the subject of considerable scrutiny in the context of the traffic police and pedestrian stops, racial profiling in the consumer context has received far less attention, notwithstanding its prevalence; and

**Whereas**, In October 2013, alleged racial profiling by New York City's department stores became headline news when Trayon Christian, a 19-year-old college freshman from Corona, New York filed lawsuits against both Barneys New York ("Barneys") and the New York Police Department ("NYPD"); and

**Whereas**, According to news reports, Mr. Christian alleges that he walked into Barneys department store on Madison Avenue in New York City in April 2013 to purchase a \$350 belt; and

**Whereas**, Mr. Christian also alleges he provided the sales clerk a debit card and identification to pay for the belt; and

**Whereas**, Mr. Christian further asserts that during the process of running the debit card, the clerk called the police claiming the debit card was a fraud; and

**Whereas**, Having completed the transaction successfully, Mr. Christian left the store, and was approached by detectives and taken to the 19th police precinct for questioning and only released two hours later, after police confirmed that his debit card was legitimate; and

**Whereas**, Since the publicity of Mr. Christian's lawsuit, others have come forward recounting similar experiences at Barneys and other department stores in New York City; and

**Whereas**, In the days following this event, civil rights activist Reverend Al Sharpton met with Barneys Chief Executive Office Mark Lee as well as other community leaders to discuss the alleged racial profiling at Barneys; and

**Whereas**, Mr. Lee asserted that his employees were not involved in racial profiling, did not question Mr. Christian, and did not call the NYPD; and

**Whereas**, Mr. Lee reportedly apologized for Mr. Christian's treatment and expressed zero tolerance for any form of discrimination at Barneys; and

**Whereas**, Notwithstanding Mr. Lee's comments, it is evident that at the very least, Barneys has failed to shield its customers from racial profiling; and

**Whereas**, We as a city, as individuals, as elected officials, must do everything within our collective power to ensure that Barneys and retailers, large and small, are prevented from racial profiling; now, therefore, be it

**Resolved**, That the Council of the City of New York calls for the condemnation of Barneys New York and their prejudiced security policies.

Referred to the Committee on Civil Rights.

Res. No. 46

**Resolution calling on the New York State Legislature to establish a Recovery and Opportunity Trust Fund to help train New York residents disproportionately impacted by chronic long-term unemployment factors.**

By Council Members Cabrera, King, Palma, Rose and Rosenthal.

**Whereas**, The Dubois Bunche Center for Public Policy has issued a policy plan (the "Thurgood Marshall Plan"), which calls for lawmakers to create new localized systems for employment opportunities and business development within urban centers to address the negative impact of economic disparities that impact African American and Latino communities; and

**Whereas**, The recent recession has had a severe effect on the United States' economy and the unemployment rate; and

**Whereas**, According to statistics provided by the New York State Department of Labor, New York City has an unemployment rate of 8.9 percent as of October 2013; and

**Whereas**, Additionally, African Americans in New York State have been disproportionately impacted with an unemployment rate of 13.8 percent, in comparison to a rate of 7.9 percent for white New Yorkers, according to the 2012 annual averages reported by the United States Department of Labor; and

**Whereas**, The Bronx and Brooklyn are the boroughs with the largest proportions African American and Latino residents and have unemployment rates of 12.2 percent and 9.6 percent, respectively, as of October 2013; and

**Whereas**, A component of the Thurgood Marshall Plan calls for the establishment of a Recovery and Opportunity Trust Fund modeled after the Massachusetts Workforce Training Fund; and

**Whereas**, The Recovery and Opportunity Trust Fund should finance job training for residents living within neighborhoods plagued with high rates of long-term chronic unemployment; and

**Whereas**, Proponents believe the Recovery and Opportunity Trust Fund should also subsidize pre-apprenticeship and apprenticeship training that is linked to energy conservation, renewable energy, the rebuilding of core infrastructure, and the installation of broadband telecommunications networks throughout the City; and

**Whereas**, Lawmakers should develop policies that acknowledge disparities in urban neighborhoods, that identify neighborhoods with high rates of chronic unemployment, and that promote outcomes that advance equity and stability in job opportunities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to establish a Recovery and Opportunity Trust Fund to help train New York residents disproportionately impacted by chronic long-term unemployment factors.

Referred to the Committee on Civil Service and Labor

Res. No. 47

**Resolution calling upon the Mayor of the City of New York to open all municipal garages and parking lots when a snow emergency has been declared, for a fee not to exceed twenty dollars per day.**

By Council Members Cabrera, King, Palma and Rose.

**Whereas**, New York City traffic rules authorize the Commissioner of Transportation to declare a snow emergency; and

**Whereas**, When the Commissioner declares a state of snow emergency, special traffic regulations take effect which prohibit standing or parking a vehicle on the City's network of two hundred and fifty snow emergency streets and routes; and

**Whereas**, When a snow emergency is declared, New York City police officers are instructed to issue summonses for abandoned or illegally parked vehicles on snow emergency streets; and

**Whereas**, The New York City Department of Transportation operates forty-two municipal parking garages and lots which are located in all five boroughs; and

**Whereas**, Municipal parking garages and lots accept payment via credit card, parking card, and coins; and

**Whereas**, Each municipal parking garage and lot has different hours of operation and different parking rates; and

**Whereas**, There is a lack of available parking spots during a snow emergency and municipal parking garages and lots, if open and affordable, could help create additional parking spaces; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor of the City of New York to open all municipal garages and parking lots when a snow emergency has been declared, for a fee not to exceed twenty dollars per day.

Referred to the Committee on Transportation.

Int. No. 50

By Council Members Chin, Eugene, Gentile, Koo, Lancman, Palma, Rose, Vacca and Ignizio.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to notify community boards and council members regarding applications to operate methadone clinics.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

**§17-198 Notification to community boards and council members regarding methadone clinic applications.** *Within seven days of receiving notification of an application for certification of a methadone clinic from the New York office of alcoholism and substance abuse services, the department shall notify in writing the speaker of the council, and the community board and council member in whose district the proposed clinic will be located. Such notice shall include the address of the proposed methadone clinic and the name and address of the applicant.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Health.

Int. No. 51

By Council Members Chin, Johnson, Koo, Maisel, Arroyo, Eugene, Gentile, Levine, Mendez, Palma, Rose, Williams and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to issue an annual report regarding hepatitis B and hepatitis C.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

**§ 17-198 Hepatitis B and hepatitis C data compilation and reporting.** *a. On or before December first of two thousand fourteen and each year thereafter, the department shall submit an annual report to the council and the mayor detailing the department's efforts to identify and prevent the spread of hepatitis B and hepatitis C during the preceding fiscal year. Such annual report shall, at minimum, provide separate data on hepatitis B and hepatitis C including (i) infection rates, including numbers of acute and chronic infections; (ii) any identified causes of new incidents of hepatitis B and hepatitis C infections; (iii) the demographics of persons infected with hepatitis B and persons infected with hepatitis C; (iv) the number of deaths caused by hepatitis B and the number of deaths caused by hepatitis C; (v) the*

number of new liver cancers diagnosed; (vi) the percentage of known cases of hepatitis B and of hepatitis C receiving care and the percentage of cases of hepatitis B and of hepatitis C referred to care; (vii) the number of vaccinations commenced and completed for hepatitis B; (viii) the number of pregnant women with hepatitis B and the number of pregnant women with hepatitis C; (ix) funding for the previous fiscal year allocated and used on hepatitis B and hepatitis C related programs; and (xi) community outreach efforts targeting hepatitis B and hepatitis C.

b. In addition to any other data the department may deem relevant, such report shall include a summation about the effectiveness of any prenatal and other hepatitis B and hepatitis C prevention programs.

c. The annual reports required pursuant to this section shall be made available on the department's website and to any member of the public upon request.

§ 2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Health.

Res. No. 48

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.160/A.276, legislation which would establish the Asian Lunar New Year as an official holiday for New York City students.**

By Council Members Chin, Koo, Vallone, Arroyo, Constantinides, Gentile, King, Mendez, Palma and Rose.

**Whereas**, The Asian Lunar New Year is considered to be a significant holiday by many in the Asian community; and

**Whereas**, The Lunar New Year is celebrated by Chinese, Koreans, Vietnamese and other Asian ethnic groups; and

**Whereas**, Previously, legislation was introduced in the New York State Senate and Assembly that would amend the State Education Law in relation to establishing the Asian Lunar New Year school holiday; and

**Whereas**, S.160/A.276, sponsored by Senator Daniel Squadron and Assembly Member Ron Kim, calls for the establishment of the Asian Lunar New Year day as a school holiday for all school districts of cities with one million inhabitants or more, with an Asian population of seven and one-half percent or more; and

**Whereas**, According to statistics from the New York City Department of Education (DOE), approximately 14% of students in the New York City school system are considered to be Asian American; and

**Whereas**, While the DOE excuses absences taken for missed days due to religious observances, the child is still marked absent and will miss a day of classes; and

**Whereas**, These absences will impact upon the child's and the school's attendance record; and

**Whereas**, Currently, New York City public schools are closed on several religious holidays, including Christmas, Good Friday, Rosh Hashanah and Passover; and

**Whereas**, New York's flourishing population of Asian American residents and students, along with the cultural importance of the Asian Lunar New Year, point to the necessity for the observance to be a school holiday; 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.160/A.276, legislation which would establish the Asian Lunar New Year as an official holiday for New York City students.

Referred to the Committee on Education

Int. No. 52

By Council Members Constantinides, Arroyo, Cornegy, Espinal, Gentile, Johnson, King, Koo, Lancman, Palma, Rose, Vallone and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that all public waste receptacles be emptied by the department of sanitation at least once per day.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-141 to read as follows:

§ 16-141 *Emptying public waste receptacles. Any basket, container or receptacle placed in a public place by the department or its authorized agent for the public disposal of litter shall be emptied by the department at least once per day, except on days when the department has suspended or delayed garbage or recycling collection.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 53

By Council Members Constantinides, Cornegy, Espinal, Koo, Palma, Rose and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to the repair of street defects.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-156 to read as follows:

§19-156 *Repair of streets defects. The department shall ensure that any reported street defect including but not limited potholes are repaired, corrected and/or fixed within five days from when such report is received by the department. This section shall not be construed as to limit the liability of any entities for the cost of such repair, correction and/or fixing required of such defects or from liability for any damages that result from such defects.*

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

Referred to the Committee on Transportation.

Int. No. 54

By Council Members Constantinides, Cornegy, Koo, Palma, Rose, Kallos, Deutsch, Vacca and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of biodiesel fuel in the city ferry fleet.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-307 of the administrative code of the city of New York is amended to add a new subdivision k to read as follows:

k. *On and after July first, two thousand fourteen, every diesel fuel-powered city ferry shall be powered by an ultra low sulfur diesel fuel blend with at least five percent biodiesel by volume. On and after January first, two thousand twenty, every diesel fuel-powered city ferry shall be powered by an ultra low sulfur diesel fuel blend with at least twenty percent biodiesel by volume.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 49

**Resolution declaring March 2014 as Greek-American History Month.**

By Council Members Constantinides, Arroyo, Gentile, Koo, Palma, Rose and Vallone.

**Whereas**, The United States is home to the largest Greek community outside of Greece, according to *BusinessInsider.com*; and

**Whereas**, According to the United States Census Bureau, 2012 American Community Survey, there are an estimated 1,012,855 people of Greek ancestry in the United States; and

**Whereas**, The 2012 American Community Survey also reports that the largest number of Greek-Americans live in New York City, with a population 67,241; and

**Whereas**, Astoria, Queens has the largest Greek population in New York City, according to *Crain's New York Business*; and

**Whereas**, Greek immigration to New York City began mainly in the 1890s; and

**Whereas**, The imprint of Greek culture can be seen in numerous Greek restaurants, bakeries, tavernas, cafés, and Greek Orthodox churches throughout the five boroughs; and

**Whereas**, Greek-Americans have made significant contributions to the United States in various areas such as academia, film, literature, music, journalism and politics; and

**Whereas**, Notable Greek-Americans include former Vice President Spiro Agnew, former Massachusetts Governor and 1998 Democratic Presidential candidate Michael Dukakis, Academy Award-winning actress and cousin of Michael Dukakis, Olympia Dukakis, actress Jennifer Aniston, actor John Stamos, New York City born actor Telly Savalas, tennis champion Pete Sampras, sportscaster Bob Costas, New York City anchorman Ernie Anastos, and Good Morning America co-host, political commentator and former advisor to President Bill Clinton, George Stephanopoulos; and

**Whereas**, Annually, the White House issues a Presidential Proclamation recognizing March 25th as Greek Independence Day; and

**Whereas**, In celebration of Greek culture and the 193rd anniversary of Greek independence, New York City will be hosting its annual Greek Parade on March 30, 2014; and

**Whereas,** Although Greek-Americans are honored year round for their contributions to this City and to the nation, it is only befitting that they receive special recognition in the month of March; now, therefore, be it

**Resolved,** That the Council of the City of New York declares March 2014 as Greek-American History Month.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 55

By Council Members Crowley, Johnson, Arroyo, Constantinides, Levine, Palma and Vacca.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of puppies and kittens bred in puppy and kitten mills.**

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 17 to read as follows:

§ 17-1701 *Definitions.* For the purposes of this chapter, the following terms have the following meanings:

a. "Animal abuse crime" means a violation of any provision of article twenty-six of the agriculture and markets law, or successor laws, or regulations promulgated thereunder pertaining to humane treatment of animals, cruelty to animals, endangering the life or health of an animal, or a violation of any federal, state, or local law pertaining to the care, treatment, sale, possession, or handling of animals or any regulation or rule promulgated pursuant thereto relating to the endangerment of the life or health of an animal.

b. "Animal rescue group" or "non-profit rescue" shall mean a not-for-profit organization, group or unincorporated entity that accepts unwanted dogs or cats from an animal shelter or other place and attempts to find homes for, and promote adoption of such animals by the general public.

c. "Convicted" means an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or, or an order of adjudication withheld by reason of a plea of nolo contendere.

d. "Dealer" means a pet dealer required to have a license issued by the United States department of agriculture pursuant to 7 U.S.C. 54 § 2134 or successor provision of law.

d. "Federal identification number" means a license or registration number issued by the United States department of agriculture pursuant to the Animal Welfare Act, 7 U.S.C. 54, or successor provision of law.

e. "High volume breeder" means a person who, for compensation or profit, either

1. has an ownership interest in or custody of one or more breeding female dogs and or cats and who sells or offers for sale, via any means of conveyance (including the internet, telephone, or newspaper), more than 50 of the offspring of such breeding female animals for use as pets in any 1-year period; or

2. has an ownership interest in or custody of twenty or more breeding female dogs and or cats.

f. "Intermediate handler" means an intermediate handler required to register with the United States department of agriculture pursuant to 7 U.S.C. 54 § 2136 or successor provision of law.

g. "Pet shop" means a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

§ 17-1702 *Puppy and Kitten Mill Sales Prohibited.* It shall be unlawful in any pet shop for any person to display, offer for sale, deliver, barter, auction, give away, transfer or sell any dog or cat obtained from:

a. a high volume breeder;

b. a dealer unless such dealer:

1. has such a valid license and such license is active;

2. has not been found in violation of any provision of 7 U.S.C. 54 or successor provision of law or any rule, regulation, or standard promulgated thereunder during the previous twelve months; and

3. provides the name and address of the breeder and, if the breeder is a dealer licensed by the United States department of agriculture, the breeder's federal identification number.

c. An intermediate handler unless such intermediate handler:

1. has an active registration status with the United States department of agriculture; 2. during the previous twelve months has been cited for no more than three direct violations of 7 U.S.C. 54, or successor provision of law, and or any rule, regulation, or standard promulgated thereunder; and

3. provides the name and address of the breeder and, if the breeder is a dealer licensed by the United States department of agriculture, the breeder's federal identification number.

d. A dealer convicted of an animal abuse crime.

§ 17-1703 *Information statement for purchaser.* a. Every pet shop shall deliver to the purchaser of a cat or dog, at the time of sale in a standardized form

prescribed by the commissioner, a written statement containing the following information:

1. For cats:

(a) The breeder's name and address, if known, or, if not known, the source of the cat. If the person from whom the cat was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal identification number;

(b) The date of the cat's birth, unless unknown because of the source of the cat, the date the pet shop received the cat, and the location where the cat was received;

(c) A record of immunizations and worming treatments administered, if any, to the cat as of the time of sale while the cat was in the possession of the pet shop, including the dates of administration and the type of vaccines or worming treatments administered;

(d) A record of any known disease, sickness, or congenital condition that adversely affects the health of the cat at the time of sale; and

(e) A record of any veterinary treatment or medication received by the cat while in the pet shop's possession and either of the following:

(i) A statement, signed by the pet shop at the time of sale, indicating all of the following: (1) the cat has no known disease or illness; and (2) the cat has no known congenital or hereditary condition that adversely affects the health of the cat at the time of sale; or

(ii) A record of any known congenital or hereditary condition, disease, or illness that adversely affects the health of the cat at the time of sale, along with a statement signed by a licensed veterinarian that authorizes the sale of the cat, recommends necessary treatment, if any, and verifies that the condition, disease or illness does not require hospitalization or nonelective surgical procedures, and is not likely to require hospitalization or nonelective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the cat clinically ill or is likely to make the cat clinically ill. The statement shall be valid for fourteen business days following examination of the cat by the veterinarian.

2. For dogs:

(a) The breeder's name and address, if known, or if not known, the source of the dog. If the person from whom the dog was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal identification number;

(b) The date of the dog's birth and the date the pet dealer received the dog. If the dog is not advertised or sold as a purebred, registered or registrable, the date of birth may be approximated if not known by the seller;

(c) The breed, sex, color and identifying marks at the time of sale. If the dog is from a United States department of agriculture licensed source, the individual identifying tag, tattoo, or collar number for that animal. If the breed is unknown or mixed, the record shall so indicate. If the dog is being sold as being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known;

(d) A record of inoculations and worming treatments administered, if any, to the dog as of the time of sale while the dog was in the possession of the pet dealer, including dates of administration and the type of vaccines and/or worming treatments administered;

(e) A record of any veterinary treatment or medication received by the dog while in the possession of the pet dealer and either of the following:

(i) A statement, signed by the pet shop at the time of sale, indicating all of the following: (1) the dog has no known disease or illness; and (2) the dog has no known congenital or hereditary condition that adversely affects the health of the dog at the time of the sale; or

(ii) A record of any known congenital or hereditary condition, disease or illness that adversely affects the health of the dog at the time of sale, along with a statement signed by a licensed veterinarian that authorizes the sale of the dog, recommends necessary treatment, if any, and verifies that the condition, disease, or illness does not require hospitalization or nonelective surgical procedures, and is not likely to require hospitalization or nonelective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the dog clinically ill or is likely to make the dog clinically ill. The statement shall be valid for fourteen business days following examination of the dog by the veterinarian.

(f) Notification that dogs residing in New York state must be licensed, and that a license may be obtained from the municipality in which the dog resides.

b. A disclosure made pursuant to paragraph a of this section shall be signed by both the pet dealer certifying the accuracy of the statement and the purchaser acknowledging receipt of the statement.

c. Every pet dealer shall post conspicuously within close proximity to the cages of dogs and cats offered for sale, a notice containing the following language in one hundred-point type: "Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers."

§ 17-1704 *Recordkeeping.* a. Each pet shop shall keep and retain for five years after taking possession of any dog or cat records and documentation with respect to the purchase, sale, intermediate handlers, brokers, transportation, breeding, medical care and condition, identification, and previous ownership of such animal. Such documentation and records shall be made available at all reasonable times for inspection and copying by the department. Such records and documentation shall include the following information:

1. Proof of purchase, adoption, or acceptance of such animal evincing the source from which such pet shop obtained such animal;



2. The breeder's name and address. If the breeder is a dealer licensed by the United States department of agriculture, the breeder's name, address, and federal identification number;

3. If the source from which a pet shop obtained such animal is a person other than the breeder, such person's name and address. If such person is a dealer or intermediate handler, such person's name, address, and federal identification number;

4. The date of the animal's birth, the date the pet shop received the animal, and the location where the animal was received. If the animal is not advertised or sold as a purebred, registered or registrable, the date of birth may be approximated if not known by the seller;

5. The breed, sex, color and identifying marks at the time of sale. If the breed is unknown or mixed, the record shall so indicate.

6. A record of immunizations and worming treatments administered, if any, to such animal as of the time of sale while such animal was in the possession of the pet shop, including the dates of administration and the type of vaccines or worming treatments administered;

7. A record of any known disease, sickness, or congenital condition that adversely affects the health of the animal at the time of sale to the public;

8. A record of any veterinary treatment or medication received by the animal while in the possession of the pet shop;

9. A copy of any written statement provided to the purchaser pursuant to section 1703 of this chapter, signed by the pet shop certifying its accuracy and signed by the purchaser acknowledging its acceptance.

10. The name and address of the person to whom the animal was sold or given for adoption.

11. Any certification provided to a pet store by a shelter or rescue stating that such animal has been implanted with a microchip for permanent identification.

12. A copy of any certificate of registration relating to microchip identification provided to the purchaser.

14. Such other records and documentation as deemed necessary by the commissioner in accordance with rules promulgated by the department.

b. In addition to the documentation and records required under subdivision a of this section, pet stores must keep and maintain the following records for transactions involving one or more dogs:

1. If the pet shop obtained such dog from a United States department of agriculture licensed source, the individual identifying tag, tattoo, or collar number for such animal.

2. If such dog is being sold as registered or being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known;

3. If the pet shop has submitted a license application for such dog pursuant to section 1706 of this chapter, a copy of such application.

4. If the pet shop has released such dog to a purchaser without first submitting a license application, a written statement provided by the purchaser stating that the dog is to be harbored outside the city

§ 17-1705 Animal Source Certification. a. Every pet shop required to have a permit issued by the commissioner shall provide to the commissioner with every application for such permit or renewal thereof an annual certification, executed under penalty of perjury, confirming that during the previous twelve months such pet shop has not sold any animals obtained from a source prohibited pursuant to section 1702 of this chapter. Such certification shall include the following:

1. The name and address of every source from which such pet shop obtained a dog or cat during the same period, and for dogs and cats obtained from sources other than the breeders, the name and address of each breeder;

2. The number of dogs and cats obtained from each source;

3. The number of dogs and cats originating with each breeder who is not a source; and

4. If a source or a breeder who is not a source is licensed by the United States department of agriculture pursuant to 7 U.S.C. 54 § 2136 or successor provision of law:

(a) the department of agriculture license number of such source or breeder; and

(b) the individual identifying tag, tattoo, or collar number of each dog obtained from such source or breeder.

b. Notwithstanding the aforementioned certification, a pet shop submitting an application for a permit or renewal permit less than twelve months after the effective date of this section shall not be required to certify the statements listed in subdivision a of this section except with respect to animals such pet shop receives after the effective date of this section.

c. The department may inspect the records maintained pursuant to section 17-1704 of this chapter to verify the authenticity of the certifications submitted pursuant to subdivision a of this section.

§17-1706 Minimum standards of animal care. a. Pet shops shall comply with the following minimum standards of care for every animal in their custody or possession:

1. Housing. (a) Animals shall be housed in primary enclosures or cages, which shall be constructed so as to be structurally sound. Such enclosures shall be maintained in good repair to contain the animal housed inside and protect it from injury. Surfaces shall have an impervious surface so as not to permit the absorption of fluids and which can be thoroughly and repeatedly cleaned and disinfected without retaining odors.

(b) Primary enclosures or cages housing the animals shall provide sufficient space to allow each animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, turn around, and lie down with its

limbs outstretched. If the flooring is constructed of metal strands, such strands must either be greater than one-eighth inch in diameter (nine gauge wire) or shall be coated with a material such as plastic or fiberglass, and shall be constructed so as not to allow passage of the animal's feet through any opening in the floor of the enclosure. Such flooring shall not sag or bend substantially between structural supports.

(c) Housing facilities shall be adequately ventilated at all times to provide for the health and well-being of the animal. Ventilation shall be provided by natural or mechanical means, such as windows, vents, fans, or air conditioners. Ventilation shall be established to minimize drafts, odors, and moisture condensation.

(d) The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be regulated by heating and cooling to sufficiently protect each animal from extremes of temperature and shall not be permitted to fall below or rise above ranges which would pose a health hazard to the animal. This shall include supplying shade from sunlight by natural or artificial means.

(e) The indoor facilities housing the animals shall be provided with adequate lighting sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination which poses a health hazard to the animal.

(f) The indoor and outdoor facilities housing the animals, including the primary enclosure or cage, shall be designed to allow for the efficient elimination of animal waste and water in order to keep the animal dry and prevent the animal from coming into contact with these substances. If drains are used they shall be constructed in a manner to minimize foul odors and backup of sewage. If a drainage system is used it shall comply with federal, state, and local laws relating to pollution control.

(g) In the event that a pet shop has a pregnant or nursing dog on its premises, the pet shop shall provide a whelping box for such dog.

(h) Pet shops shall designate and provide an isolation area for animals that exhibit symptoms of contagious disease or illness. The location of such designated area must be such as to prevent or reduce the spread of disease to healthy animals.

2. Sanitation. Housing facilities, including primary enclosures and cages, shall be kept in a clean condition in order to maintain a healthy environment for the animal. This shall include removing and destroying any agents injurious to the health of the animal and periodic cleanings. The primary enclosure or cage shall be constructed so as to eliminate excess water, excretions, and waste material. Under no circumstances shall the animal remain inside the primary enclosure or cage while it is being cleaned with sterilizing agents or agents toxic to animals or cleaned in a manner likely to threaten the health and safety of the animal. Trash and waste products on the premises shall be properly contained and disposed of so as to minimize the risks of disease, contamination, and vermin.

3. Feeding and watering. (a) Animals shall be provided with wholesome and palatable food, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Animals shall be adequately fed at intervals not to exceed twelve hours or at least twice in any twenty-four hour period in quantities appropriate for the animal species and age, unless determined otherwise by and under the direction of a duly licensed veterinarian.

(c) Food receptacles shall be provided in sufficient number, size, and location as to enable each animal in the primary enclosure or cage to be supplied with an adequate amount of food.

(d) Animals shall be provided with regular access to clean, fresh water, supplied in a sanitary manner sufficient for its needs, except when there are instructions from a duly licensed veterinarian to withhold water for medical reasons.

4. Handling. Each animal shall be handled in a humane manner so as not to cause the animal physical injury or harm.

5. Veterinary care. (a) Any pet shop duly permitted pursuant to this chapter shall designate an attending veterinarian, who shall provide veterinary care to the shop's animals which shall include a written program of veterinary care and regular visits to the pet shop's premises. Such program of veterinary care shall include:

(i) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this article;

(ii) The use of methods determined to be appropriate by the attending veterinarian to prevent, control, and respond to diseases and injuries, and the availability of emergency, weekend, and holiday care;

(iii) Daily observation of all animals to assess their health and well-being; provided, however, that daily observation of animals may be accomplished by someone other than the attending veterinarian who has received the guidance identified in subparagraph (iv) of this paragraph; and provided, further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

(iv) Adequate guidance to personnel involved in the care and use of animals regarding handling and immobilization; and

(v) Pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

(b) All animals shall be inoculated as required by state or local law. Veterinary care appropriate to the species shall be provided without undue delay when necessary. Each animal shall be observed each day by the pet shop or by a person working under the pet shop's supervision.

(c) Within five business days of receipt, but prior to sale of any dog, the pet shop shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed to determine if the animal has any medical



conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal diagnosed with a contagious disease shall be treated and caged separately from healthy animals.

(d) If an animal suffers from a congenital or hereditary condition, disease, or illness which, in the professional opinion of the pet shop's veterinarian, requires euthanasia, the veterinarian shall humanely euthanize such animal without undue delay.

(e) In the event an animal is returned to a pet shop due to a congenital or hereditary condition, illness, or disease requiring veterinary care, the pet shop shall, without undue delay, provide the animal with proper veterinary care.

6. *Exercise requirements.* Pet shops shall develop, maintain, document, and implement an appropriate plan to provide dogs with the opportunity for daily exercise. In developing such plan, consideration should be given to providing positive physical contact with humans that encourages exercise through play or other similar activities. Such plan shall be approved by the attending veterinarian, and must be made available to the department upon request.

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

Referred to the Committee on Health.

Int. No. 56

By Council Members Crowley, Koo, Palma, Rose and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring photoelectric smoke detectors in residential buildings.**

*Be it enacted by the Council as follows:*

Section 1. Article 312 of title 28 of the administrative code of the city of New York, as amended by local law number 112 for the year 2013, is amended by adding a new section 28-312.6 to read as follows:

§ 28-312.6 *Smoke alarms in group R occupancies.* All smoke alarms installed in group R occupancies after October 1, 2014 shall be of the photoelectric type.

§2. This local law shall take effect on October 1, 2014, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 50

**Resolution calling upon the United States Congress to pass and the President to sign into law the Puppy Uniform Protection and Safety Act (S.395/H.R.847), which would require commercial breeders who sell their puppies directly to the public, including via the Internet, to be licensed and inspected by the United States Department of Agriculture and mandate that commercial breeding facilities provide dogs with daily exercise.**

By Council Members Crowley, Johnson, Arroyo, Constantinides, Koo, Levine, Mendez, Palma, Rose, Vacca and Vallone.

**Whereas**, Currently only breeders who sell dogs to pet stores or to puppy brokers are subject to federal oversight; and

**Whereas**, United States Senator Richard Durbin and Congressman Jim Gerlach have introduced the Puppy Uniform Protection and Safety Act (S.395/H.R.847), which would amend the Animal Welfare Act to require commercial breeders who sell their puppies directly to the public via any means of conveyance, including the Internet, to be licensed and inspected by the United States Department of Agriculture; and

**Whereas**, S.395/H.R.847 would also mandate that commercial breeding facilities provide dogs with daily exercise; and

**Whereas**, This federal legislation is directed at only large commercial breeding facilities and will not affect small breeders and hobby breeders who sell fewer than fifty dogs per year directly to the public; and

**Whereas**, S.395/H.R.847 would close a loophole in the Animal Welfare Act that allows thousands of commercial breeders to go unregulated; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign into law the Puppy Uniform Protection and Safety Act (S.395/H.R.847), which would require commercial breeders who sell their puppies directly to the public, including via the Internet, to be licensed and inspected by the United States Department of Agriculture and mandate that commercial breeding facilities provide dogs with daily exercise.

Referred to the Committee on State and Federal Legislation.

Res. No. 51

**Resolution calling on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.**

By Council Members Crowley, Constantinides, Koo, Palma and Vacca.

**Whereas**, Hit-and-run drivers not only endanger the lives of others, but also evade personal responsibility; and

**Whereas**, According to the American Automobile Association Foundation for Traffic Safety, approximately 11 percent of all police reported crashes involve at least one driver who flees the scene and nearly 1,500 people die annually in hit and run crashes; and

**Whereas**, In order to hold drivers accountable for their actions, in May 2005, the New York State Legislature amended §600 of the New York State Vehicle and Traffic Law ("VTL"), entitled "leaving scene of an incident without reporting," to remedy gaps in the law that gave intoxicated and reckless drivers an incentive to leave the scene of an accident when serious physical injury or death had occurred; and

**Whereas**, Prior to the May 2005 revision, a driver who was intoxicated and caused a death could, depending on the circumstances, be charged with vehicular manslaughter in the second degree, a class D felony carrying a penalty of up to 7 years imprisonment, yet if the driver left the scene and was no longer intoxicated at the time he or she was apprehended, the most with which the driver could be charged was criminally negligent homicide, a class E felony, carrying a penalty of up to 4 years imprisonment; and

**Whereas**, The State Legislature closed this gap by making it a class D felony for a person to leave the scene of an accident when death results from the accident; the Legislature also increased the penalty for those who leave the scene of an accident when personal injury results, from a B misdemeanor to an A misdemeanor; and

**Whereas**, Despite these changes to the law, the State Legislature failed to address the burden of proof problems in prosecuting these cases; and

**Whereas**, In order to secure a conviction, a prosecutor must still prove that the driver knew or had reason to know that personal injury, serious physical injury, or death resulted from the accident; and

**Whereas**, Prosecutors often face substantial difficulties attempting to prove that a driver fleeing the scene of an accident knew or should have known of an injury or death, particularly when the driver who is fleeing is intoxicated; and

**Whereas**, In cases where a serious physical injury or death results, a driver who leaves the scene of an accident should be strictly liable and charged with leaving the scene and causing the injury or death without the prosecutor being required to demonstrate that the driver knew of or had cause to know of the injury or death; and

**Whereas**, In addition to the burden of proof problems, the current penalties associated with leaving the scene of an accident do not accurately reflect the severity of the crime; and

**Whereas**, A.1533, sponsored by Assembly Member Steven Cymbrowitz and currently pending in the New York State Assembly, and companion bill S.2503, sponsored by State Senator Martin J. Golden and currently pending in the New York State Senate, seek to amend the VTL by increasing various penalties associated with the offense of leaving the scene of an accident without reporting it; and

**Whereas**, A.1533/S.2503 would allow prosecutors to charge a driver who leaves the scene of an accident where personal injury results from the accident with a class E felony and subject them to a fine of between \$1,000 and \$1,500; any subsequent offense would constitute a class D felony and carry a fine of between \$1,500 and \$3,000; and

**Whereas**, Furthermore, under this legislation, a driver convicted of leaving the scene when serious physical injury resulted from the accident would be charged with a class D felony and subject to a fine of between \$1,500 and \$5,500; if the accident resulted in a death, the driver would be charged with a class C felony and subject to a fine of between \$2,500 and \$5,500; and

**Whereas**, Drivers who are irresponsible and callous should be penalized appropriately, and drivers who seriously injure and kill others, then flee the scene, should be strictly liable for such actions; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

Referred to the Committee on Public Safety.

Res. No. 52

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation to amend the State Social Services Law, allowing the New York City Human Resources Administration to grant day care assistance to parents who attend four year educational institutions.**

By Council Members Cumbo, Koo, Levine, Palma, Rose and Levin.

**Whereas**, According to the National Institutes of Health, children in high quality day care programs tend to score higher on tests of cognitive and academic ability later in life; and

**Whereas**, According to the New York Times, the average annual cost of full-time day care in New York State is \$14,939, or 16.5% of the state median income for married couples; and

**Whereas**, This relatively high cost can make day care difficult for many parents to afford, potentially putting their children at an educational disadvantage; and

**Whereas**, New York State Social Service Law permits a social services district, like the New York City Human Resources Administration, to use funds allocated from the State Child Care Block Grant to provide assistance to supplement the cost of day care to certain parents or guardians; and

**Whereas**, Under this Social Service Law, eligible parents or guardians include those who work full time jobs, are engaged in community service, attend high school or an equivalent training program, are physically or mentally incapacitated, or have family duties away from home which necessitate their absence; and

**Whereas**, Parents or guardians attending four year educational institutions are not considered eligible to receive child care assistance; and

**Whereas**, However, parents or guardians who attend four year educational institutions are taking steps to improve the economic wellbeing of their families, and should not be discouraged from doing so by an inability to pay for day care for young children; and

**Whereas**, Extending eligibility for day care assistance to parents or guardians in four year educational institutions would allow them to both send their children to daycare and continue their own education; 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 legislation to amend the State Social Services Law, allowing the New York City Human Resources Administration to grant day care assistance to parents who attend four year educational institutions.

Referred to the Committee on General Welfare.

Int. No. 57

By Council Members Dromm, Mendez, Palma, Rose and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to imposing fines for publicly accessible collection bins.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 10-169 of Title 10 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

5. *If the publicly accessible collection bin has not been removed within thirty days from the notice given by the department of sanitation as set forth in paragraph four of this subdivision or within thirty days from a denial of an objection by the owner pursuant to paragraph four of this subdivision, whichever is later, the owner of the bin or bins and the owner of the land where the bin or bins are located shall be liable for a civil penalty returnable to the environmental control board of not less than seventy five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 58

By Council Members Dromm, Arroyo, Koo, Mendez and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring adolescent development training for correction officers.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-134 to read as follows:

§9-134 *Adolescent development training. The department shall furnish eight hours of training in adolescent development to all correction officer staff. Correction officers must complete this training prior to their appointment or within one year after appointment. The training shall be provided at the expense of the department and by an instructor with an advanced academic degree in adolescent development or related subject as well as at least two years experience in providing instruction. The department shall furnish the training curriculum to the Council once it is established, and at any time thereafter when it is substantially updated or changed. For the purposes of this section, adolescent development shall be defined as the process through which adolescents acquire cognitive, physical, psychological and emotional abilities.*

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

Referred to the Committee on Juvenile Justice.

Int. No. 59

By Council Members Dromm, Mendez and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale and use of gas-powered leaf blowers.**

*Be it enacted by the Council as follows:*

Section 1. Section 24-242 of the administrative code of the city of New York is amended to read as follows:

§24-242 Lawn Care Devices. (a) No person shall operate, [or] use, or cause to be operated or used, any lawn care device:

(1) On weekdays before eight a.m. and after seven p.m. or sunset, whichever occurs later; or

(2) On weekends and New York state and federal holidays before nine a.m. and after six p.m., *except that no gas-powered leaf blower shall be used before noon on these days;* or

(3) At any time in such a way as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to an aggregate sound level of 65 [db(A)] dB(A) or more *for all non-gas-powered leaf blower lawn care devices, and an aggregate sound level exceeding 65 dB(A) for gas-powered leaf blowers*, attributable to the source or sources, as measured at any point within a receiving property. The provisions of paragraph (1) of this subdivision shall not apply to an employee of the department of parks and recreation or an agent or contractor of the department of parks and recreation who operates or uses or causes to be operated or used any lawn care device between the hours of seven a.m. and eight a.m. in any location more than three hundred feet from any building that is lawfully occupied for residential use. The distance of three hundred feet shall be measured in a straight line from the point on the exterior wall of such building nearest to any point in the location at which such lawn care device is operated or used or caused to be operated or used.

(b) No person shall operate, [or] use, or cause to be operated or used, any *gas-powered leaf blower* [not equipped with a functioning muffler] *between or on the dates of May fifteenth and September fifteenth of any calendar year.*

(c) *No person shall operate, use, or cause to be operated or used, a gas-powered leaf blower rated to produce a maximum sound level in excess of 65 dB(A) as determined in accordance with the most current version of American national standards institute (ANSI) B175.2-2000.*

§2. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

**SUBCHAPTER 13**

**Gas-Powered Leaf Blowers**

§ 20-699.7 *Prohibited gas-powered leaf blower sales. It shall be unlawful for any person to distribute, sell, or offer for sale any gas-powered leaf blower rated to produce a maximum sound level in excess of 65 dB(A) measured fifty feet from the source as determined in accordance with the most current version of American national standards institute (ANSI) B175.2-2000.*

§ 20-699.8 *Penalty. Any person who violates any provision of this subchapter shall be subject to a civil penalty of not more than two hundred dollars, except where such person has previously been found to have violated any provision of this subchapter in the previous twenty-four months, in which case the person shall be subject to a civil penalty of not less than two hundred nor more than one thousand dollars.*

§3. This local law shall take effect one year after its enactment.

Referred to the Committee on Environmental Protection.

Res. No. 53

**Resolution calling on the New York State Legislature to pass and the Governor to sign the Humane Alternatives to Long-Term Solitary Confinement Act.**

By Council Members Dromm, Levine, Mendez, Palma, Rose and Rosenthal.

**Whereas**, Solitary confinement typically constitutes a special form of imprisonment by segregating an inmate for 23 hours a day and disallowing any contact with the outside world; and

**Whereas**, According to various sources, an increasing number of jurists throughout the world have concluded that solitary confinement constitutes cruel and unusual punishment and view solitary confinement as a form torture; and

**Whereas**, According to a recent report released by the New York Civil Liberties Union, New York State currently houses approximately 4,500 inmates in solitary confinement; and

**Whereas**, Inmates in solitary confinement are generally deprived of all meaningful human interaction or mental stimulation, confined to small barren cells; and

**Whereas**, New York State must take a more proactive approach to not only properly protect inmates in New York State prisons and jails, but must adopt better standards that reaffirm the State's commitment to respect inmates' human dignity; and

**Whereas**, A.8588, sponsored by Assembly Member Jeffrion L. Aubry and currently pending in the New York State Assembly, and companion bill S.6466, sponsored by State Senator Bill Perkins and currently pending in the New York State Senate, seek to amend the New York State Correction Law by restricting the use of segregated confinement and creating alternative therapeutic and rehabilitative confinement options; and

**Whereas**, A.8588/S.6466 is also known as the Humane Alternatives to Long-Term Solitary Confinement Act or "HALT Act"; and

**Whereas**, The HALT Act would amend the New York State Correction Law by limiting the time an inmate spends in segregated confinement to a maximum of 15 consecutive days and a total of 20 days during a 60-day period; and

**Whereas**, The HALT Act would end the segregated confinement of vulnerable people, including, but not limited to, individuals with physical or mental disabilities; and

**Whereas**, Furthermore, the HALT Act would create alternatives to isolated confinement by providing a new Residential Rehabilitation Unit for meaningful human contact and therapeutic services and rehabilitative programs aimed at addressing underlying causes of behavior; and

**Whereas**, New York State should establish parameters on who can and cannot be placed in solitary confinement and provide appropriate therapeutic services to individuals who are in need; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign the Humane Alternatives to Long-Term Solitary Confinement Act.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 54

**Resolution calling upon the New York City Department of Education to provide a halal lunch menu option to students at New York City public schools.**

By Council Members Espinal, Arroyo, Constantinides, Gentile, Lancman, Levine, Mendez and Palma.

**Whereas**, The New York City Department of Education (DOE) is the largest system of public schools in the United States (U.S.), serving approximately 1.1 million students in more than 1,800 schools; and

**Whereas**, According to the DOE, its office of School Food serves approximately 850,000 meals a day to students in public schools, of which more than 700,000 are provided at no charge; and

**Whereas**, Although numbers cited for the demographics of Muslims vary greatly as the U.S. Census is forbidden by law from asking about religious beliefs and affiliation, a 2011 study by the Pew Research Center estimates the demographics at 2.6 million Muslims in the U.S.; and

**Whereas**, The Tanenbaum Center for Interreligious Understanding, a secular, non-sectarian nonprofit organization striving to combat religious prejudice in schools, workplaces, health care settings and areas of armed conflict, has estimated that over 700,000 Muslims live in New York City today; and

**Whereas**, A 2008 report from Columbia University Teacher's College roughly estimates there are 120,000 Muslim students in New York City public schools, approximately 12 percent of the City's student population; and

**Whereas**, The practice of Islam is determined by the Islamic teachings as guided by the holy book Quran and the Hadith, and sayings of the Prophet Mohammad, which includes observing dietary laws; and

**Whereas**, Islamic dietary laws delineate foods that are halal, meaning lawful or permitted, and those that are haram, meaning not permitted; and

**Whereas**, Haram foods include pork and its by-products, meat and poultry not slaughtered according to the Islamic dietary law, alcohol and foods prepared with and containing alcohol, foods containing blood and blood by-products, and foods containing whey prepared with non-microbial enzyme, rennet, animal shortening, monoglycerides and diglycerides from an animal source, sodium stearoyl lactylate, and L-cysteine; and

**Whereas**, The suburban city of Dearborn, Michigan has the largest Muslim population in the U.S., accounting for 60 percent of its approximate 100,000 residents; and

**Whereas**, According to the Arab-American Institute, 35 percent of Dearborn's 17,000 students are Muslim; and

**Whereas**, In 2001, Dearborn Public Schools introduced a pilot program incorporating halal options for school lunches, thereby providing meals that meet Islamic standards; and

**Whereas**, According to the Dearborn Patch, as of today, the pilot program has grown to a rate of more than half of Dearborn's 32 public schools offering halal options for Muslim students; and

**Whereas**, Without the halal school lunch option, Muslim students are often compelled to adjust by consuming only the vegetarian options at school; and

**Whereas**, Muslim students also accommodate by bringing packed lunches from home, which often go cold by lunch time, as they eat alongside their peers with hot lunches from the school cafeteria; and

**Whereas**, Halal foods and meats become contaminated if they touch a haram product or share a blade or any utensil used for haram foods, and if they are cooked with or alongside haram foods; therefore many Muslim children avoid school lunches and consequently do not eat all day, depriving them of the nutrition and energy needed to carry on with the school day; and

**Whereas**, New York City's public schools should be required to offer lunch options that meet Islamic dietary laws, thereby ensuring that Muslim students are meeting religious standards and are not virtually excluded from the school lunch system; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to provide a halal lunch menu option to students at New York City public schools.

Referred to the Committee on Education.

Res. No. 55

**Resolution calling upon the New York State Legislature to increase funding for the Summer Youth Employment Program to prevent the elimination of 3,700 slots due to the minimum wage increase.**

By Council Members Eugene, Arroyo, Dickens, Espinal, King, Koo, Levine, Mendez, Palma, Richards, Rose and Rosenthal.

**Whereas**, The Summer Youth Employment Program ("SYEP") provides New Yorkers between the ages of 14 and 21 years of age with summer employment and educational opportunities; and

**Whereas**, SYEP participants can work for up to six weeks performing entry level jobs including clerical work, customer service, childcare, web design and community service at various organizations such as government agencies, hospitals, summer camps, non-profits, small businesses, law firms, museums, sports enterprises and retail organizations; and

**Whereas**, The educational component of SYEP provides applicants with training that includes workshops regarding job readiness, career exploration, and financial literacy; and

**Whereas**, There are four SYEP service options including younger youth, older youth, vulnerable youth, and ladders for leaders, which are designed to meet the varying developmental needs of participants; and

**Whereas**, The number of youth with disabilities participating in SYEP has steadily increased from 1000 youth in 2004 to 3,812 youth in 2009 at the height of the program; and

**Whereas**, SYEP helps local businesses by providing them with a pool of ambitious young workers, and stimulates the local economy by allowing young people to earn a steady wage and use such wages for various purchases such as food and clothing; and

**Whereas**, In 2013, according to the Department of Youth and Community Development's Annual Summary, 135,388 young people submitted applications to participate in SYEP; however, due to a the funding cap of \$45.6 million, only twenty-seven percent of applicants (35,957 participants) were permitted to enroll; and

**Whereas**, On December 31, 2013, New York State's minimum wage increased to \$8.00 an hour, which means that SYEP participants' wages will increase from \$7.25 per hour in 2013 to \$8.00 an hour in 2014; and

**Whereas**, The increase in the minimum wage will result in the elimination of 3,700 SYEP slots unless the New York State budget for SYEP is increased from \$27.5 million to \$35 million; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to increase funding for the Summer Youth Employment Program to prevent the elimination of 3,700 slots due to the minimum wage increase.

Referred to the Committee on Youth Services.

Int. No. 60

By Council Members Ferreras, Johnson, Koo, Mendez, Palma, Richards, Vallone, Williams and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination based on an individual's actual or perceived status as a nursing mother.**

*Be it enacted by the Council as follows:*

Section 1. Section 8-101 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 10 for the year 2008, is amended to read as follows:

## § 8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, *status as a nursing mother*, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person, or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 2. Section 8-102 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 28 to read as follows:

28. *The term "nursing mother" means a mother who feeds a child directly from her breast or expresses milk from her breast for a child.*

§ 3. Subparagraphs a, b, c and d of subdivision 1 of section 8-107 of chapter one of title eight of the administrative code of the city of New York are amended to read as follows:

## 1. Employment. It shall be an unlawful discriminatory practice:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *status as a nursing mother*, sexual orientation or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *status as a nursing mother*, sexual orientation or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *status as a nursing mother*, sexual orientation or alienage or citizenship status of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, gender, disability, marital status, partnership status, *status as a nursing mother*, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

§ 3. Subparagraphs b, c and d of subdivision 2 of section 8-107 of chapter one of title eight of the administrative code of the city of New York are amended to read as follows:

(b) To deny to or withhold from any person because of his or her actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, *status as a nursing mother*, sexual orientation or alienage or citizenship status the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program.

(c) To discriminate against any person in his or her pursuit of such program or to discriminate against such a person in the terms, conditions or privileges of such program because of actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, *status as a nursing mother*, sexual orientation or alienage or citizenship status.

(d) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for such program or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, marital status, partnership status, *status as a nursing mother*, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

Section 8-107 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 23 to read as follows:

(23) *Employment; status as a nursing mother. a. Any person prohibited by this section from discriminating on the basis of status as a nursing mother shall make reasonable accommodation to enable a person who is a nursing mother to satisfy the essential requisites of a job, provided that such employee's status as a nursing mother is known or should have been known by the employer. In any case pursuant to this subdivision where the need for reasonable accommodation is placed in issue, it shall be an affirmative defense that the person aggrieved by the alleged discriminatory practice could not, with reasonable accommodation, satisfy the*

*essential requisites of the job.*

*b. Notice of rights. An employer shall provide written notice in a form and manner to be determined by the commission of the right to be free from discrimination in relation to status as a nursing mother pursuant to this section to new employees at the commencement of employment and existing employees within one hundred twenty days after the effective date of the local law that added this subdivision.*

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

Referred to the Committee on Civil Rights.

Int. No. 61

By Council Members Ferreras, Constantinides, Eugene, Gentile, King, Koo, Lancman, Mendez, Palma, Richards, Rose, Vacca, Vallone and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to notify schools of crimes against children within 1,000 feet of certain schools.**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-155, to read as follows:

§ 14-155. *School notification program. The New York City Police Department shall notify schools of reported crimes involving children that occur in close proximity to schools in accordance with the following:*

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

1. *"School" shall mean any buildings, grounds, facilities, property, or portion thereof under the jurisdiction of the New York city department of education or any non-public school that provides educational instruction to students at or below the twelfth grade level.*

2. *"Crime" shall be any misdemeanor or felony defined in the New York State Penal Code or any misdemeanor defined in the Administrative Code of the City of New York.*

*b. When the Department receives a report of an alleged crime perpetrated against a child under the age of eighteen at or within one thousand feet of a school, the Department must notify any school within 1,000 feet of the crime as soon as practical, unless the Department determines that to do so would jeopardize its investigation of such crime.*

*c. The Department shall promulgate rules regarding the manner in which all notifications shall be given including designating who in the Department shall give the notification and who in the school will receive it.*

§2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Public Safety.

Res. No. 56

**Resolution calling upon the New York City Department of Education to regularly review the use and condition of transportable classrooms and to limit the amount of time that transportable classrooms are used in New York City public schools.**

By Council Members Ferreras, Barron, Arroyo, Constantinides, Mendez, Palma, Rose, Williams and Rosenthal.

**Whereas**, A transportable classroom is a temporary building installed on the grounds of a school to provide additional classroom space and to address overcrowding issues; and

**Whereas**, Transportable classrooms are normally removed once the capacity situation subsides, a permanent addition is made to the school building, or a new school opens in the area; and

**Whereas**, When properly installed and maintained, transportable classrooms can have a long useful life; and

**Whereas**, Although temporary classrooms can be a quick fix to overcrowding in schools, there are many implications that a transportable classroom has for the learning environment; and

**Whereas**, In the 2012-13 school year, there were 352 transportable classroom units in use in New York City Department of Education schools; and

**Whereas**, According to the National Center for Education Statistics, public school principals report numerous problems associated with temporary classrooms including lighting, air conditioning, heating, ventilation, noise control, size, and the physical condition of buildings; and

**Whereas**, Further, some transportable classrooms are not equipped with proper or adequate bathrooms; and

**Whereas**, Among the most crowded schools in the city, for example, is Public School 19 in Corona, Queens, which has five transportable classrooms that were supposed to be temporary; and

**Whereas**, Eighteen years after construction the heating system in the transportable classrooms has begun to fail and children are forced to sit through lessons wearing coats and scarves; and

**Whereas**, Often these temporary units become permanent fixtures in growing school districts; and

**Whereas**, When transportable units are deemed the only viable option available, the amount of time they will be used should be anticipated and those units should be constructed out of the most durable materials in order to ensure the longest and healthiest useful life; and

**Whereas**, As of the 2012-13 school year, New York City's transportable classrooms had an enrollment of 7,158 students, the lowest number of students since the DOE began reporting this data to the Council in 2005; and

**Whereas**, It is important to set limits on the amount of time that transportable units can be used for schools in order to deter these provisional structures from becoming a long-term rather than a short-term solution and to further decrease the number of students in temporary classrooms; and

**Whereas**, Due to the use of transportable units, children may become sick, especially in the winter, due to inadequate heat in the temporary structure or from having to frequently go outside to access the main school building; and

**Whereas**, The physical condition of transportable units should be closely monitored and any needed repairs should be completed promptly; and

**Whereas**, The DOE should replace transportable units that are beyond their useful lives with newer ones to ensure that educational facilities are not in disrepair; and

**Whereas**, The DOE should proactively strive to phase out the use of transportable classrooms except to address short term capacity needs; and

**Whereas**, The DOE should reduce to five the number of years that transportable units can be used to supplement space in any school or school building; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to regularly review the use and condition of transportable classrooms and to limit the amount of time that transportable classrooms are used in New York City public schools.

Referred to the Committee on Education.

Int. No. 62

By Council Members Garodnick, Dickens, King, Koo, Mendez, Palma, Rose and Rosenthal.

**A Local Law to amend the New York city charter, in relation to requiring notice on former poll sites.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c, to read as follows:

§ 1057-c *Notice at former poll sites.* *On the day of any primary, special, or general election, prior to the opening of the polls, the board of elections shall post a notice on or near the main entrance or entrances of each building that was used as a poll site in any primary, special, or general election in any of the four calendar years prior to such day, but which is not being used as a poll site for the election being held on such day. Such notice shall only be required at former poll sites that covered one or more election districts in which an election is being held on such day. Such notice shall include, but not be limited to: (i) a statement that the building is not in use as a poll site for such election, (ii) the address or addresses of the poll site or sites that are being used for such election, accompanied by a list of the election districts being served at each such poll site; (iii) the website for the board of elections' official poll site locator; and (iv) the board of elections phone number that may be called for poll site information.*

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

Referred to the Committee on Governmental Operations

Int. No. 63

By Council Members Gentile, Arroyo, Dickens, Koo, Palma, Richards, Rose, Vacca and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to issuing all community board chairs an official New York City parking placard.**

*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 19-175.5 to read as follows:

§ 19-175.5 *Parking placards for community board chairs.* *The department shall issue to any chair of a community board within the city of New York upon request a parking placard that permits such chair to park where parking or standing is otherwise prohibited, except where standing is prohibited by all vehicles, and exempts such chair from the requirement to use an authorized payment method for a metered parking space or to comply with signage indicating the time limit for such metered parking. Such chair shall only use such placard while acting within the scope of his or her duties as chair, and shall surrender such placard to the department upon the completion of his or her service as chair. The department may require such chair to surrender such placard if such placard is used by such chair outside the scope of his or her service as chair, or if such chair permits such placard to be transferred to another person.*

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

Referred to the Committee on Transportation.

Int. No. 64

By Council Members Gentile, Chin, Cornegy, Dickens, Koo, Rose and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting the issuance of notices of violations to food service establishments during certain times.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding new section 17-198 to read as follows:

a. "Food service establishment" shall have the same meaning as such term is defined in section 17-1501 of chapter 15 of title 17.

b. The department shall be prohibited from conducting inspections and issuing notices of violations to food service establishments during the hours of 12:00 p.m. to 2:00 p.m., and 6:00 p.m. to 10:00 p.m.

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

Referred to the Committee on Health.

Int. No. 65

By Council Members Greenfield, Arroyo, Eugene, Koo, Lancman, Levine, Palma, Rose, Vallone and Torres.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to assign school safety agents to public and nonpublic schools, upon the request of such schools.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§14-155. *Provision of school safety agents to nonpublic schools.*

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

1. "Public school" shall mean any school in a building owned or leased by the New York city department of education, including charter schools, that contains any combination of grades from kindergarten through grade twelve; and

2. "Nonpublic school" shall mean any non-profit elementary or secondary school in the city of New York, other than a public school, which is providing instruction in accordance with the education law of the state of New York.

b. *The New York city police department shall, upon request of the authorities of a public or nonpublic school, assign no less than one school safety agent to such school within ten business days, or as many school safety agents above one agent that the NYPD deems necessary.*

§2. This local law shall take effect 120 days after it is enacted into law, provided that the department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Public Safety.



Int. No. 66

By Council Members Ignizio, Matteo, Koo, Ulrich and Palma (by request of the Staten Island Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to decreasing the Campaign Finance Board's public funding matching funds rate during times of fiscal emergency.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision two of section 3-705 of the administrative code of the city of New York, as amended by local law number 34 for the year 2007, is amended to read as follows:

(a) If the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of six dollars for each one dollar of matchable contributions, up to one thousand fifty dollars in public funds per contributor (or up to five hundred twenty-two dollars in public fund per contributor in the case of a special election), obtained and reported to the campaign finance board in accordance with the provisions of this chapter[.]; *except that, if, in the year of a primary or general election, and prior to the deadline for filing a certification as set by the board pursuant to paragraph (c) of subdivision (1) of section 3-703, the mayor's office of management and budget projects, in a financial plan issued pursuant to section 258 of the charter, that the city's budget gap will equal or exceed two billion dollars, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of two dollars for each one dollar of matchable contributions, up to three hundred fifty dollars in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter.*

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 67

By Council Members Ignizio, Matteo, Koo, Ulrich and Palma (by request of the Staten Island Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the minimum thresholds for eligibility for public funding for candidates for city council.**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (iv) of paragraph (a) of subdivision two of section 3-703 of the administrative code of the city of New York, as amended by local law 67 for the year 2007, is amended to read as follows:

(iv) member of the city council, not less than [five] *ten* thousand dollars in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least [seventy-five] *one hundred fifty* matchable contributions of ten dollars or more from residents of the district in which the seat is to be filled.

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 68

By Council Members Ignizio, Matteo, Rose, Koo, Palma and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to the posting of a sign indicating that a traffic-control signal photo violation-monitoring system is in operation.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (d) of section 19-210 of title nineteen of the administrative code of the city of New York is amended to read as follows:

(d) For purposes of this section, "traffic-control signal photo violation-monitoring system" shall mean a device installed to work in conjunction with a traffic-control signal which, during operation, automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law. *Such "traffic-control signal photo violation-monitoring system" shall include signs, visible to traffic approaching from all directions, to warn drivers that such a system is in operation at an intersection.*

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

Referred to the Committee on Transportation.

Int. No. 69

By Council Members Ignizio, Matteo, Koo and Ulrich (by request of the Staten Island Borough President).

**A Local Law to amend the New York city charter, in relation to the review of patterns of contractual spending by the city agencies with not-for-profit organizations.**

*Be it enacted by the Council as follows:*

Section 1. Section 30 of the New York city charter is amended to read as follows:

§30. Council review of city procurement policies and procedures. The council shall periodically review all city procurement policies and procedures, including:

1. the rules and procedures adopted by the procurement policy board, all rules relating to the participation of minority and women owned business enterprises in the city's procurement process and the implementation of those rules and procedures by city agencies;

2. patterns of contractual spending by city agencies, including determinations of the need to contract made by agencies in accordance with rules of the procurement policy board;

3. *patterns of contractual spending by city agencies with not-for-profit organizations and patterns of spending by not-for-profit organizations that receive city funding comprising one hundred thousand dollars or more of the budget of such organization;*

[3]4. access to and fairness in city procurement opportunities, the fair distribution of contract awards, and the fair employment practices of city contractors;

[4]5. procedures for evaluating contractor performance; and

[5]6. procedures for declaring bidders not responsible and for debarring contractors.

§2. This local law shall become effective immediately.

Referred to the Committee on Contracts.

Int. No. 70

By Council Members Ignizio, Matteo, Koo and Ulrich (by request of the Staten Island Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to city contracts with not-for-profit organizations in the amount of \$100,000 or more.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph i of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law 5 for the year 1991, the opening paragraph as amended by local law 44 for the year 1992, subparagraph 1 as amended by local law number 21 for the year 1992, subparagraph 22 as amended and subparagraph 23 as added by local law number 49 for the year 1992, is hereby amended to read as follows:

b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York city affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to:

(1) the current addresses and telephone numbers of:

A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different,

B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site,

C. any other names under which the contractor has conducted business within the prior five years, and

D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years;

(2) the dun & bradstreet number of the contractor, if any;

(3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract;

(4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation;

(5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years;

(6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers;

(7) the names, current business addresses and telephone numbers, taxpayer identification numbers and employer identification numbers of affiliates of the contractors;

(8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers;

(9) the principal owners and officers of every subcontractor;

(10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section;

(11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract;

(14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending;

(15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor;

(16) whether city of New York income tax returns, where required, have been filed for the past five years;

(17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city;

(18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity;

(19) criminal proceedings pending against the contractor and any principal owner or officer of such contractor;

(20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status;

(21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates;

(22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending;

(23) the name and main business address of anyone who the contractor retained, employed or designated influence the preparation of contract specifications or the solicitation or award of this contract[.];

(24) *if the contractor is a not-for-profit organization, the compensation, including salary, bonuses, and any other type of remuneration for services to the organizations, of each officer of such not-for-profit organization and the compensation of the three highest paid employees;*

(25) *if the contractor is a not-for-profit organization, the most recent completed Federal 990 form with regard to the organization.*

§2. Subdivision i of section 6-116.2 of the administrative code of the city of New York is hereby amended to read as follows:

i. Except as otherwise provided, for the purposes of subdivision b of this section,

[(1)] "affiliate" shall mean an entity in which the parent of the contractor owns more than fifty percent of the voting stock, or an entity in which a group of principal owners which owns more than fifty percent of the contractor also owns more than fifty per cent of the voting stock;

[(2)] "cautionary information" shall mean, in regard to a contractor, any adverse action by any New York city affiliated agency, including but not limited to poor performance evaluation, default, non-responsibility determination, debarment, suspension, withdrawal of prequalified status, or denial of prequalified status;

[(3)] "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at one hundred thousand dollars or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at ten thousand dollars or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at one hundred thousand dollars or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by paragraphs 7, 8, 9 and 12 of subdivision b of this section, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review committee, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

[(4)] "contractor" shall mean and include all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract, as defined in paragraph three herein, with an agency, New York city affiliated agency, elected official or the council;

[(5)] "officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known[.];

[(6)] "New York city affiliated agency" shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials, but shall not include any entity established under the New York city charter, this code or by executive order, any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility;

*"not-for-profit organization" shall mean any 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;*

*"officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;*

[(7)] "parent" shall mean an individual, partnership, joint venture or corporation which owns more than fifty percent of the voting stock of a contractor;

[(8)] "principal owner" shall mean an individual, partnership, joint venture or corporation which holds a ten percent or greater ownership interest in a contractor or subcontractor;

[(9)] "subcontract" shall mean any contract[, as defined in paragraph three herein.] between a subcontractor and a contractor; and

[(10)] "subcontractor" shall mean an individual, sole proprietorship, partnership, joint venture or corporation which is engaged by a contractor pursuant to a contract[, as defined in paragraph three herein].

§3. Title 6 of the administrative code of the city of New York is hereby amended to add a new section 6-116.3 to read as follows:

*§6-116.3 Not-for-profit organizations compensation report. a. Not later than October first of each year, the mayor and the comptroller shall submit to the speaker of the city council a report detailing the one hundred most highly compensated officers or employees of not-for-profit organizations for which information was collected pursuant to subparagraph 24 of paragraph i of subdivision b of section 6-116.2. Such report shall include:*

*(1) the name of the officer or employee;*

*(2) the name of the not-for-profit organization in which such officer or employee serves;*

*(3) total number of contracts registered to such organization in the preceding fiscal year;*

*(4) the total value of such contracts;*

*(5) the agency, elected official and/or council that awarded such contracts; and*

*(6) the goods or services procured pursuant to such contracts.*

§4. This law shall take effect forty-five days after its enactment into law and shall apply to contracts for which a request for bids or proposals is issued on or after the effective date.

Referred to the Committee on Contracts.

Int. No. 71

By Council Members Ignizio, Matteo, Koo and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to pedestrian countdown signals.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

§ 19-190 *Pedestrian countdown signals. a. Definitions. 1. "Pedestrian countdown signal" shall mean any automated digital reading that counts down seconds until a pedestrian may no longer safely cross the street.*

*2. "Traffic-control signal photo violation-monitoring system" shall have the same meaning as in section 19-210 of this title.*

*b. The department shall install a pedestrian countdown signal at any such location where a traffic-control signal photo violation-monitoring system is installed.*

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

Referred to the Committee on Transportation.

Int. No. 72

By Council Members Johnson and Koo (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to reporting and posting online information pertaining to mobile food vendors.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new section 325.2 to read as follows:

§ 17-325.2 *Report on Mobile Food Vending. a. The department shall prominently post the following information on the section(s) of the department's website relating to mobile and temporary food vendors:*

*(i) the number of mobile food vendor licenses issued to individuals;*

*(ii) the number of full-term mobile food permits issued for pushcarts pursuant to section 17-307(b)(2)(a);*

*(iii) the number of full-term mobile food permits issued for vehicles pursuant to section 17-307(b)(2)(a);*

*(iv) the number of full-term mobile food permits issued for pushcarts pursuant to section 17-307(b)(2)(b), disaggregated by borough;*

*(v) the number of full-term mobile food permits issued for vehicles pursuant to section 17-307(b)(2)(b), disaggregated by borough;*

*(vi) the number of full-term mobile food permits issued for pushcarts pursuant to section 17-307(b)(3)(a); and*

*(vii) the number of full-term mobile food permits issued for vehicles pursuant to section 17-307(b)(3)(a).*

*b. The obligations of the department under this section shall be continuing and the department shall ensure that all information provided pursuant to this section is accurate and current. At a minimum the department shall update such information on a monthly basis.*

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

Referred to the Committee on Health

Int. No. 73

By Council Members Johnson, Arroyo, Constantinides, Levine, Rose and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to updating the definition of "pet shop" within the Animal Abuse Registration Act.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision i of section 17-1601 of chapter 16 of Title 17 of the administrative code of the city of New York is amended to read as follows:

i. "Pet shop" shall mean a facility [required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code,] *other than an animal shelter* where [dogs and/or cats] *live animals* are sold, exchanged, bartered,

or offered for sale as pet animals to the general public at retail for profit.

§ 2. This local law shall take effect on May 5, 2014, unless this local law is enacted after May 5, 2014, in which case it shall take effect immediately.

Referred to the Committee on Health.

Int. No. 74

By Council Members King, Arroyo, Chin, Dickens, Koo, Levine, Palma, Rose, Williams and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the removal of trees downed as a result of a severe weather event.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

§18-142 *Tree removal protocol. a. The department, in consultation with the office of emergency management, department of sanitation and local electric corporations, shall develop a protocol for the removal of trees that have been downed or damaged as a result of weather or climate events. Such protocol shall require the department:*

*1. to establish effective means of communication with local electric corporations so that the department is notified in a timely manner of downed or damaged trees that have fallen on powered electrical wires or cables, and whether such trees are safe to be removed;*

*2. to effectively coordinate department personnel engaged in tree removal, including the office of emergency management and the department of sanitation, upon receiving information regarding the status of downed and damaged trees;*

*3. to establish a system whereby each instance of downed or damaged trees is provided with a unique identifier or tracking number and a method to notify the electrical corporation when such downed or damaged tree has been removed; and*

*4. to establish a system whereby department personnel engaged in tree removal may be deployed with local electric corporation personnel to assess and remove downed trees that have fallen on powered electrical wires or cables.*

*b. The department shall publish such protocol on its website and submit a description of such protocol to the mayor and council by July first of each year.*

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

Referred to the Committee on Parks and Recreation.

Res. No. 57

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.6244/S.6412, an act that would amend the criminal procedure law in relation to protecting against unwarranted surveillance.**

By Council Members King, Mendez, Levin and Levine.

**Whereas**, Unmanned Aircraft Systems ("UAS"), more commonly known as drones, are aircraft without human pilots; and

**Whereas**, Drones can be operated remotely through the use of either a computer keyboard and a mouse or a joystick, or can be programmed to fly autonomously; and

**Whereas**, Some drones are equipped with a variety of capabilities, including a Global Positioning System ("GPS") sensor, autopilot, or video recording device; and

**Whereas**, According to a *New York Times* article, armed and unarmed drones have been used by the United States ("U.S.") for military operations, in countries such as Pakistan and Yemen; and

**Whereas**, Even though the U.S. military reports that so called drone strikes target members of various terrorist organizations, such strikes have caused civilian casualties; and

**Whereas**, A recent report by Amnesty International states that at least 19 civilians within the area of North Waziristan, Pakistan, were killed in just two of the drone attacks since January 2012; and

**Whereas**, In addition to the human toll, drone strikes also have a psychological impact on these communities; and

**Whereas**, Drones, however, are not confined to military use and are now being used for civilian purposes; and

**Whereas**, According to the Federal Aviation Administration ("FAA") website, the agency has authorized limited use of drones for important missions with a public interest, such as firefighting, disaster relief, search and rescue, law enforcement, border patrol, military training, testing and evaluation; and

**Whereas**, According to a *New York Times* article, drones are also being used by the U.S. Department of Homeland Security to patrol the U.S. borders and ports, and by certain police departments, including those in Miami, Florida and Mesa County, Colorado, which use drones for local law enforcement purposes; and

**Whereas**, The use of drones raises significant concerns regarding privacy and civil liberties; and

**Whereas**, The Fourth Amendment of the U.S. Constitution protects individuals from “unreasonable searches and seizures;” and

**Whereas**, Some groups have argued that the use of drones, in many circumstances, violates the Fourth Amendment’s provisions against unreasonable searches; and

**Whereas**, The use of drones has been banned in places such as Charlottesville, Virginia and Seattle, Washington on the grounds that drones violate the Fourth Amendment; and

**Whereas**, A.6244, sponsored by Assembly Member Luis Sepulveda, and companion bill, S.6412, sponsored by Senator Martin M. Dilan, currently pending in the New York State Assembly and Senate, respectively, would protect against unwarranted surveillance by drones; and

**Whereas**, More particularly, A.6244/S.6412 would amend the Criminal Procedure law by adding a new section entitled “protection against unwarranted surveillance;” and

**Whereas**, A.6244/S.6412 would define an unmanned aerial vehicle as any powered, aerial vehicle that does not carry a human operator within or on the aircraft and is either autonomously or remotely operated; and

**Whereas**, A.6244/S.6412 would prohibit any individual or entity working for, assisting or acting on behalf of any state, county, municipal or local government, from using, operating, engaging, or employing an unmanned aerial vehicle to gather evidence or other information related to a criminal investigation, criminal case, or conduct in violation of regulation; and

**Whereas**, A.6244/S.6412 would create an exception for the use of unmanned aerial vehicles in instances when authorized under a warrant issued by a court or justified by lawful exceptions to the warrant requirement, such as hot pursuit or in an emergency; and

**Whereas**, Finally, A.6244/S.6412 would require that evidence or other information obtained in violation of the proposed law would be inadmissible in any criminal action against an injured person and permit any aggrieved individual to seek civil and equitable relief for such violation; and

**Whereas**, The New York State Legislature should act swiftly to regulate the use of drones; 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.6244/S.6412, an act that would amend the criminal procedure law in relation to protecting against unwarranted surveillance.

Referred to the Committee on Public Safety.

Res. No. 58

**Resolution in support of granting the officers of the Co-op City Department of Public Safety peace officer status.**

By Council Members King and Arroyo.

**Whereas**, Co-op City—the nation’s largest cooperative residential development—has over 50,000 residents living in 35 high-rise buildings and townhouses; and

**Whereas**, If Co-op City was counted as a separate city it would be one of the top 15 largest cities in New York State; and

**Whereas**, Co-op City has a special private police force of roughly 100 officers; and

**Whereas**, The cost of maintaining this private police force is shared by Co-op City residents and the Riverbay Corporation; and

**Whereas**, Presently, Co-op City public safety officers receive their individual peace officer designation following a case-by-case review by the New York City Police Department’s (NYPD) Special Patrolman Division; and

**Whereas**, New York State law currently designates certain special private police officers from 82 organizations including public agencies, private entities and colleges, as ‘peace officers’ on a system-wide basis; and

**Whereas**, Granting peace officer status to members of the Co-op City public safety operations would provide continuity of services to residents in the event the NYPD modifies or discontinues their Special Patrolman program; and

**Whereas**, Co-op City public safety officers would have peace officer status upon the successful completion of specialized training as opposed to the 6-8 months it currently takes the NYPD to designate an officer as a Special Patrolman; and

**Whereas**, Each Co-op City public safety officer would continue to be subject to a thorough NYPD background and character investigation when applying for their firearms permit; and

**Whereas**, The elimination of the Special Patrolman residency requirement could enhance Co-op City public safety operations by expanding the applicant recruitment pool; and

**Whereas**, Granting peace officer status to members of the Co-op City public safety department who have completed the necessary training would help officers better protect residents and increase the morale and caliber of officers; and;

**Whereas**, This change in status would allow the Co-op City Department of

Public Safety to be eligible for increased grant opportunities, government programs, training, savings on equipment and supplies and tax benefits; now, therefore, be it

**Resolved**, That the Council of the City of New York supports granting the officers of the Co-op City Department of Public Safety peace officer status.

Referred to the Committee on Public Safety.

Int. No. 75

By Council Members Koo, Chin, Arroyo, Constantinides, Dickens, Richards, Rose and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Lunar New Year’s Eve.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, *the day before the Asian Lunar New Year*, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 76

By Council Members Koslowitz, Arroyo, Dickens and King.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting licensed plumbers from registering with the business integrity commission.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 16-505 of chapter one of title sixteen-a of the administrative code of the city of New York is amended to read as follows:

b. It shall be unlawful for any person to remove, collect or dispose of trade waste that is generated in the course of operation of such person’s business, or to operate as a trade waste broker, without first having registered with the commission. Nothing in this subdivision shall be construed to require registration with the commission of (i) a commercial establishment required to provide for the removal of waste pursuant to section 16-116 of this code in order for such establishment to remove recyclable materials generated in the course of its own business to a location owned or leased by such establishment for the purpose of collecting or storing such materials for sale or further distribution; (ii) an owner or managing agent of a building in order to remove recyclable materials generated by commercial tenants within such building to a central location within such building for the purpose of collecting or storing such materials for sale or further distribution; [or] (iii) an owner of an establishment required to provide for the removal of waste pursuant to section 16-116 of this code in order to transport beverage containers, as such term is defined in section 27-1003 of the environmental conservation law, or any other recyclable material generated in the course of operation of its own business, to a redemption center, as such term is defined in section 27-1003 of such law, or to any other place where payment will be received by the commercial establishment for such materials; *or (iv) a master plumber licensed pursuant to section 28-408.1 of this code who is engaged in the removal or opening of the pavement of a public street pursuant to a permit issued by the commissioner of the department of transportation in accordance with section 19-102 of this code.* Notwithstanding any other provision of this subdivision, a business granted an exemption from the requirement for a license pursuant to subdivision a of this section shall be thereupon issued a registration pursuant to this subdivision.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 77

By Council Members Koslowitz, Constantinides and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the replacement of all uncovered street litter baskets.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-132.1 to read as follows:

§ 16-132.1 *Replacement of uncovered street litter baskets. Within ten years of the effective date of this section, the commissioner shall replace or require the replacement of all uncovered litter baskets, containers and receptacles placed in a publicly accessible place by the department or its authorized agent for the public disposal of litter, with baskets, containers or receptacles that are designed to prevent litter that has been placed inside from overflowing onto the public location where such basket, container or receptacle has been placed.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 78

By Council Members Koslowitz, Koo, Lancman and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring food vendors to post prices.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-314 of subchapter two of chapter three of title seventeen of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. Post the total selling price for each food item offered for sale from any vehicle or pushcart used in the operation of a food vending business. It shall be unlawful for a food vendor to charge more than the total amount displayed on such vehicle or pushcart.*

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

Referred to the Committee on Consumer Affairs.

Int. No. 79

By Council Members Koslowitz, Gentile and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to revoking a food vending license for certain violations.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 17-317 of title 17 of the Administrative Code of the city of New York is hereby amended to read as follows:

*f. Any person issued a food vendor license pursuant to this subchapter who commits three or more violations of the provisions of this subchapter and any rules promulgated thereunder within a two year period shall have his or her food vendor license revoked[.]; provided however, any person issued a food vendor license pursuant to this subchapter who is found to have violated section 89.25 of the health code of the city of New York two or more times within a twelve month period shall have his or her food vendor license revoked.*

§2. This local law shall take effect immediately.

Referred to the Committee on Health.

Res. No. 59

**Resolution calling upon the New York State Assembly to pass, the New York State Senate to introduce and pass, and the Governor to sign A.2257, legislation raising the senior citizen rent increase exemption (SCRIE) threshold and providing for increases per changes in the consumer price index.**

By Council Members Koslowitz, Arroyo, Dickens, Gentile, Johnson, Levine, Mendez, Rose, Vacca, Vallone and Rosenthal.

**Whereas**, In 1970, New York City instituted the senior citizen rent increase exemption (SCRIE) program to help shield low-income seniors from rising housing costs; and

**Whereas**, Under the SCRIE program, rent increases are limited for qualifying seniors and in return, participating landlords receive a property tax abatement equal to the amount of the rent forgiven; and

**Whereas**, Tenants are eligible for the SCRIE program if they are at least 62 years old, have a total household income that does not exceed \$29,000, reside in a rent controlled or rent stabilized apartment, or a rent regulated residential hotel, and if the maximum rent or legal regulated rent is increased to a level that exceeds one-third of their household's income; and

**Whereas**, Cost of living adjustments to entitlement programs such as Social Security have caused some seniors to lose SCRIE benefits as their income levels rose above \$29,000; and

**Whereas**, New York State Assembly Member Dan Quart introduced A.2257 in January 2013, legislation that would amend the SCRIE program requirements to increase the maximum allowable income for SCRIE program participants to \$30,000; and

**Whereas**, A.2257 would require annual adjustments to the SCRIE household income limits based upon changes in the regional consumer price index and adjust the definition of income to exclude medical and prescription drug expenses which are not reimbursed or paid for by insurance; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Assembly to pass, the New York State Senate to introduce and pass, and the Governor to sign A.2257, legislation raising the senior citizen rent increase exemption (SCRIE) threshold and providing for increases per changes in the consumer price index.

Referred to the Committee on Aging.

Int. No. 80

By Council Members Lancman, Koo, Rose and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to work zone safety on bridges.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the City of New York is amended to add a new section 19-156 to read as follows:

§19-156 *Work zone safety at bridges. a. For purposes of this section, the following terms shall have the following meanings:*

*1. "bridge" shall mean a span that includes a roadway for use by motor vehicles, that is located above another surface.*

*2. "work zone" shall mean a location where workers are engaged in a stationary operation that exceeds four hours in duration and are not predominantly separated from traffic by a temporary concrete or other rigid barrier.*

*b. On or before January 1, 2015, the commissioner shall, in consultation with the commissioner of police, establish guidelines with regard to work place safety for work zones on bridges that are under the jurisdiction of the department. Such guidelines shall include but not be limited to the use of radar screen displays at such work zones or other measures to ensure drivers drive at a safe speed, and the appropriate amount of personnel, including police officers, to increase the safety of such work zone.*

*c. Nothing contained within this section shall prohibit the department from promulgating rules as to the entity responsible for the cost of the measures taken for each work zone pursuant to the guidelines established by subdivision b of this section.*

§ 2. This local law shall take effect immediately upon enactment into law.

Referred to the Committee on Transportation.

Int. No. 81

By Council Members Lancman, Koo and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the OSHA notification act.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-101.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

*a. The purpose of this code is to provide reasonable minimum requirements and standards, based upon current scientific and engineering knowledge, experience and techniques, and the utilization of modern machinery equipment, materials, and form and methods of construction, for the regulation of building construction in the city of New York in the interest of public safety, health, welfare and the environment, and with due regard for building construction and maintenance costs.*

*b. The commissioner shall report to the federal occupational safety and health administration any violations of this code which in the commissioner's judgment would potentially endanger workplace safety. The commissioner shall further submit an annual report to the mayor and the speaker of the city council containing*



information on the number and nature of any violations reported to the federal occupational safety and health administration pursuant to this subdivision.

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

Referred to the Committee on Housing and Buildings.

Int. No. 82

By Council Members Lancman, Koo, Levine, Rose, Vacca, Rosenthal and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring signs regarding penalties for assaulting taxi and livery drivers.**

*Be it enacted by the Council as follows:*

Section 1. This local law shall be referred to as the “Taxi and Livery Driver Protection Act.”

§2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-540 to read as follows:

§19-540. *Requirement to have signs in taxicabs and for-hire vehicles regarding penalties for assaulting drivers. Every owner of a taxicab and for-hire vehicle shall post in at least one conspicuous place in the rear passenger compartment of such vehicle a sign stating the following: “ATTENTION: Assaulting A Taxi or Livery Driver Is Punishable By Up to Twenty-Five Years in Prison”, and shall ensure that such sign remains displayed in such vehicle. The commission shall promulgate rules, consistent with this section, regarding the number of signs per vehicle, the size and font used in such signs, the specific location within the vehicle of such signs, and the penalty for failing to post such signs.*

§3. This local law shall take effect one hundred twenty days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 83

By Council Member Levin.

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

*Be it enacted by the Council as follows:*

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

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

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

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

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

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

Referred to the Committee on Public Safety.

Int. No. 84

By Council Members Levin, Gentile and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring monthly and annual reports concerning film shoot permits.**

*Be it enacted by the Council as follows:*

Section 1. Section 22-101 of the administrative code of New York City, as amended by local law 40 of 2012, is amended to read as follows:

§22-101 Definitions. As used in this title, the following terms shall have the following meanings:

a. “Commissioner” shall mean the commissioner of the department of [ports and trade] *small business services*.

b. “Department” shall mean the department of [ports and trade] *small business services*.

c. “No-discharge zone” shall mean those bodies of water designated as vessel waste no-discharge zones pursuant to subdivision one of section thirty-three-e of the New York state navigation law.

§ 2. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 9  
FILM AND TELEVISION**

§22-901 *Monthly reports of all film and television production permits approved by the city of New York. Not later than the tenth day of every calendar month, the department, or any other entity designated by the mayor to issue film and television production permits pursuant to section 1301 of the New York city charter, shall issue a report, and make it available on the city's website, containing the following information concerning all film and television production permits that have been approved by the city of New York for the previous calendar month:*

1. *The filming location or locations authorized by each permit, including borough, community board district, council district, and street or streets;*

2. *The duration of each permit;*

3. *With respect to each permit, whether on-street street parking was removed from public use and, if so, the approximate number of street parking spots so removed; and*

4. *The network, studio, or company producing each film or television shoot.*

§22-902 *Annual reports. Not later than January thirty-first, two thousand fifteen and each January thirty-first thereafter, the office shall issue an annual report to the mayor and the council, and make such report available on the city's website, containing the following information concerning all film and television production permits that have been approved by the city of New York for the previous calendar year:*

1. *The information contained in each issued monthly report as set forth in section 22-901 of this subchapter disaggregated by community board;*

2. *The following information disaggregated by job title: (i) the number of persons employed by the film and television industries in the city of New York, (ii) the mean and median compensation, (iii) the mean and median duration of employment, and (iv) common demographic information, if publicly available and/or voluntarily disclosed, including, but not limited to, age, race, sex, and borough of residence; and*

3. *The direct and indirect costs and benefits of the film and television industries in the city of New York.*

§ 3. This local law shall take effect one hundred eighty days after its enactment into law.

Referred to the Committee on Technology.

Int. No. 85

By Council Member Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to the health and safety of youth football teams.**

*Be it enacted by the Council as follows:*

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 9  
Youth Football Safety**

§10-901 *Definitions*

§10-902 *Doctor or athletic trainer required*

**§10-903 Permit requirements****§10-904 Standardized assessment of concussion tests****§10-905 Reporting**

§ 10-901 Definitions. a. "Athletic trainer" shall have the same meaning as section 8351 of the New York state education law.

b. "Football game" shall mean a game of football which involves tackling.

c. "Football practice" shall mean a practice for the game of football which involves tackling.

d. "School" shall mean any public or private school which is located in the city of New York.

e. "Standardized assessment of concussion test" shall mean an objective research-based evaluation tool that tests neuropsychological functions most commonly affected by a concussion including measures of orientation, immediate memory, concentration, and delayed recall, as well as objective questions regarding loss of consciousness and post-traumatic amnesia.

f. "Youth participant" shall mean any person under the age of eighteen who participates in a football game or practice which involves the participation or sponsorship of a school or for which a permit from the department of parks and recreation is required.

§10-902 Doctor or athletic trainer required. a. A doctor shall be present at any football game in which there are youth participants. Such doctor shall be present prior to the start of the football game and must remain present until the completion of the game.

b. A doctor or an athletic trainer shall be present at any football practice in which there are youth participants. Such doctor or athletic trainer shall be present prior to the start of the football practice and must remain present until the completion of such practice.

c. At each football game or football practice in which there are youth participants, a form must be filled out by the doctor or athletic trainer assigned to such event, returnable to the department of health and mental hygiene, the department of education, if such game or practice involves the sponsorship or participation of a school, and to the department of health and mental hygiene and the department of parks and recreation, if such game or practice requires a permit from the department of parks and recreation pursuant to section 18-142 of this local law. Such form shall include (i) affirmation that the doctor or athletic trainer was present at the event, (ii) a list of the number, type, and severity of all injuries suffered by youth participants during the course of event (iii) the results of any standardized assessment of concussion tests that were administered to any youth participant, and (iv) whether any injured youth participant was permitted to return to the game and the reasons for each such decision. If available, the form shall also include the date medical clearance was given for the youth participant to resume athletic activities, the school sponsoring or participating in such football game or football practice and the number of school days missed due to injuries suffered by youth participants during such football games and practices.

§10-903 Permit requirements. Pursuant to section 18-142 of this local law, no permit for a football game or practice shall be provided by the department of parks and recreation unless the applicant affirms that a doctor will be present for all football games at which there are youth participants and either a doctor or athletic trainer will be present for each football practice at which there are youth participants.

§ 10-904 Standardized assessment of concussion tests. a. Only a doctor or athletic trainer may administer a standardized assessment of concussion test to a youth participant who is suspected of having a concussion. If a youth participant, their parent or guardian, or any other official refuses to allow a standardized assessment of concussion test to be administered, such youth participant shall not be allowed to return to nor participate in athletic activity until he or she has been symptom free for twenty-four hours, and has been evaluated by and received written and signed authorization to participate from a licensed physician.

b. No youth participant may return to a game or practice if such participant has been administered a standardized assessment of concussion test regardless of the result of such test. Such youth participant shall not be allowed to return to nor participate in any athletic activity until he or she has been symptom free for twenty-four hours, and has been evaluated by and received written and signed authorization to participate from a licensed physician. Notice of such standardized assessment of concussion test and the result must be provided to the youth participant's parent or guardian and to the youth participant's school principal and/or school health official.

§10-905 Reporting. a. The department of health and mental hygiene shall submit an annual report to the city council and the mayor, compiling the data from the forms submitted to the department pursuant to section 10-902 of this local law. Such report shall contain the number of concussions sustained throughout the year during football practices or games, and any other serious injuries that occurred during such games or practices, disaggregated by type of injury, severity of injury, date of injury, and games missed as well as the date medical clearance was given for the youth participant to resume athletic activities, the name of the school sponsoring or participating in such football game or football practice and school days missed where such data is available. Such report shall also be published on the department of health and mental hygiene's website.

b. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provisions of federal, state or local law relating to the privacy of student information. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.

§2. Chapter one of Title 19 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

§18-142 a. For the purposes of this section "youth" shall mean any person under the age of eighteen.

b. No football game or practice shall take place in any park within the jurisdiction of the department unless a permit has been provided by the department.

c. No permit for a football game or practice shall be provided by the department unless the applicant affirms that a doctor will be present for all football games at which there are youth participants and either a doctor or athletic trainer will be present for all football practices at which there are youth participants. The permit application shall also include the name, address, and telephone number of such doctor or athletic trainer and a copy of the professional license of the doctor or athletic director.

d. The department shall promulgate such rules as may be necessary to implement the provisions of this section.

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

Referred to the Committee on Health.

Int. No. 86

By Council Member Levin.

**A Local Law in relation to the creation of a youth sports health and safety task force.**

Be it enacted by the Council as follows:

Section 1. Youth Sports Health and Safety Task Force. a. There shall be a task force to study youth sports in New York city. Such task force shall track injuries sustained during youth sports activities and analyze how such injuries effect the youth participants' educational performance and behavior. The task force shall then make specific recommendations to the mayor and council for the prevention and alleviation of such impacts.

b. Such advisory board shall consist of seven members as follows:

i. One member shall be appointed by the mayor, provided that he or she shall be a medical professional and shall have experience in sports related injuries.

ii. Three members shall be appointed by the speaker of the council, provided that at least one member shall have a background in education and one member shall have experience in sports management.

iii. The commissioners of the department of health and mental hygiene and the department of parks and recreation and the chancellor of the department of education, or their designees, shall serve ex officio.

iv. The members shall be appointed within sixty days of the enactment of this local law.

v. At its first meeting, the advisory board shall select a chairperson from among its members by majority vote of the advisory board.

c. Each member shall serve for a term of twelve months, to commence after the final member of the advisory board is appointed. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

d. The departments of health and mental hygiene, education, and parks and recreation may provide staff to assist the task force.

e. No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

f. Members of the advisory board shall serve without compensation and shall meet no less than once a month.

g. No later than twelve months from the date all seven members of the task force are appointed, the task force shall submit to the mayor and the speaker of the council a report that shall include the findings and recommendations of the task force.

h. The task force shall dissolve upon submission of the report required by subdivision g of this section.

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

Referred to the Committee on Health.

Int. No. 87

By Council Members Levin, Lancman, Rose and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to post certain precinct-related information on the department's website.**

Be it enacted by the Council as follows:

Section 1. The administrative code of the City of New York is amended to add a new section 14-155 as follows:

§14-155. *Precinct-related information online. The department shall create and maintain individual webpages for each police precinct and make each easily accessible via the department's main webpage. On each precinct webpage the department shall clearly and conspicuously post information for each precinct, including but not limited to:*

*a. the precinct's address, boundaries, and a general contact telephone number for the front desk of the precinct, including a telephone number that accommodates those who are hearing impaired;*

*b. contact information, including name, telephone numbers, and email addresses if available and practicable, for the commanding officer of the precinct and his or her deputies;*

*c. contact information, including name, telephone numbers, and email addresses if available and practicable, for those in charge of the following areas at each precinct:*

- i. community affairs and community policing;*
- ii. traffic or transportation issues;*
- iii. crime prevention;*
- iv. domestic violence issues;*
- v. youth issues;*
- vi. auxiliary force;*
- vii. detective squad;*
- viii. gang violence issues;*
- ix. graffiti and other quality of life issues;*
- x. drug and other vice enforcement issues;*
- xi. property office; and*
- xii. records office.*

*This list shall include information about the work handled by each contact listed along with an explanation of when this person should be contacted for assistance;*

*d. precinct community council information, including, but not limited to, the community council president's name and contact information, dates, times, and locations for community council meetings, and a link to the community council's webpage if available;*

*e. a link to weekly compstat crime statistic information for the precinct along with a link to the mayor's office of operations' my neighborhood statistics webpage, or any successor webpage that serves substantially the same purpose;*

*f. the precinct's traffic safety plans along with a link to the city's online street closure mapping system;*

*g. a link to the state's sex offender registry with explanatory information; and*

*h. information regarding the days and times that copies of motor vehicle accident reports are available for pickup and the documentation necessary to obtain them.*

§2. This local law shall become effective 30 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 88

By Council Members Levin, Gentile, Lancman and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting damage to religious property located on or within a private home.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-116 of the administrative code of the city of New York is amended to read as follows:

§10-116. Damaging houses of religious worship or religious articles therein, *or religious articles within or attached to a private home*, prohibited.

*a. Any person who wilfully and without authority breaks, defaces or otherwise damages any: (1) house of religious worship or any portion thereof, or any appurtenances thereto, including religious figures or religious monuments, or any book, scroll, ark, furniture, ornaments, musical instrument, article of silver or plated ware, or any other chattel contained therein for use in connection with religious worship[.]; or (2) religious articles, including but not limited to religious figures, monuments, books, scrolls, ornaments, musical instruments, or jewelry for use in connection with religious worship, that are within or attached to a private home, when such person knows or should know that such articles are commonly used for or in connection with religious worship, [or any person who knowingly aids, abets, conceals or in any way assists any such person] shall be guilty of a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than two thousand five hundred nor less than five hundred dollars, or both.*

*b. Any person who knowingly aids, abets, conceals or in any way assists any person who acted in a manner prohibited by subdivision a of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year or*

*by a fine of not more than two thousand five hundred nor less than five hundred dollars, or both.*

*c. [In addition, any] Any person violating subdivision a or b of this section shall also be subject to a civil penalty of not less than ten thousand dollars and not more than twenty-five thousand dollars. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and such civil penalty shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts prohibited by this section.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 89

By Council Members Levin, Johnson, Mendez, Rose, Vallone and Rosenthal (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to provide semiannual reports to the council regarding referrals to adult protective services.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 21 of the administrative code of the city of New York is amended by adding a new section 21-136 to read as follows:

§ 21-136. *Semiannual reports regarding referrals to adult protective services. a. For the purposes of this section "adult protective services" shall mean the New York city department of social services/human resources administration case management program that arranges for services and support for physically and/or mentally impaired adults who are at risk of harm.*

*b. The commissioner shall provide written semiannual reports to the council regarding referrals to adult protective services. Each such report shall include, but not be limited to, the total number of referrals received by adult protective services during each six month period and the number of referred individuals who were determined ineligible during such six month period, disaggregated by the reason such individuals were determined ineligible, a general description of the source of the referrals, and the council district, community board, and zip code of the referred individuals. For purposes of this subdivision, the first such report shall cover the period from January 1, 2014 to June 30, 2014 and each six month period shall be deemed to end on June 30 and December 31 of each calendar year. Each report shall be submitted within sixty days of the end of such period. Nothing herein shall require the department to share information that identifies the subject of or the individuals who made such referrals.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Res. No. 60

**Resolution calling upon the New York City Department of Education to institute a moratorium on the opening of all new charter schools in New York City until the Department of Education produces a detailed report of how the funding levels for charter schools will grow over the next five years.**

By Council Members Levin, Constantinides, Dickens, Johnson, Mendez and Rosenthal.

**Whereas**, At the close of the 2012-2013 school year there were 159 charter schools operating in New York City; and

**Whereas**, The number of charter schools increased by 15 percent to 183 schools in Fiscal Year (FY) 2014; and

**Whereas**, Former Mayor Michael Bloomberg's FY14 Executive Budget increased funding for charter schools by \$210 million, which was an increase of 200 percent from the Preliminary Budget; and

**Whereas**, Spending on charter schools in the City now exceeds \$1 billion in FY14; and

**Whereas**, Concerning the disparity between the January Preliminary FY14 Budget and the May Executive Budget, according to a June 2013 Gotham Schools article, the City's Department of Education (DOE) officials asserted that they did not know the full extent of charter schools that were phasing in at that earlier time frame; and

**Whereas**, Further, the DOE similarly underestimated charter school expenditure growth in FY13; and

**Whereas**, At the time, the City's Independent Budget Office (IBO) managed to make a more accurate projection and, in its March 2013 analysis, estimated that charter school payments would be significantly higher in FY14, totaling over \$1.0 billion; and

**Whereas**, The Adopted Budget for Fiscal Year 2014 included funding for charter schools in the amount of \$1.038 billion, an increase of more than 25 percent from the \$828.4 million allocated in FY13, which is a substantial increase in a single year, at a time when fiscal constraints threaten other programs that New York City residents depend on; and

**Whereas**, An increase of 200 percent from the City's FY14 Preliminary to Executive Budget exemplifies that the cost to taxpayers to finance charter schools is likely going to continue to increase; and

**Whereas**, Currently, Mayor Bill deBlasio's Preliminary Budget includes an allocation of \$1.19 billion for charter schools in FY 2015, an increase of \$153.78 million or 13% from FY 14; and

**Whereas**, However, this increase only factors in the growth of existing charter schools, primarily from grades phasing in, and does not account for new charter schools; and

**Whereas**, Before continuing the current pace of opening charter schools, the DOE should be required to provide a detailed report of how the funding levels for charter schools will grow over the next five years; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to institute a moratorium on the opening of all new charter schools in New York City until the Department of Education produces a detailed report of how the funding levels for charter schools will grow over the next five years.

Referred to the Committee on Education.

Res. No. 61

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would lower New York City's speed limit.**

By Council Members Levin, Rodriguez, Chin, Constantinides, Johnson, Levine, Mendez and Rosenthal.

**Whereas**, New York State law sets 30 miles per hour as the speed limit in New York City unless otherwise posted; and

**Whereas**, State law only allows the City to lower the speed limit under certain conditions, such as near schools or with accompanying traffic calming measures; and

**Whereas**, In 2013, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City, according to New York City Police Department (NYPD) data; and

**Whereas**, In 2013, "unsafe speed" was cited as a contributing factor in over 3,000 collisions that resulted in injuries or fatalities in the City, also according to NYPD data; and

**Whereas**, Many studies have concluded that the chances of a pedestrian surviving a motor vehicle collision decrease dramatically as the speed of the vehicle increases; and

**Whereas**, One such study by the United Kingdom Transportation Department determined that while a pedestrian has a 45 percent chance of dying if struck by a vehicle traveling at 30 miles per hour, the chance of death drops to 5 percent if the vehicle is traveling at 20 miles per hour; and

**Whereas**, Slower speeds also decrease stopping distance, giving drivers a better chance to take action to prevent collisions from occurring in the first place; and

**Whereas**, Legislation, S.6496 sponsored by Senator Martin Malavé Dilan and A.8478 sponsored by Assemblyman Daniel O'Donnell, is pending in the New York State Legislature that seeks to lower the City's speed limit to 20 miles per hour unless otherwise posted and to give the Council the authority to impose different speed limits in the City; and

**Whereas**, In the interest of pedestrian safety, the City's unposted speed limit should be lowered and the City should be given the authority to determine appropriate speed limits; 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, legislation that would lower New York City's speed limit.

Referred to the Committee on Transportation.

Int. No. 90

By Council Members Maisel, Constantinides, Cornegy, Espinal, Gentile and Koo.

**A Local Law to amend the New York city charter, in relation to requiring certain agencies to be capable of issuing warnings.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (1) of subdivision a of section 556 of the New York city charter is amended to read as follows:

(1) Enforce all provisions of law applicable in the area under the jurisdiction of the department for the preservation of human life, for the care, promotion and

protection of health and relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof. *Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (a) to determine if such violation is a first-time violation of the applicable provision of law, and (b) if permitted by law, to issue a warning for such violation, for which no appearance before the department's tribunal is required, but for which the department shall be capable of recording the infraction as a violation;*

§2. The text in section 643 of the New York city charter prior to subdivision (1) is amended to read as follows:

The department shall enforce, with respect to buildings and structures, such provisions of the building code, zoning resolution, multiple dwelling law, labor law and other laws, rules and regulations as may govern the construction, alteration, maintenance, use, occupancy, safety, sanitary conditions, mechanical equipment and inspection of buildings or structures in the city[.]. *Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (i) to determine if such violation is a first-time violation of the applicable provisions of law, and (ii) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation. The department [and] shall perform the functions of the city of New York relating to:*

§3. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation.*

§4. The text in section 1403 of the New York city charter prior to subdivision a is amended to read as follows:

Except as otherwise provided by law, the commissioner shall have charge and control of and be responsible for all those functions and operations of the city relating to the provision of a pure, wholesome and adequate supply of water, the disposal of sewage and the prevention of air, water and noise pollution, and shall be authorized to respond to emergencies caused by releases or threatened releases of hazardous substances and to collect and manage information concerning the amount, location and nature of hazardous substances. *Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before a tribunal is required, but for which the department shall be capable of recording the infraction as a violation.* The powers and duties of the commissioner shall include, without limitation, the following:

§5. Subdivision (e) of section 2203 of the New York city charter is amended to read as follows:

(e) The commissioner, in the performance of said functions, shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of laws relating to deceptive or unconscionable trade practices, or of related laws, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department. *Each inspector or other employee of the department who issues notices of violation shall have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation, for which no appearance before the department's tribunal is required, but for which the department shall be capable of recording the infraction as a violation.*

§6. This local law shall take effect six months after its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 91

By Council Members Matteo, Ignizio, Dickens and Koo (by request of the Staten Island Borough President).

**A Local Law to amend the New York city charter, in relation to requiring an affirmative vote of at least two-thirds of all council members for the passage of any local law or resolution that raises taxes.**

*Be it enacted by the Council as follows:*

Section 1. Section 34 of chapter two of the New York city charter is amended to read as follows:

§34. Vote required for local law or resolution. *a. Except as otherwise provided by law, no local law or resolution shall be passed except by at least the majority affirmative vote of all the council members.*

*b. A local law or resolution shall not be passed except by an affirmative vote of at least two-thirds of all the council members if such local law, as determined by the*

council's director of finance or his or her designee, provides for a net increase in city revenues in the form of:

1. the imposition of any new tax;
2. an increase in a tax rate or rates;
3. a reduction or elimination of a tax deduction, exemption, exclusion, credit or other tax exemption feature in computing tax liability;
4. an increase in a statutorily prescribed city fee or assessment or an increase in a statutorily prescribed maximum limit for an administratively set fee;
5. the imposition of any new city fee or assessment or the authorization of any new administratively set fee; or
6. the elimination of an exemption from a statutorily prescribed city fee or assessment.

c. The requirements contained in paragraph b shall not apply to:

1. the effects of inflation, increasing assessed valuation or any other similar effect that increases city revenue but is not caused by an affirmative act of the council; or
2. fees and assessments that are authorized by law, but are not prescribed by formula, amount or limit, and are set by a city officer or agency.

§ 2. This local law shall take effect immediately upon approval by the electorate at the next general election succeeding its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 92

By Council Members Matteo, Ignizio, Ulrich, Gentile, Mendez and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to procedures to be adopted by the 311 call center for responding to certain repeat anonymous complaints against the same property.**

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 23-303 to read as follows:

§23-303. *Repeated Anonymous Unfounded Complaints.*

The 311 customer service center, upon receipt of any non-emergency anonymous complaint relating solely to a property classified as harassed, shall document such call but shall not refer such call to any agency.

For the purposes of this section:

a. a property shall be classified as "harassed": (i) if it is a privately-owned property that, within a six month period, is the sole subject of three or more anonymous complaints made to the 311 customer service center and referred to an agency; and (ii) such agency is unable to substantiate the condition or circumstance complained of, despite reasonable efforts; or (iii) such agency substantiates such condition or circumstance, but the condition or circumstance is not a violation of any applicable law. Such classification shall last for three months from the date of the third such complaint; and

b. "anonymous complaint" means a complaint made to the 311 customer service center where the complaining individual does not give his or her name and address, whether or not such information is requested.

§2. This local law shall take effect 180 days after its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 93

By Council Members Matteo, Ignizio, Gentile and Rose (by request of the Staten Island Borough President).

**A Local Law to amend the New York city building code, in relation to requiring the use of mold-resistant gypsum board and cement board in moisture-prone locations.**

Be it enacted by the Council as follows:

Section 1. Section 28-101.4.3 of the administrative code of the city of New York, as amended by Local Law 141 of 2013, is amended to add a new exception 14, to read as follows:

14. *Mold protection.* Alterations shall comply with Section 2506.3 of the New York city building code relating to areas subject to moisture or water damage.

§ 2. Section 2501.1.1 of chapter 25 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**2501.1.1 General.** Provisions of this chapter shall govern the materials, design, construction and quality of gypsum board, lath, gypsum plaster, [and] cement plaster, and cement board.

§ 3. Section 2502.1 of chapter 25 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding the following definition, to be placed in appropriate alphabetical order:

**CEMENT BOARD.** A fiberglass reinforced cementitious panel most commonly

used under flooring or as a tile backing board.

§ 4. Chapter 25 of the New York City building code, as added by local law number 33 for the year 2007, is amended by adding a new section 2506.3 to read as follows:

**2506.3 Gypsum and cement board in areas subject to water or moisture damage.** Gypsum and cement board shall comply with Sections 2506.3.1 and 2506.3.2.

**2506.3.1 Cement board only.** The base for wall tile or wall panels in all shower and bath surrounds up to 70 inches (1778 mm) above the drain inlet shall be composed of cement board, fiber-cement or glass mat gypsum backers in compliance with ASTM C1178, C1288, or C1325 and installed in accordance with manufacturer recommendations. Gypsum board shall not be permitted in such locations.

**2506.3.2 Mold resistance.** In the uses shown below, any gypsum board or cement board shall be rated as mold resistant (rating of 10) in accordance with ASTM D3273. Water-resistant gypsum board ("greenboard") that does not meet this mold-resistance standard shall not be permitted. Such areas shall include, but not be limited to, the following:

1. walls of basements and other below grade rooms;
2. walls of mechanical rooms and closets housing air conditioning equipment;
3. rear walls of fan coil/unit ventilator type HVAC unit chases;
4. ceilings beneath cold water pipes;
5. ceilings beneath air handlers in ceiling plenums;
6. ceilings in bathrooms that do not contain a shower area;
7. walls of plumbing chases;
8. walls of laundry rooms;
9. walls beneath kitchen sinks and splash areas above sinks;
10. walls behind kitchen stoves;
11. walls of bathrooms that are not solely water closet compartments, other than walls specifically required to be cement board; and
12. walls and ceilings in maintenance rooms and service sink rooms.

§ 5. The list of ASTM referenced standards in chapter 35 of the New York city building code is amended by adding new reference standards "ASTM C1288 – 99(2010)", "ASTM C1325 – 08b" and "ASTM D3273 – 12" to read as follows:

ASTM	ASTM	Barr	Harbor	International
	100			Drive
	West Conshohocken, PA 19428-2959			
Standard reference	Title			
title				
C 1288 – 99(2010)	Standard Specification for Discrete Non-Asbestos Fiber-Cement Interior Substrate Sheets			
C 1325 – 08b	Standard Specification for Non-Asbestos Fiber-Mat Reinforced Cementitious Backer Units			
D 3273 – 12	Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber			

§ 6. This local law shall take effect on January 1, 2015, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 94

By Council Members Matteo, Ignizio and Gentile (by request of the Staten Island Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the issuance of building permits for areas in which a certified rezoning application is pending.**

Be it enacted by the Council as follows:

Section 1. Section 28-103.11 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§28-103.11 Applications and permits.** The department shall receive and review applications, construction documents, and other related documents and shall issue permits, in accordance with the provisions of this code. Upon certification by the city planning commission of an application for rezoning any area of the city, the department shall not issue any permits for construction on a site located in such area that would not be in compliance with the zoning for such area provided for in the certified rezoning application.

§2. This local law shall take effect on October 1, 2014.

Referred to the Committee on Housing and Buildings.



Int. No. 95

By Council Members Mealy, King, Rosenthal and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to designating community liaisons for transitional housing.**

*Be it enacted by the Council as follows:*

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

§21-316 *Community Liaisons. a. Definitions. For purposes of this section, the following terms shall have the following meanings:*

1. "Community liaison" means at least one individual designated by a covered agency to discuss issues affecting any facility that provides transitional housing and to advise the facility on how best to facilitate productive communication and collaboration between the facility and its residents and the local community.

2. "Covered agency" means the department of homeless services, the human resources administration/department of social services, and the department of youth and community development.

b. Every covered agency shall designate, at a minimum, one individual to serve as a community liaison.

c. Every covered agency shall establish a plan to implement the responsibilities of each community liaison. Such a plan shall include, but not be limited to, a mechanism for the community liaison to invite input from local non-profit social service providers, members of the business community, representatives of faith-based organizations, elected officials, community planning board members, facility residents and other concerned members of the community.

d. Within 45 days of the effective date of the local law that added this section, every covered agency that is providing transitional housing at the time the local law that added this section takes effect shall submit to the speaker of the city council the plan that was established to implement the responsibilities of each community liaison.

§2. This local law shall take effect 180 days after its enactment.

Referred to the Committee on General Welfare.

Res. No. 62

**Resolution granting additional real property tax exemptions for certain affordable housing developments.**

By Council Members Mealy, Dickens and Levine.

**Whereas**, Certain housing developments owned, operated or maintained by limited-dividend housing companies organized under Article IV of the Private Housing Finance Law (collectively referred to as the "Housing Companies"), are eligible to receive real property tax exemptions from the City pursuant to applicable provisions of the Private Housing Finance Law; and

**Whereas**, Each of those real property tax exemptions is or was for a period of time that was limited to the length of the mortgages of the respective housing developments or was established by statute; and

**Whereas**, The State Legislature, by the enactment of Chapter 389 of the Laws of 2003, has authorized the local legislative body of the City of New York to grant additional periods of real property tax exemptions with respect to such housing developments; and

**Whereas**, Such additional real property tax exemptions may be granted for a period of up to 50 years from the expiration of the current real property tax exemption period, or until such time as the housing development is no longer operated under the restrictions and for the purposes set forth in the applicable provisions of the Private Housing Finance Law; and

**Whereas**, An additional real property tax exemption may also be granted for the same period of time and under the same conditions with respect to a housing development whose real property tax exemption has expired; and

**Whereas**, The Council of the City of New York ("Council"), the local legislative body of the City, has determined that it is in the best interests of the City to assist these Housing Companies to maintain affordable rents and carrying charges by granting an additional real property tax exemption with respect to housing developments owned, operated or maintained by such Housing Companies; and

**Whereas**, The Council wishes to provide an inducement to the Housing Companies to remain in the programs by which affordable rents and carrying charges are maintained; now, therefore, be it

**Resolved**, That the Council hereby approves for the Housing Company set forth in the Attachment where the real property tax exemption received pursuant to the Private Housing Finance Law has expired an additional real property tax exemption commencing in the tax quarter immediately following the adoption of this Resolution and terminating 50 years from the date upon which the original tax exemption for such Housing Company expired as indicated in Schedule A attached hereto, or until such time as the housing development owned, operated or maintained by such

Housing Company is no longer operated under the restrictions and for the purposes set forth in the applicable provisions of the Private Housing Finance Law, or until such time as the additional real property tax exemption is otherwise terminated as provided for in this Resolution, whichever is sooner; and, be it further

**Resolved**, That such additional tax exemption for the housing development set forth in the Attachment, which is deemed a part hereof, shall be provided at a level that requires any such Housing Company to make real property tax payments in an amount equal to ten percent of the annual "Shelter Rent" received by such Housing Company and that "Shelter Rent" shall mean the total rents received from the occupants of the Housing Company's development, including rent subsidies and supplements received from the federal government, the state, or the City on behalf of such occupants, but shall not include interest reduction payments pursuant to subdivision (a) of section 201 of the Federal Housing and Urban Development Act of 1968, less the cost of providing to such occupants electricity, gas, heat and other utilities as the amount of such real property tax exemption may be limited by section 93 of the Private Housing Finance Law; and, be it further

**Resolved**, That the additional real property tax exemption shall be granted upon the condition that when the New York State Division of Housing and Community Renewal or the United States Department of Housing and Urban Development, as is applicable, deems it appropriate, an existing regulatory agreement or contract shall be extended or modified or a new agreement or contract be executed and, be it further

**Resolved**, That such additional real property tax exemption is further conditioned upon compliance with the applicable provisions of the Private Housing Finance Law and the applicable rules, regulations or other requirements of the New York State Division of Housing and Community Renewal or the United States Department of Housing and Urban Development, as is applicable, whether or not any regulatory agreement or contract is in effect; and, be it further

**Resolved**, That in the event any Housing Company for which an additional tax exemption is granted pursuant to this Resolution fails to comply with the applicable provisions of the Private Housing Finance Law, the applicable rules, regulations or other requirements of the New York City Department of Housing Preservation and Development, the New York State Division of Housing and Community Renewal or the United States Department of Housing and Urban Development, as is applicable, or the terms of any regulatory agreement or contract, the City is authorized to terminate the additional real property tax exemption herein approved for such Housing Company and, be it further

**Resolved**, That any resolution previously passed by the Board of Estimate or the City Council approving a real property tax exemption for any housing development set forth in the Attachment shall remain in full force and effect except as otherwise provided herein.

**Schedule A**

HOUSING COMPANY	EXPIRATION DATE OF PRIOR REAL PROPERTY TAX EXEMPTION
Harry Silver Housing Company, Inc.	6/30/97

Referred to the Committee on Housing and Buildings.

Res. No. 63

**Resolution calling upon Congress to require the Federal Aviation Administration to promulgate regulations on air quality and noise for tourist helicopters flying over New York City.**

By Council Members Menchaca, Chin, Gentile, Levine, Mendez, Rose, Vallone and Rosenthal.

**Whereas**, A great number of tourist helicopters fly over the city of New York every day; and

**Whereas**, According to the Natural Resources Defense Council's 1999 study "Needless Noise: The Negative Impacts of Helicopter Traffic in New York City and the Tri-State Region," studies have shown exposure to frequent overhead flights to be associated with a number of health effects in children, including high blood pressure, neuroendocrinological issues, impaired psychological and cognitive functions, learned helplessness, poorer long-term memory, and diminished reading comprehension; and

**Whereas**, Helicopters emit air pollutants such as particulate matter, nitrogen oxide, and formaldehyde, which are known to cause asthma, cancer, and other illnesses; and

**Whereas**, The New York City Economic Development Corporation, working with the Federal Aviation Administration (FAA), five helicopter tour operators, and the Eastern Region Helicopter Council, has established agreed upon rules to limit the impact of helicopters on the public; and

**Whereas**, The above-referenced rules need to be formalized and strengthened by the FAA promulgating enforceable rules generated through an open public process; and

**Whereas**, The City of Los Angeles passed a similar resolution, which lead to federal legislation requiring the FAA to voluntarily issue tourist helicopter regulations within a year that would restrict helicopter flight paths and minimum altitudes in Los Angeles County in order to minimize helicopter impacts on public health or, if they do not meet the year deadline, requires them to issue such regulations; and

**Whereas**, There has been a great deal of public outcry for relief from impacts caused by helicopter tours in New York City, including from a wide range of public officials; and

**Whereas**, Similar measures to restrict flight paths and set minimum altitudes as was done in Los Angeles could alleviate much of the harm caused by helicopter tours; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to require the Federal Aviation Administration to promulgate regulations on air quality and noise for tourist helicopters flying over New York City.

Referred to the Committee on Environmental Protection.

Int. No. 96

By Council Members Mendez, Arroyo, Chin, Dickens, Eugene, Johnson, Koo, Levine, Rose, Vallone and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for senior citizens subject to eviction, ejection or foreclosure proceedings.**

*Be it enacted by the Council as follows:*

Section 1. Title 21 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

**Chapter 10**

**Provision of Legal Services in Eviction, Ejection and Foreclosure Proceedings.**

**§ 21-1001 Definitions.**

**§ 21-1002 Civil justice coordinator.**

**§ 21-1003 Designation of eligible organizations.**

**§ 21-1004 Method of assigning legal counsel.**

**§ 21-1005 Compensation.**

§ 21-1001 Definitions. For purposes of this chapter the following terms shall have the following meanings: a. "Covered proceeding" means any action or special proceeding to evict an occupant of a dwelling unit or dwelling to which an eligible individual is a party, including those seeking possession for the non-payment of rent or holdover, or proceedings for ejection or foreclosure.

b. "Eligible individual" means an occupant of a rental dwelling unit, an owner of shares of a cooperative corporation who occupies the dwelling unit to which such shares are allocated, the owner and occupant of a dwelling unit owned as a condominium or the owner and occupant of a one- or two-family dwelling where such dwelling unit or dwelling is located in the city of New York who is a defendant or respondent in a covered proceeding and who:

i. is sixty-two years of age or older; and

ii. is a member of a household in which the total income of the household does not exceed the maximum amount permissible for eligibility for benefits under section 467-b of the real property tax law as calculated in accordance with that section.

c. "Designated organization" means an organization that provides legal counsel and is identified and designated by the civil justice coordinator pursuant to section 21-1003 of this chapter.

d. "Legal counsel" means a lawyer or lawyers licensed to practice law in New York state.

§ 21-1002 Civil justice coordinator. The commissioner for the aging shall appoint a civil justice coordinator who shall be responsible for establishing and implementing a program for the provision of legal services to eligible individuals with respect to covered proceedings.

§ 21-1003 Designation of organizations. a. The civil justice coordinator shall identify one or more organizations eligible to provide legal counsel in accordance with the provisions of this chapter. An organization may be designated as an eligible organization by the civil justice coordinator if it:

i. has as a principal purpose the furnishing of free or low-cost legal services to persons who are unable to afford private legal counsel;

ii. has substantial expertise in housing law and landlord and tenant law and relevant experience in representing low-income tenants in the civil court of the city of New York;

iii. operates pursuant to the standards contained in section 4 (standards for relations with clients) and section 6 (standards for quality assurance) of the standards for providers of civil legal aid established by the American Bar Association; and

iv. satisfies such other criteria as may be established by the commissioner for the aging.

b. The commissioner for the aging shall by rule establish procedures for the monitoring by the civil justice coordinator of the services provided pursuant to this chapter to ensure that designated organizations are providing competent legal services.

c. The civil justice coordinator shall annually review the performance of designated organizations and may decline to renew the designation of any such organization.

§ 21-1004 Method of assigning legal counsel. a. The civil justice coordinator shall cause a designated organization to be expeditiously assigned to represent an eligible individual upon receipt of a request for such services from:

i. the eligible individual;

ii. a judge to whom a covered proceeding has been assigned or an administrative judge; or

iii. such designated organization.

b. The civil justice coordinator shall require each designated organization to identify the geographic areas from which the organization will represent eligible individuals, and for each geographic area shall maintain a list of such organizations that will represent such individual.

§ 21-1005 Compensation. a. The civil justice coordinator shall provide each designated organization assigned pursuant to this chapter with fair compensation which will allow each organization to provide an organizational structure with appropriate supervision, caseloads and oversight of staff and service delivery to promote high quality representation and legal work.

b. Services performed by a designated organization pursuant to this chapter or any contract or other agreement entered into pursuant to this chapter shall not be used to satisfy any obligations or responsibilities of such designated organization pursuant to any other program or any other agreement or contract.

§ 2. If any provision of this local law is for any reason found to be invalid, in whole or in part, by any court of competent jurisdiction, such finding shall not affect the validity of the remaining provisions of this local law, which shall continue in full force and effect.

§ 3. This local law shall take effect one hundred eighty days after enactment except that the commissioner for the aging shall promulgate any rules and take such actions as are necessary prior to such effective date.

Referred to the Committee on Aging.

Int. No. 97

By Council Members Mendez, Chin, Koo, Levine and Rosenthal (by request of the Manhattan Borough President) .

**A Local Law to amend the administrative code of the city of New York, in relation to student pedestrian safety near schools located in proximity to parking garages.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter three of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

§19-190 Installation of pedestrian warning systems and cautionary signs. a. Definitions. For purposes of this section only, the following terms shall have the following meanings:

1. "Parking garage" means a building, shed or enclosure or portion thereof which has the capacity to hold five or more motor vehicles and which is used to accommodate, store, or keep any motor vehicle for the payment of a fee or other consideration charged directly or indirectly.

2. "Exit" means a point of egress from a parking garage where a motor vehicle must cross a sidewalk.

3. "Pedestrian warning system" means a system approved by the department that includes visual and audible warning devices to alert pedestrians to the presence of incoming or exiting vehicles.

b. The department shall install at any city-owned parking garage located in what the department determines to be proximity to a school: (1) a pedestrian warning system at the exterior of the garage's exit; (2) a stop sign on the interior of the exit; and (3) a conspicuously placed, department approved sign on the interior alerting all exiting cars to the presence of students in the area.

§ 2. Subchapter seventeen of chapter two of title 20 of the administrative code of the city of New York is amended by adding a new section 20-332 to read as follows:

§20-332 Pedestrian warning systems. a. Definitions. For purposes of this section only, the following terms shall have the following meanings:

1. "Parking garage" means a building, shed or enclosure or portion thereof which has the capacity to hold five or more motor vehicles and which is used to accommodate, store, or keep any motor vehicle for the payment of a fee or other consideration charged directly or indirectly.

2. "Exit" means any point of egress from a parking garage where a motor vehicle must cross a sidewalk.

3. "Pedestrian warning system" means any system approved by the department of transportation that includes visual and audible warning devices to alert pedestrians to the presence of incoming or exiting vehicles.

b. Parking garage operators shall install at any parking garage located in what the department of transportation determines to be proximity to a school: (1) a pedestrian warning system at the exterior of the garage's exit; (2) a stop sign on the interior of the exit; and (3) a conspicuously placed, department of transportation approved sign on the interior alerting all exiting cars to the presence of students in the area.

§3. This local law shall take effect one hundred and eighty days after enactment, provided, however, that the department of transportation in consultation with the department of consumer affairs shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Preconsidered Int. No. 98

By Council Members Miller, Arroyo, Rose and Williams (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of environmental protection.**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (i) of paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by local law number 155 for the year 2013, is amended to read as follows:

(i) Where the death of a member of the uniformed forces of the police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; and the

surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.

§ 2. This local law shall take effect immediately, and shall be retroactive to and deemed to have been in full force and effect on and after February 3, 2014.

Adopted by the Council (preconsidered and approved by the Committee on Civil Service and Labor).

Int. No. 99

By Council Members Palma, Gentile, Koo, Richards, Rose, Vacca and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the distribution of recycling outreach and education materials to residents by the department of sanitation.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-311 of the administrative code of the city of New York is amended to read as follows:

§16-311[.] Recycling outreach and education. a. The department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, in order to improve compliance with the provisions of this chapter. *The department shall provide a phone number and website through which any resident may request recycling outreach and education materials and shall distribute such materials to any such resident within a reasonable time of a request.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 100

By Council Members Palma, Arroyo, Koo and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the publication of concept reports regarding requests for proposals.**

*Be it enacted by the Council as follows:*

Section 1. Section 6-111.2 of chapter 1 of title 6 of the administrative code of the city of New York is amended to read as follows:

§ 6-111.2 Client services contracts. No request for proposal for new client services program contracts shall be released to the public unless at least 45 days prior to such release a concept report regarding such request for proposal is released to the public. Prior to the release of concept reports, the city shall publish a notification of the release in five consecutive editions of the city record and electronically on the city's website in a location that is accessible to the public, and upon release, concept reports shall be posted on the city's website in a location that is accessible by the public. For purposes of this subdivision, the term, "new client services program" shall mean any program that differs substantially in scope from an agency's current contractual client services programs, including, but not limited to, substantial differences in the number or types of clients, geographic areas, evaluation criteria, service design or price maximums or ranges per participant if applicable. For purposes of this subdivision, the term, "concept report", shall mean a document outlining the basic requirements of a request for proposal for client services contracts and shall include, but not be limited to, statements explaining:

(i) the purpose of the request for proposal;

(ii) the planned method of evaluating proposals, *including the extent to which criteria such as job history, experience providing like services in the proposed geographic area(s), and cultural competency will factor into an evaluation;*

(iii) the proposed term of the contract;

(iv) the procurement timeline, including, but not limited to, the expected start date for new contracts, expected request for proposal release date, approximate proposal submission deadline and expected award announcement date;

(v) funding information, including but not limited to, total funding available for the request for proposal and sources of funding, anticipated number of contracts to be awarded, average funding level of contracts, anticipated funding minimums, maximums or ranges per participant, if applicable, and funding match requirements;

(vi) program information, including, but not limited to, as applicable, proposed model or program parameters, site, service hours, participant population(s) to be served and participant minimums and/or maximums; [and]

(vii) the scope of existing services provided and a detailed description comparing the proposed services with such existing services, including but not limited to the ways in which the proposed services expand, reduce, supplement, or replace existing services;

(viii) the method used to determine the need for the level of proposed services, how such method was selected, and, to the extent that alternative methods exist, why such method is more advantageous than such alternatives; and

[(vii)](ix) proposed vendor performance reporting requirements.

b. Notwithstanding the issuance of a concept report, the agency may change the above-required information at any time after the issuance of such concept report. Non-compliance with this section shall not be grounds to invalidate a contract.

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

Referred to the Committee on Contracts.

Int. No. 101

By Council Members Palma, Arroyo, Eugene, Johnson, King, Koo, Mendez, Richards, Rose, Vacca and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to report information regarding veterans entering and exiting shelter.**

*Be it enacted by the Council as follows:*

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

§21-316. *Veterans in shelter report.* a. *Definitions.* For the purposes of this section the following terms shall have the following meanings:

1. "Residential rehabilitation facilities" shall mean facilities for veterans and service members recovering from injuries or illnesses;

2. "Shelter" shall mean temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department;

3. "Subsidized housing" shall mean dwelling units aided by one or more federal, state or city programs designed to provide low or moderate income housing;

4. "Supportive housing" shall mean affordable housing, combined with recovery-oriented services, where tenants pay up to thirty percent of their income towards rent and utilities; and

5. "Veteran" shall mean a person who has served in the active military of the United States and who has been released from such service otherwise than by dishonorable discharge.

b. Beginning no later than June 1, 2014 and on the first day of each succeeding calendar quarter thereafter, the department shall submit to the city council a report and post such report on its website detailing the following information relating to the previous calendar quarter:

1. Total number of veterans entering shelter, disaggregated by number and percent of veterans who are new to the shelter system and those who have had prior shelter stays;

2. For the total number of veterans staying in shelter, average length of stay, disaggregated by male and female veterans; and

3. Total number and percent of veterans placed in permanent housing, disaggregated by type including but not limited to supportive housing, subsidized housing, residential rehabilitation facilities and veterans who return to their family or to independent living.

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 102

By Council Members Palma, Arroyo, Johnson, Koo, Mendez and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to families' eligibility for shelter.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New

York is amended to add a new section 21-316 to read as follows:

§21-316. *Eligibility for families.* a. *The department shall develop procedures to determine families' eligibility for shelter based upon whether or not such families have viable housing available to them, in accordance with the guidelines set forth in this subdivision.*

(1) *The department shall conduct investigations to determine whether a family with children seeking shelter has viable housing available to them. The department shall assist such families by providing information, guidance and support to clarify the investigation process and by helping secure necessary information and documents from government agencies and third parties. Provided such families cooperate with the investigation, such families shall not be found ineligible for shelter solely because of the non-cooperation of third parties or solely based on their inability to provide requested documentation. Documents or other evidence submitted by such families at any time during the investigation shall be considered.*

(2) *In order to determine whether a family with children seeking shelter is eligible to receive shelter, the department shall consider, among other things, whether potential housing resources are unsafe or overcrowded and therefore should not be considered available to the family. The department shall conduct an individual analysis of each family's situation. Determination of whether a family is eligible to receive shelter shall be based on the totality of the circumstances.*

(3) *The department shall inquire about domestic violence, medical, and child welfare issues in the household of the family seeking shelter when determining whether a family is eligible for shelter and shall consider such factors in making appropriate shelter placements. The department shall promptly refer any member of a family seeking shelter who may have been subject to abuse or domestic violence to a worker specifically trained in domestic violence counseling, and all shelter eligibility investigations, with the exception of the currently pending interview of such family member, shall cease pending the trained domestic violence worker's evaluation.*

(4) *A permanent address shall not be required to establish or maintain eligibility for public benefits, including cash assistance, food stamps benefits, and medical assistance.*

(5) *Families with children seeking shelter shall receive a written notice of eligibility or ineligibility.*

(6) *Families with children found ineligible for shelter shall be permitted to reapply at any time.*

b. *The department shall not bar legal representatives from shelters or intake centers. Legal representatives shall be permitted to enter intake centers, visit families in their individual shelter units and access other areas of department facilities for the purpose of providing legal assistance to families.*

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

Referred to the Committee on General Welfare.

Int. No. 103

By the Public Advocate (Ms. James) and Council Members Arroyo, Koo and Rosenthal.

**A Local Law to amend the administrative code of the City of New York, in relation to requiring the New York City Police Department to report on arrests of individuals under eighteen years of age.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-150 of the administrative code of the city of New York is amended by adding a new paragraph 9 to read as follows:

9. *A report of the total number of individuals under eighteen years of age arrested by Department personnel, and for each arrest (i) the charge, whether penal law or other section of law; (ii) the age of the individual arrested; (iii) the race of the individual arrested; (iv) the precinct of the arrest; and (v) whether or not the location of the arrest corresponds to the address of a school run by the Department of Education.*

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

Referred to the Committee on Public Safety.

Int. No. 104

By The Public Advocate (Ms. James) and Council Members Arroyo, Dickens, Johnson, Koo, Levine, Mendez and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to collecting and reporting data related to youth aging out of foster care.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. According to the Administration for Children's Services (ACS), in Fiscal Year 2013, 1,078 youth aged

18 and older transition out of New York City's foster care system each year. Numerous studies demonstrate that youth who age out of foster care tend to experience worse outcomes than their peers in a variety of critical areas such as education, employment, income security, housing, and criminal justice involvement. There has not been a comprehensive analysis of outcomes for foster youth in New York City to date. While ACS has begun collecting data about this population, these efforts are still in their nascent stages and there is no current mechanism for regular, public dissemination of this information. Such data would assist the Council in evaluating how successful ACS is in fulfilling its mandate to adequately prepare youth who age out of foster care for stable and independent living, and in evaluating the need for policy changes.

§2. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-902.1 to read as follows:

§21-902.1. 1. *Definitions.* For the purposes of this section, the following terms shall have the following meanings:

a. "Absent Without Leave (AWOL)" means a child who has been placed by an authorized agency in foster care in a certified foster boarding home, an approved relative foster home, or a licensed foster care facility, and who is absent without the consent of the person(s) or facility in whose care the child has been placed.

b. "Adult permanency resource" means a caring committed adult who has been determined by a social services district to be an appropriate and acceptable resource for a youth and is committed to providing emotional support, advice and guidance to the youth and to assist the youth as the youth makes the transition from foster care to responsible adulthood.

c. "Adult residential care" means an adult-care facility established and operated for the purposes of providing long-term residential care, room, board, housekeeping, case management, activities and supervision to five or more adults, unrelated to the operator, who are unable or substantially unable to live independently.

d. "Age out" means when a youth age 18-21 is discharged from foster care other than to family reunification, adoption, guardianship, custody or permanent placement with a fit and willing relative.

e. "Another Planned Permanent Living Arrangement with a Permanency Resource (APPLA)" means a permanency planning goal to assist foster care youth in their transition to self-sufficiency by connecting the youth to an adult permanency resource, equipping the youth with life skills and, upon discharge, connecting the youth with any needed community and/or specialized services.

f. "Bridges to Health Medicaid Waiver Program (B2H)" means a program designed specifically for children in foster care and community services supervision that consists of three waivers, one for children with serious emotional disturbances, one for children with developmental disabilities, and one for medically fragile children, all of which are designed to provide community-based health care services and supports to children in foster care or community services supervision and to those who have been discharged from foster care or community services supervision while in one of the three B2H waivers.

g. "Concurrent plan" means a primary plan to help a child in foster care find a permanent, stable home and a back-up plan to help a child in foster care find an alternative permanent, stable home.

h. "Education and Training Voucher (ETV)" means the federal program that provides resources specifically to meet the needs of youth aging out of foster care, through which eligible youth may receive up to \$5000 per year to attend a post-secondary education or vocational training program.

i. "Housing assistance" means any form of help designed to assist youth with finding and maintaining a place of residence, including but not limited to, ACS Housing Subsidy, special cash grants in the form of rent subsidies, including rent arrears, section 8 leased housing vouchers, rental assistance received from any other city agency, supported and supportive housing, and any other assistance sufficient to obtain adequate housing.

j. "Independent living skills training" means formalized instruction, including, but not limited to, supervised performance in job search, career counseling, apartment finding, budgeting, shopping, cooking, and house cleaning skills.

k. "NY/NY III housing" means housing pursuant to a program established by agreement between the state of New York and the city of New York that pairs rental assistance and supportive services in either a congregate building constructed or renovated for this purpose or in scattered-site apartments acquired for the purposes of housing and serving the clients who are the recipients of the program.

l. "Permanency Planning Goal (Goal)" means the goal for child permanency as designated in the child's family assessment and service plan and approved by the family court.

m. "Special Findings Order" means a determination made by the family court that a child is dependent upon the family court, reunification with one or both parents is not viable due to abuse, neglect, and/or abandonment, and it is not in the child's best interest to be removed from the United States. The Special Findings Order is required to apply to United States Citizenship and Immigration Services (USCIS) for an application for special immigrant juvenile status (SIJS).

n. "Special immigrant juvenile status (SIJS)" means legal immigration status that can be awarded by USCIS to undocumented immigrant children in foster care, for whom family reunification is not a viable option and who have been found dependent upon the juvenile court, that allows a child to apply for lawful permanent residency.

o. "Supported housing" means community-based housing with support services for people with mental health needs.

p. "Supportive housing" means housing that is for people with mental health needs or other special needs.

q. "Trial discharge" means that a child in foster care is no longer in the physical care of the social services district but remains in the legal custody of the social services district.

r. "Vocational training" means instructional programs, including in marketable skills or trade or formal on-the-job training.

2. *Quarterly Reports Regarding Youth Aging Out of Foster Care.* Beginning no later than July 31, 2014 and no later than the last day of the month following each calendar quarter thereafter, ACS will furnish to the speaker of the city council a report regarding youth aging out of foster care that includes, at a minimum, the following information:

a. *Youth Currently in Foster Care Who Have a Goal of APPLA.* The following information regarding youth currently in foster care who have a goal of APPLA shall be included in the quarterly report:

(i) number of youth who have a permanency planning goal of APPLA, including those who have concurrent plans, disaggregated by age as follows: under 10; 10-11; 12-13; 14-15; 16-17; 18-19; 20-21; over 21;

(ii) number of youth who receive independent living skills training, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;

(iii) number of youth who receive vocational training, disaggregated by age as follows: 14-15; 16-17; 18-19; 20-21; over 21;

(iv) number of youth who are eligible to petition for SIJS or other immigration relief, disaggregated by age as follows: 12-14; 15-18; 19-21;

(v) number of youth who have obtained a Special Findings Order, broken down by age as follows: 0-3; 4-6; 7-9; 10-12; 13-14; 15-18; 19-21;

(vi) number of youth who have SIJS applications or other immigration applications pending, disaggregated by age as follows: 0-3; 4-6; 7-9; 10-12; 13-15; 16-18; 19-21;

(vii) number of youth who applied for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d) NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(viii) number of youth who have been found eligible for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d) NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(ix) number of youth who have been found ineligible for housing assistance, disaggregated by the type of assistance as follows:

(a) ACS housing subsidy;

(b) NYCHA public housing;

(c) section 8 voucher;

(d) NY/NY III housing;

(e) Bridges to Health Medicaid Waiver Program;

(f) Adult Residential Care;

(g) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;

(x) number of youth who are currently enrolled in high school, both in general education and special education programs, disaggregated by age as follows: under 16; 16-18; over 18;

(xi) number of youth who are currently enrolled in a general education development (GED) program, disaggregated by age as follows: under 16; 16-18; over 18;

(xii) number of youth who are currently enrolled in accredited colleges, disaggregated by age as follows: 18 and younger; 19-21; 22 and over;

b. *Youth Who Left Foster Care Who Had a Goal of APPLA.* The following information regarding youth who left foster care who had a goal of APPLA, including those who had other concurrent goals, shall be included in the quarterly report:

(i) number of youth who did not consent to remain in foster care past age 18 and for whom the court approved a discharge from foster care, broken down by age as follows: 18-19; 20-21;

(ii) number of youth who aged out of foster care at age 21;

(iii) number of youth who remained in foster care after age 21 under an ACS Exception to Policy;

(iv) number of youth who were discharged from foster care who:

(a) are on trial discharge status;

(b) received housing assistance, broken down by the type of assistance as follows:



- (1) ACS housing subsidy;
- (2) NYCHA public housing;
- (3) section 8 voucher;
- (4) NY/NY III, supported or supportive housing;
- (5) Bridges to Health Medicaid Waiver Program;
- (6) Adult Residential Care;
- (7) any other type of housing assistance, whether private, federal, state or city-subsidized or operated, including information specifying the specific subsidies or resources utilized;
- (c) signed a lease for permanent housing;
- (d) moved into permanent housing for which the youth is the leaseholder;
- (e) intended to cohabitate with a family member upon discharge from foster care;
- (f) intended to cohabitate with a friend upon discharge from foster care;
- (g) secured a placement in supported or supportive housing upon discharge from foster care;
- (h) obtained a high school diploma;
- (i) completed a GED program;
- (j) obtained an ETV;
- (k) obtained a college diploma;
- (l) obtained a Special Findings Order;
- (m) obtained SIJS;
- (n) obtained lawful permanent resident status;
- (v) number of youth whose status was AWOL at the time of their discharge from foster care;
- (vi) number of youth who were parents and/or pregnant at the time of their discharge from foster care;
- (vii) number of youth who received their birth certificate, social security card and state-issued identification at the time of discharge from foster care;
- c. The commissioner, in consultation with the commissioner of the department of homeless services, and the commissioner of the department of youth and community development (DYCD), shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA entered the city or city-funded single adult or family homeless shelter system. The following information regarding youth who were discharged from foster care with a goal of APPLA who entered the city-funded single adult or family homeless shelter system shall be included in the quarterly report, disaggregated as follows: number who entered within 30 days of their discharge from foster care; number who entered within 90 days of their discharge from foster care; number who entered within 180 days of their discharge from foster care; number who entered within 3 years of their discharge from foster care. For the purposes of this subsection, "entering the homeless shelter system" shall include seeking and being found eligible for shelter at any intake facility operated by the department of homeless services or private, DYCD funded or other shelters for runaway and homeless youth or for adults.
- d. The commissioner, in consultation with the commissioner of the human resources administration/department of social services, shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA received cash assistance, SNAP benefits, and/or community Medicaid. The following information regarding youth who were discharged from foster care with a goal of APPLA who received cash assistance shall be included in the quarterly report, disaggregated as follows: (i) number who received cash assistance within 30 days of their discharge from foster care; number who received SNAP benefits within 30 days of their discharge from foster care; number who received cash assistance within 60 days of their discharge from foster care; number who received SNAP benefits within 60 days of their discharge from foster care; number who received cash assistance within 180 days of their discharge from foster care; number who received SNAP benefits within 180 days of their discharge from foster care; and (ii) how many youth who were discharged from foster care with a goal of APPLA were successfully transitioned to community Medicaid without any gap in coverage.
- e. The commissioner, in consultation with commissioner of the department of corrections and the commissioner of police, shall establish a procedure, to be implemented within ninety days of the effective date of the local law that added this section, to determine how many youth who were discharged from foster care with a goal of APPLA were arrested. The following information regarding youth who were discharged from foster care with a goal of APPLA who were arrested shall be included in the quarterly report, disaggregated as follows: number discharged from foster care while incarcerated; number arrested within 30 days of their discharge from foster care; number arrested within 60 days of their discharge from foster care; number arrested within 180 days of their discharge from foster care.
- §3. This local law shall take effect immediately.

Referred to the Committee on General Welfare

Int. No. 105

By The Public Advocate (Ms. James) and Council Members Eugene, Koo, Levine, Mendez and Rosenthal.

**A Local Law to amend the administrative code of the city of New York in relation to requiring signage regarding application processing and fair hearings at job centers, SNAP centers, and Medicaid offices.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-136 to read as follows:

§21-136. Signs regarding application processing and fair hearings. a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "Fair hearing" shall mean a hearing before an administrative law judge from the New York state office of temporary and disability assistance where individuals may contest a decision regarding their application for public assistance, food stamps, medical assistance, and home energy assistance program benefits and services;

2. "Job center" shall mean any New York city department of social services/human resources administration facility located within the five boroughs where individuals can apply for public assistance;

4. "Medicaid office" shall mean any New York city department of social services/human resources administration authorized facility located within the five boroughs where individuals can apply for Medicaid, family health plus or the Medicare savings program; and

3. "SNAP center" shall mean any New York city department of social services/human resources administration authorized facility located within the five boroughs where individuals can apply for the supplemental nutrition assistance program.

b. The department shall post a sign, in a form and manner as prescribed by the rules of the commissioner, in one or more conspicuous locations inside every job center, Medicaid office, and SNAP center. Such sign shall include (i) the standard processing time for approval or denial of applications; and (ii) information regarding an applicant's right to a fair hearing and how to request one as prescribed by the rules of the commissioner.

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

Referred to the Committee on General Welfare.

Int. No. 106

By Council Members Rose, Chin, Koo, Levine, Mendez and Williams.

**A Local Law to amend the administrative code and the building code of the city of New York, in relation to requiring a sign at inaccessible building entrances indicating that a portable ramp is available when such a ramp exists.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 1 of section 28-201.2.3 of the administrative code of the city of New York is amended to read as follows:

1. A violation of item 5 of section 1110.1, [or] of section 1110.2, or of item 7 of section 1110.3 of the New York city building code, or a violation of section 28-313.1, [or] 28-313.2 or of 28-313.3 of the administrative code of the city of New York.

§2. Article 313 of the administrative code of the city of New York as added by local law number 47 for the year 2012, is amended by adding a new section 28-313.3 to read as follows:

§ 28-313.3 **Retroactive requirement for signage for portable ramps for inaccessible building entrances.** The provisions of item 7 of section 1110.3 of the New York city building code requiring signage stating that a portable ramp is available and the phone number to request such ramp which must be posted at inaccessible building entrances where the a ramp is available shall apply retroactively to all buildings that have such portable ramps. Buildings in existence on the effective date of this section shall post such signage on or before March 1, 2015. Such signage shall be maintained in good condition.

§3. Article 315 of the administrative code of the city of New York as added by local law number 141 for the year 2013, is amended by adding a new section 28-315.6.3 to read as follows:

§ 28-315.6.3 **Signage for portable ramps at inaccessible building entrances.** The posting of signage for portable ramps at inaccessible building entrances in accordance with the requirements of item 7 of 1110.3 of this code shall be completed on or before March 1, 2015.

§4. Section BC 1110.3 of the New York city building code as added by local law number 141 for the year 2013, is amended by adding a new item 7 to read as follows:

7. At each inaccessible building entrance, signage stating that a portable ramp is available and the phone number to request such ramp shall be provided where such a ramp is available.

§5. This local law shall take effect on October 1, 2014.

Referred to the Committee on Housing and Buildings.

Int. No. 107

By Council Members Rose, Mendez, Richards, Vacca and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that all restaurants have Braille and large print menus available upon request.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 *Availability of Braille and large print menus in restaurants. a. Definitions. For the purposes of this section, the following terms shall be defined as follows:*

1. "Braille" shall mean a system that enables blind and visually impaired people to read through touch as defined by the Braille Authority of North America.
2. "Large print" shall mean a typeface which is a minimum of 18 points.
3. "Main menu items" shall mean any food items that remain on a restaurant's menu for a period of three months or more.
3. "Owner or operator" shall mean the owner, manager, operator or other person having control of an establishment.
4. "Restaurant" shall mean any commercial eating establishment which is devoted, wholly or in part, to the sale of food for on-premises consumption.

b. Braille and large print menus required. The owner or operator of a restaurant which has main menu items shall have available Braille and large print menus of their main meal items in such reasonable quantities dependent upon the seating capacity of the restaurant as determined by the department by rule. A restaurant may choose to also print menu specials in Braille or large print. All Braille and large print menus shall be readily available upon request.

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

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Drug Abuse and Disability Services.

Int. No. 108

By Council Members Rose, Chin, Eugene, Johnson, Mendez and Rosenthal (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination based on an individual's actual or perceived status as a caregiver.**

*Be it enacted by the Council as follows:*

Section 1. Section 8-101 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 10 for the year 2008, is amended to read as follows:

§8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, *caregiver status*, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§2. Section 8-102 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 28 to read as follows:

28. (a) *The term "caregiver" means a person who is a contributor to the ongoing care of a child or children for whom the person has assumed parental responsibility, or the ongoing care of a person or persons in a dependent relationship with the caregiver who suffer(s) from a disability.*

(b) *The term "dependent relationship" means the relationship of a caregiver to a person who is related by blood, legal custody, marriage, or to his or her domestic partner, as defined in section 3-240 of the administrative code of the city of New York, or to a person with whom the caregiver lives in a familial relationship.*

§3. Subparagraphs (a), (b), (c), and (d) of subdivision 1 of section 8-107 of

chapter one of title eight of the administrative code of the city of New York are amended to read as follows:

1. Employment. It shall be an unlawful discriminatory practice:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *caregiver status*, sexual orientation or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *caregiver status*, sexual orientation or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *caregiver status*, sexual orientation or alienage or citizenship status of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, gender, disability, marital status, partnership status, *caregiver status*, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

§4. Section 8-107 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 23 to read as follows:

23. *Applicability; caregivers.*

(a) *Requirement to make reasonable accommodation to the needs of caregivers. Any person prohibited by the provisions of this section from discriminating on the basis of caregiver status shall make reasonable accommodation as defined in subdivision eighteen of section 8-102 of this chapter to enable a caregiver to satisfy the essential requisites of a job or enjoy the right or rights in question provided that the caregiver status is known or should have been known by the employer.*

§5. This local law shall take effect upon enactment.

Referred to the Committee on Civil Rights.

Res. No. 64

**Resolution calling upon the current owners to protect and preserve, in its current form, the land known as "Mount Manresa" on Staten Island.**

By Council Members Rose and Gentile.

**Whereas**, Mount Manresa Jesuit Retreat House was established on Staten Island in 1911; and

**Whereas**, It is the first retreat house in the United States and became an integral part of the spiritual retreat movement in the United States in the 20th century; and

**Whereas**, Mount Manresa property has significant historic value and predates the establishment of the retreat house; and

**Whereas**, Fingerboard Road, which is on the eastern border of Mount Manresa, was once a native American trail, prior to 1661, when the Early Dutch and French Huguenot settlers arrived; and

**Whereas**, The historic Water Tower was built in the 1860's and is one of the oldest water towers still standing in New York City; and

**Whereas**, The property is also related to the history of the World War I, and in 1918, the Army used some of the property to build the Fox Hill Hospital to serve soldiers; and

**Whereas**, In 1964, the City of New York purchased four acres of the property for the construction of the Staten Island Expressway; and

**Whereas**, Staff at Mount Manresa played a vital role in the recovery efforts after the 9/11 Tragedy in 2001; and

**Whereas**, Recently, Mount Manresa served as a place of shelter for Hurricane Sandy victims; and

**Whereas**, For more than 100 years, Mount Manresa's presence on Staten Island served many purposes, including a place for spiritual retreats and a private park; and

**Whereas**, In January 2014, Acting State Supreme Court Justice Charles Troia approved the sale to a private developer and lifted a restraining order that prevented the felling of trees and the bulldozing of buildings on the site, according to *Staten Island Live.com*; and

**Whereas**, The sale of Mount Manresa was completed on February 13, 2014, and demolition of the property began on February 19, 2014, according to *Staten Island Live.com*; and

**Whereas**, Mount Manresa is a significant part of Staten Island's cultural history that should remain intact; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the current owners to protect and preserve, in its current form, the land known as “Mount Manresa” on Staten Island.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations

Int. No. 109

By Council Members Rosenthal, Chin, King, Koo, Lancman and Levine.

**A Local Law to amend the New York city charter, in relation to requiring notice of building code, fire code, and health code violations in public schools.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-g to read as follows:

§ 530-g *Notification requirements, fire, building, and health code violations. a. For the purposes of this section, the following terms shall have the following meanings:*

1. *"Department" shall mean the New York city department of education.*
2. *"Public school" shall mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade twelve.*
  - b. The department shall notify the parents or guardians of students and the employees in any public school that has been inspected by the department of buildings, the fire department, or the department of health and mental hygiene. Such notifications shall include the results of such inspections and any violations of the New York city building code, the New York city fire code, or the New York city health code identified in connection with such inspections. Such notifications shall be provided within seven days of the department receiving the results of any such inspection. The department shall also post such notifications on the department's website within seven days of receiving such inspection results.*
  - c. The notifications required pursuant to subdivision b of this section shall include information setting forth the steps the department has taken and will take to address violations, including the timeframe during which such violations were or will be addressed. If such steps are not completed within such timeframe then the department shall notify such parents or guardians and employees of the new timeframe for such steps. The department shall also notify such parents or guardians and employees within seven days of the date such steps to address such violations are completed. The department shall also post such information on the department's website at the same time such information and notifications are provided to parents or guardians and employees.*
  - d. The department shall provide the notifications required pursuant to subdivisions b and c of this section to the New York city council member representing the district in which the school is located at the same time such notifications are provided to such parents or guardians and employees.*

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

Referred to the Committee on Education.

Res. No. 65

**Resolution calling upon the New York City Department of Education to review the use of the “Rainbow” experiment in New York City public schools, as well as to adhere to the DOE Science Safety Manual and Fire Code procedures and facility requirements for all potentially volatile science demonstrations, including the “Rainbow” experiment.**

By Council Members Rosenthal, Chin, Levine and Williams.

**Whereas**, The “Rainbow” experiment is a common high school chemistry experiment where teachers mix methanol with mineral salts in small dishes to show how various mineral salts produce different color flames when burned; and

**Whereas**, Methanol is highly flammable and has a very low boiling point, allowing it to produce flammable vapors at room temperature that can be ignited by a spark or static electricity in winter; and

**Whereas**, There are numerous examples from around the country of the “Rainbow” experiment causing fires in classrooms that lead to serious injuries, including a 2006 case where a girl in Ohio was severely burned over more than 48 percent of her body, a 2013 case in Texas where a student had to be flown to a burn center for treatment, and a 2004 case in Washington State where a teacher was severely burned by four-foot flames; and

**Whereas**, The U.S. Chemical Safety Board (CSB) released a video safety message focused on potential dangers of the “Rainbow” experiment on December 10, 2013; and

**Whereas**, The CSB said that the organization had no sure way to reach individual teachers and that New York State’s science education officials were not among the 60,000 subscribers who received the warning from the agency; and

**Whereas**, Lab safety education is not part of the written requirements for science teacher certification in New York State; and

**Whereas**, According to *The New York Times*, surveys find that lab accident rates are 10 to 100 times higher in schools than in industry; and

**Whereas**, A survey conducted in New York City in the mid-1990s found that some schools had no science laboratory facilities, that an overall shortage of lab facilities across schools compromised student safety, and that, on average, the City spent \$2.02 per student for laboratory supplies, compared to \$16.79 per student per year spent by a suburban district on Long Island; and

**Whereas**, More recent research shows a similar lack of resources for safe science experiments in New York’s schools, including a survey conducted for The Campaign for Educational Equity’s *Deficient Resources* report, which found that 14 out of 33 schools surveyed lacked appropriate equipment and materials to instruct students in science, half of which had out-of-date laboratories that lacked sufficient sinks with running water, appropriate devices for measuring and weighing, microscopes, and mandated shower stations; and

**Whereas**, Further, a survey for the New York City Charter Center’s 2013 report, *Building Inequality*, found that a third of secondary charter schools in New York City do not have science labs; and

**Whereas**, On January 2, 2014, the “Rainbow” experiment caused a fire at the Beacon School on the Upper West Side of Manhattan, burning two students, one of whom was in critical condition in the burn unit of New York-Presbyterian Hospital/Weill Cornell Medical Center; and

**Whereas**, The New York City Fire Department cited the Beacon School for eight violations after the experiment, including violations for storing chemicals unsafely and for deficiencies in safety equipment and practices in multiple rooms, including the classroom in which there was a fire; and

**Whereas**, Science safety experts say that the problems leading to violations at the Beacon School are widespread in American schools; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to review the use of the “Rainbow” experiment in New York City public schools, as well as to adhere to the DOE Science Safety Manual and Fire Code procedures and facility requirements for all potentially volatile science demonstrations, including the “Rainbow” experiment.

Referred to the Committee on Education.

Int. No. 110

By Council Members Vacca, Koo, Gentile, Mendez and Rosenthal.

**A Local Law to amend the New York city charter, in relation to notification to community boards of pilot programs.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 2800 of the New York city charter is amended to read as follows:

e. 1. Each agency shall furnish promptly to each community board on request any information or assistance necessary for the board’s work. Each agency shall also report periodically to each board on its service activities, programs and operations within the community district, *including any pilot programs.*

2. *Not less than sixty days prior to the initiation of a pilot program within one or more community districts, an agency shall provide written notification of the scope and anticipated duration of such pilot program to the community board of each such district by facsimile, regular mail, electronic mail, or by personal service to the district manager for such community board. For the purposes of this subdivision, a “pilot program” shall mean any program or activity conducted by an agency within one or more community districts as a test or trial prior to initiating such program or activity in other community districts or on a citywide basis.*

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

Referred to the Committee on Governmental Operations.

Int. No. 111

By Council Members Vacca, Cabrera and Koo (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the selling and buying of gasoline by certain persons.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-176.2 of the administrative code of the city of New York is amended to read as follows:

a. For purposes of this [section] *subchapter*, the term "motorized scooter" shall mean any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York State Department of Motor Vehicles. For the purposes of this [section] *subchapter*, the term motorized scooter shall not include wheelchairs or other mobility aids designed for use by disabled persons.

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

*§19-176.3 Prohibition on gasoline sales to and purchases by operators of unregistered vehicles and unregistered drivers.* a. It shall be unlawful for a person at a location where a primary purpose is of selling gasoline and other petroleum products to sell gasoline or other petroleum products to the operator of a motorized scooter or any other unregistered motor vehicle within the city of New York, or to a person that does not provide proof of having a current valid driver's license.

b. It shall be unlawful for the operator of an unregistered motor vehicle or an operator who fails to produce proof of having a current valid driver's license to purchase gasoline or other petroleum products from a location where a primary purpose of such location is to sell gasoline or petroleum products, within the city of New York.

c. Any person who violates any of the provisions of this section or any rules or regulations promulgated thereunder shall be guilty of a misdemeanor, and shall be subject to a fine of not less than nor more than one thousand dollars, imprisonment of not more than fifteen days or both such fine and imprisonment. In addition to or in the alternative to such penalty, such person shall be subject to a civil penalty of not less than nor more than one thousand dollars, returnable to the environmental control board, for each such offense.

d. This section may be enforced by the department, police department or the department of consumer affairs. Any police officer may seize any vehicle which he or she has probable cause to believe is unregistered and has been filled with gasoline in violation of this section.

§3. This local law shall take effect sixty days following enactment.

Referred to the Committee on Transportation.

Res. No. 66

**Resolution calling upon the United States Congress to pass, and the President to sign, a reauthorization of the Older Americans Act, ensuring the continuation of vital services for seniors.**

By Council Members Vacca, Chin, Arroyo, Dickens, Gentile, Johnson, Mendez, Vallone and Rosenthal.

**Whereas**, The Older Americans Act was first passed by the United States Congress in 1965 as part of President Lyndon B. Johnson's "Great Society" package of reforms; and

**Whereas**, The goal of the Older Americans Act is to provide funding and resources for nutrition, housing and community services for America's senior citizen population; and

**Whereas**, According to the United States Administration on Aging, the Older Americans Act "is considered to be the major vehicle for the organization and delivery of social and nutrition services" for older Americans; and

**Whereas**, Since its initial passage in 1965, the Older Americans Act has historically been reauthorized by Congress each time it has been set to expire; and

**Whereas**, However, after the last reauthorizing Act in 2006, which extended the law for five years, Congress failed to reauthorize in 2011, allowing the Older Americans Act to expire; and

**Whereas**, While Congress has continued to fund certain Older Americans Act programs through other appropriations on a yearly basis since 2011, senior advocates claim that failing to reauthorize the Act threatens the future of programs which provide vital resources such as Meals on Wheels, senior centers and senior job training; and

**Whereas**, Without these services, many seniors in New York City and across the country will likely struggle to maintain their previous quality of life, and may face increased health, economic and social challenges; and

**Whereas**, The Older Americans Act Reauthorization of 2014, H.R. 3850 and S. 1562, sponsored by Representative Christopher Gibson and Senator Bernie Sanders, respectively, would amend the Older Americans Act to authorize appropriations from 2014 through 2018; and

**Whereas**, H.R. 3850 and S. 1562 would ensure funding for many vital programs and services for senior citizens through 2018; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, a reauthorization of the Older Americans Act, ensuring the continuation of vital services for seniors.

Referred to the Committee on Aging.

Res. No. 67

**Resolution calling upon the United States Congress and the President to provide a specific allocation of funding for video security systems at New York City Housing Authority developments.**

By Council Members Vacca, Torres, Arroyo, Dickens, Levine, Mendez and Rosenthal.

**Whereas**, The New York City Housing Authority ("NYCHA") is a public housing authority with 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing provider in North America; and

**Whereas**, According to a 2012 report commissioned by former Manhattan Borough President Scott Stringer, New York State Senator Daniel Squadron, and New York State Assemblymember Brian Kavanaugh, titled "Protecting NYCHA Communities," crime statistics at NYCHA developments are rising faster than overall citywide figures; and

**Whereas**, While the New York City Police Department ("NYPD") does not publish NYCHA crime statistics, according to a recent article published in the New York Daily News, crime in NYCHA developments jumped 7 percent in 2013 compared with the previous year; and

**Whereas**, Such crimes included 1,125 grand larcenies, 2,047 felony assaults, 138 rapes and 56 homicides; and

**Whereas**, NYCHA has stated that installing security cameras, known as Closed Circuit Television surveillance systems ("CCTVs"), deters crime and enhances the quality of life of residents; and

**Whereas**, In consultation with the NYPD and NYCHA residents, security cameras are currently placed to monitor key areas including building entrances, street corners and elevators; and

**Whereas**, Since 1997, NYCHA has installed thousands of CCTV cameras at hundreds of buildings; and

**Whereas**, NYCHA does not have the funding to install security cameras at all of its developments; and

**Whereas**, In 2013, NYCHA used City Council funds to install 3,879 CCTV cameras in 500 buildings at 84 developments; and

**Whereas**, New York City continues to face significant budget deficits, and it may be difficult for Council Member capital allocations to continue to support such CCTV cameras; and

**Whereas**, Since the Public Housing Operating Fund, which provides funding for NYCHA's operation budget, is funded by Congressional allocations, Congress has a responsibility to provide funding for security measures at NYCHA developments, including CCTV cameras, since public housing residents benefit greatly from the decrease in crime that such cameras provide; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Congress and President of the United States to provide a specific allocation of funding for video security systems at New York City Housing Authority developments.

Referred to the Committee on Public Housing.

Int. No. 112

By Council Members Vallone, Arroyo, Constantinides, Dickens, Koo and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending meter parking regulations on the Asian Lunar New Year.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

*§ 19-163.3. No parking meter or mini-meter shall be activated on Asian Lunar New Year.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 113

By Council Members Van Bramer, Arroyo, Levine and Mendez.

**A Local Law to amend the New York city charter, in relation to the establishment and development of school gardens.**

*Be it enacted by the Council as follows:*

Section 1. Section 20 of the New York city charter is amended by adding a new subdivision j to read as follows:

*j. School gardens. 1. There is hereby established within the office an interagency school gardens team under the management of the director or the director's designee to support the creation and maintenance of school gardens.*

*2. The interagency school gardens team shall include as members the commissioners of buildings, education, environmental protection, health and mental hygiene, parks and recreation, and the chairperson of the city planning commission, or their respective designees, and such other members as the director shall designate.*

*3. The interagency school gardens team shall:*

*i. identify and catalogue existing school garden locations and potential school garden locations;*

*ii. develop and administer incentive programs to encourage public or private entities to help schools identify and develop school garden locations;*

*iii. promote community participation and community assistance in the identification and development of school garden locations;*

*iv. disseminate information to schools about the resources that are available for identifying and developing school garden locations;*

*v. facilitate interactions among city agencies, community based organizations, environmental experts, and schools regarding school gardens;*

*vi. support the efforts of schools to obtain and utilize federal, state, and private incentives to identify and develop school garden locations;*

*vii. take other such actions as may be necessary to facilitate the identification and development of school garden locations.*

*4. No later than April twenty-second, two thousand fourteen, and no later than every April twenty-second thereafter, the interagency school gardens team shall prepare and submit to the mayor and the speaker of the city council a report on the city's school gardens, disaggregated by community district and council district, where possible. Such report may be included in the office's annual report on the city's long-term planning and sustainability efforts. The report shall include, but not be limited to:*

*i. locations of existing school gardens;*

*ii. potential locations for future school gardens; and*

*iii. the ways in which schools have implemented school garden programs, such as whether the gardens are part of the curriculum or extra-curricular activities and whether the gardens serve as a source of food to the school and/or surrounding community.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 114

By Council Members Van Bramer, Gentile and Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to appropriation of funds for the operation and maintenance of the library systems.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The council finds that the public libraries of the city of New York provide essential educational and cultural services to the citizens of the city and enrich the education and well-being of the communities they serve, including children and seniors. The council further finds that without adequate and consistent funding, the libraries are unable to fulfill their mission, and the deficiency undermines their strength in the communities they serve. The council finds that each year the city's public libraries are threatened with drastic funding cuts from the city of New York, and that such threats are harmful to the operational integrity of the libraries; cause unnecessary confusion to the libraries' patrons; and anxiety to the libraries' employees. The council finds that the three public library systems serving the city's citizens receive a far smaller percentage of local support when compared to other urban library systems across the country. The council further finds that an equitable means to remedy this problem is to allocate a certain portion of the city's appropriation to ensure that the libraries and the citizens of New York City know that sufficient funds will be available each year to fund library services.

§ 2. Section 5-509 of the administrative code of the city of New York is amended by adding a new subdivision 7 to read as follows:

*7. Upon agreement between the mayor and the council, a sum representing two and one-half percent of the real property tax revenue assessed each fiscal year shall be appropriated to the operation and maintenance of the library systems.*

§ 3. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 68

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the civil penalty for driving on the sidewalk.**

By Council Members Weprin, Constantinides, Levine, Mendez and Rosenthal.

**Whereas**, Section 1225-a of the New York State Vehicle and Traffic Law prohibits any individual from driving "a motor vehicle on or across a sidewalk" with minor exceptions, such as to gain access to adjacent buildings or driveways; and

**Whereas**, A violation of §1225-a is a traffic infraction, resulting in an escalating range of penalties, including a fine of up to \$150 for a first offense; and

**Whereas**, Driving on the sidewalk presents a grave risk to pedestrians; and

**Whereas**, During a 30-day period in February and March 2013, there were five instances of a motorist hitting a pedestrian on a sidewalk, resulting in three deaths and two serious injuries; and

**Whereas**, On September 12, 2013, five children were injured in Maspeth, Queens when an SUV hit them while they were walking on the sidewalk; and

**Whereas**, In light of the inexcusable and serious nature of driving on the sidewalk and the dangerous conditions it creates, the fine for violation of §1225-a of the Vehicle and Traffic Law should be tripled and the infraction should also result in three points being added to the driver's license; 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, legislation increasing the civil penalty for driving on the sidewalk.

Referred to the Committee on Transportation.

Int. No. 115

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of sufficient receptacles for the storage of solid waste and increasing certain fines.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-120 of title 16 of the administrative code of the city of New York is amended to read as follows:

§ 16-120 Receptacles for the removal of waste material. a. The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. *Any such owner, lessee, agent, occupant or other person who manages or controls a building with one hundred units or more shall also provide a dumpster of not less than twenty yards in length for the deposit of refuse.* The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of seventy-two hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

§ 2. Subdivision f of section 16-120 of title 16 of the administrative code of the city of New York is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of not less than [twenty-five nor more than] one hundred dollars *nor more than two hundred dollars* for the first violation, not less than [one hundred dollars nor more than] two hundred dollars *nor more than three hundred dollars* for a second violation within any twelve-month period, and not less than [two hundred dollars nor more than] three hundred dollars *nor more than four hundred dollars* for a third or subsequent violation with any twelve-month period. Any person violating the provisions of subdivision e of this section shall be liable for a civil penalty of not less than one hundred dollars nor more than three hundred dollars for the first violation, not less than two hundred fifty dollars nor more than three hundred fifty dollars for a second violation within any twelve-month period, and not less than three hundred fifty dollars nor more than four hundred dollars for a third or subsequent violation within any twelve month period.

§ 3. This local law shall take effect one hundred eighty days after its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 116

By Council Members Williams and Arroyo.



**A Local Law to amend the administrative code of the city of New York, in relation to an owner's right of access to make repairs.**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2008 of the administrative code of the city of New York is amended to read as follows:

**§27-2008 Owner's right of access.** No tenant shall refuse to permit the owner, or his or her agent or employee, to enter such tenant's dwelling unit or other space under his or her control to make repairs or improvements required by this code or other law or to inspect such apartment or other space to determine compliance with this code or any other provision of law, if the right of entry is exercised at a reasonable time, *including evening hours and weekends*, and in a reasonable manner. The department may by [regulation] *rule* restrict the time and manner of such inspections.

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

Referred to the Committee on Housing and Buildings.

Int. No. 117

By Council Members Williams, Levine, Mendez and Rosenthal.

**A Local Law in relation to creating an interagency task force to be charged with studying the obstacles faced by children of incarcerated parents, from arrest to reunification.**

*Be it enacted by the Council as follows:*

Section 1. a. There shall be an interagency task force to study the obstacles faced by children of incarcerated parents, from arrest to reunification.

b. Such task force shall consist of the commissioner of the administration for children's services, the commissioner of the department of corrections, and the commissioner of the police department, or the respective designee of such commissioners. The mayor shall appoint two additional members with relevant expertise in the area of children of incarcerated parents. The speaker of the city council shall appoint four additional members with relevant expertise in the area of children of incarcerated parents.

c. The task force shall invite the New York state office of children and family services, the New York state department of corrections, and representatives of any other relevant state agency or state elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision g of this section.

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

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

f. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

g. The commissioner of the department of corrections shall serve as the chair of such task force and shall convene the first meeting of such task force within ninety days after the effective date of the local law that added this section. Such task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than twelve months after the effective date of the local law that added this section. Such report shall include recommendations in the following areas including, but not limited to:

- i. Arrest protocols for custodial parents;
  - ii. Child-centered visitations and facilities at incarceration facilities;
  - iii. Mental health supports and services for children of incarcerated parents; and
  - iv. Support services for incarcerated parents and their children upon reentry.
- h. The task force shall terminate upon the issuance of its final report.

§2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 118

By Council Members Williams, Levine, Mendez and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring owners to notify tenants of unsafe conditions of exterior walls of buildings.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-302.3 of chapter 3 of title 28 of the administrative code of the city of New York as added by local law number 33 for the year 2007, is amended

to read as follows:

§ 28-302.3 Immediate notice of unsafe condition. Whenever a registered design professional learns of an unsafe condition through a critical examination of a building's exterior walls and appurtenances thereof, such person shall notify the owner and the department immediately in writing of such condition. *Upon such notification, the owner shall immediately notify the occupants of the building of any unsafe condition by affixing a notice describing each unsafe condition in a conspicuous location in the lobby area of the building, which notice shall remain in place until each unsafe condition is corrected. Notice shall also be given to occupants in at least one additional manner as established by the commissioner by rule.*

§2. This local law shall take effect one hundred twenty days after its enactment, except that the commissioner of buildings shall promulgate any rules and perform all other actions necessary for the implementation of this local law prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 119

By Council Members Williams, Arroyo, Mendez, Richards and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the corporation counsel to submit quarterly reports to the city council, comptroller and civilian complaint review board detailing the number and disposition of civil actions filed against the New York city police department.**

*Be it enacted by the Council as follows:*

Section 1. Section 7-109 of the administrative code of the city of New York is amended to read as follows:

§7-109 Corporation counsel; when the corporation counsel may appear for officer, subordinate, or employee of an agency; *reports of the corporation counsel to the city council on civil actions filed against the police department.*

a. The corporation counsel, in his or her discretion may appear, or direct any of his or her assistants to appear, in any action or proceeding, whether criminal or civil, which may be brought against any officer, subordinate or employee in the service of the city, or of any of the counties contained therein, by reason of any acts done or omitted by such officer, subordinate or employee, while in the performance of his or her duty, whenever such appearance is requested by the head of the agency in which such officer, subordinate or employee is employed or whenever the interests of the city require the appearance of the corporation counsel. The head of the agency in which such officer, subordinate or employee is employed shall submit all pertinent papers and other documents to the corporation counsel.

b. *The corporation counsel shall submit a quarterly report to the council, comptroller and civilian complaint review board of all civil actions filed against the police department and/or individual police officers during the preceding quarter in which the corporation counsel or any of his or her assistants appeared or agreed to represent one or more parties. If a civil action was filed against the police department or individual police officers in which the corporation counsel or any of his or her assistants declined to represent one or more parties, the reasons for such determination shall be included in the report. Such report shall include, but not be limited to, the following information: (i) the number of actions pending; (ii) the number of claims in each action; (iii) the nature of each claim; (iv) the amount of time each action has been pending; (v) the resolution of each claim; (vi) whether the resolution was achieved through settlement or trial; (vii) the amount of any settlement or other disposition; (viii) whether each action alleges a civil rights violation under section 1983 of title 42 of the united states code; and (x) for each action: (a) the precinct affiliation, rank, and number of years of service to the department of each police officer against whom a claim is asserted; (b) whether the police officer against whom a claim is asserted was on-duty or off-duty at the time of the incident that is the subject of the claim; (c) whether any police officer against whom a claim is asserted has previously been the subject of a civil action or actions alleging police misconduct; and (d), if so, the disposition of such civil action or actions. Actions pending resolution shall be noted in each report and their final resolutions noted in a subsequent report. Nothing in this section shall require the reporting of any record that is confidential pursuant to section 50-a of the civil rights law.*

c. *The first report required by subdivision b of this section shall be submitted to the council, comptroller, and civilian complaint review board by July 31, 2014. Subsequent reports shall be submitted by October 31, 2014, January 31, 2015, and April 30, 2015, and shall be submitted to the council, comptroller, and civilian complaint review board by these four days each year.*

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 120

By Council Members Williams, Gentile and Johnson.

**A Local Law to amend the New York city charter, in relation to requiring the DOE to donate school meals that have not been consumed.**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new section 530.2 to read as follows:

§530.2 *Education department, surplus food and reporting requirement.* a. *Definitions. For the purposes of this section:*

(1) *“Department” shall mean the New York city department of education.*

(2) *“Food bank organization” shall mean any organization or corporation that works to end hunger and increase access to affordable nutritious food for low-income persons in the city.*

(3) *“School meal” shall mean a meal procured by the department for distribution to any*

*student entitled to receive a free, reduced or full price meal at meal time.*

(4) *“Unconsumed” shall mean any school meal items that have been prepared for distribution and are safe for consumption but have not been consumed.*

b. *The New York city department of education shall develop a procedure whereby all unconsumed school meals at all public schools are donated to food bank organizations within New York city on a daily basis.*

c. *The department shall report to the council annually on or before the first of day of September information concerning the number of school meals donated pursuant to this section, including, but not limited to:*

(1) *The total amount spent annually by the department on school meals disaggregated by school.*

(2) *The name and location of each school and the number of pounds of food discarded by each such school during the prior school year.*

(3) *The name and location of each school and the number of pounds of food donated by each such school during the prior school year.*

(4) *The name and location of each food bank organization that received a food donation from the department.*

(5) *Disaggregated by community school district and council district, the report shall also include the aggregate of the data required in paragraphs one through four of this subdivision.*

d. *The annual reports required pursuant to this section shall be made available on the department’s website and to any member of the public upon request.*

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

Referred to the Committee on Education.

Res. No. 69

**Resolution calling upon New York State to adopt and disseminate a bill of rights for children of incarcerated parents.**

By Council Members Williams and Rosenthal.

**Whereas**, In New York State prisons, approximately 59 percent of men and 69 percent of women report having one or more children, according to the State of New York Department of Corrections and Community Supervision “Under Custody Report: Profile of Inmate Population Under Custody on January 1, 2013,” and;

**Whereas**, In New York City, the number of children with an incarcerated parent is unclear and there is currently no systematic method for counting or tracking this population, and;

**Whereas**, According to the Children and Youth Services Review, children who witnessed the arrest of someone in their household and had a recently arrested parent were 73 percent more likely to have elevated post-traumatic stress symptoms than children who did not have an arrested parent and had never witnessed an arrest, and;

**Whereas**, Several localities have arrest protocols in place to decrease the trauma a child experiences as a result of seeing his or her parent or guardian arrested, but it is unclear what procedures or protocols the New York City Police Department follows when arresting a parent, and;

**Whereas**, According to 2009 a report, “Children of Incarcerated Parents,” published by the National Conference of State Legislatures, children of incarcerated parents often experience financial instability and material hardship due to the fact that when a parent is incarcerated, family income declines and often remains depressed after a parent is released from prison, and;

**Whereas**, The New York City Administration for Children’s Services has a Children of Incarcerated Parents Program, which offers support and services for children in foster care but does not proactively identify children for the program and instead relies on other parties to contact the program, and;

**Whereas**, According to research, children of incarcerated parents may need services both during the time of the parent’s incarceration and during reunification as these children are at an increased risk of poor school performance, drug use, mental health problems, and becoming incarcerated themselves, and;

**Whereas**, Although there are many services available for parents who are incarcerated and their victims, there are relatively few available to the children of incarcerated parents, and;

**Whereas**, According to the Osborne Association, children of incarcerated parents may be subject to stigma and not receive the social support and sympathy generally given to families experiencing the involuntary loss of a family member, and;

**Whereas**, Service organizations and some jurisdictions such as San Francisco have adopted a Bill of Rights for Children of Incarcerated Parents, which would help inform children of their rights and increase awareness of the needs of these children, and;

**Whereas**, New York State should develop and disseminate a Bill of Rights for Children of Incarcerated Parents to ensure that children in New York City who have incarcerated parents are aware of their rights and the services available to them; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon New York State to adopt and disseminate of a Bill of Rights for Children of Incarcerated Parents.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 70

**Resolution supporting A.5835/S.1029A, which would require the New York State Education Commissioner to conduct a statewide audit of compliance for arts instruction and report which schools are not in compliance with State arts education requirements, as well as establish a remediation process for schools that are not in compliance.**

By Council Members Williams, Cumbo, Arroyo, Mendez, Richards and Rosenthal.

**Whereas**, A substantial body of research demonstrates that a comprehensive arts education helps students learn more effectively in other subject areas, including math, science, reading, and writing; and

**Whereas**, Studies indicate that arts education helps students develop additional skill sets like critical thinking, creative expression, and problem solving; and

**Whereas**, Research has also shown that students who are highly involved in arts programs are much less likely to drop out of school and are more likely to achieve higher levels of academic success in college; and

**Whereas**, Recognizing the importance of arts education, the New York State Education Department (NYSED) mandates arts education requirements to foster more arts instruction in schools throughout the State and City; and

**Whereas**, NYSED requirements for arts education vary according to grade level; and

**Whereas**, At the elementary level, in grades 1-6, NYSED requires that students receive arts instruction in four disciplines including dance, music, theater and visual arts in every grade; and

**Whereas**, At the middle school level, in grades 7 and 8, NYSED expects that students achieve, by the end of grade 8, one half-unit of study in visual arts and one half-unit of study in music; and

**Whereas**, NYSED, however, has allowed New York City schools to offer any two of the art forms to meet the middle school requirements; and

**Whereas**, At the high school level, NYSED requires that all students successfully complete one unit or two credits from any of the four arts disciplines in order to graduate; and

**Whereas**, NYSED also requires a weekly time allocation for each grade and that all arts classes be taught by a certified arts teacher; and

**Whereas**, Currently, the State Education Department does not conduct a statewide audit of compliance for arts instruction, nor does it provide a report that shows which schools are not in compliance; and

**Whereas**, A.5835/S.1029A, New York State legislation sponsored by Assemblyman Steve Englebright and Senator José Serrano, would require the State Education Commissioner to conduct a statewide audit of compliance for arts instruction and report which schools are not in compliance with State arts education requirements, as well as establish a remediation process for schools that are not in compliance; and

**Whereas**, The New York City Department of Education (DOE) began its first Annual Arts in Schools Report for the 2006-2007 school year in order to track arts education offerings in New York City public schools; and

**Whereas**, DOE’s 2006-2007 Annual Arts in Schools Report revealed that only 4% of elementary schools and 29% of middle schools in New York City met NYSED arts education requirements, while almost half (46%) of high school graduates took three or more credits in the arts, exceeding the State graduation requirement of two credits; and

**Whereas**, According to the 2012-2013 Annual Arts in Schools report, the percentage of elementary schools that met State arts requirements in 2012-2013 increased to 58%; and

**Whereas**, The 2012-2013 Annual Arts in Schools report also showed that 81% percent of eighth-grade students were promoted and received arts instruction in two or more arts disciplines over the course of seventh and eighth grade, as required by NYSED; and

**Whereas**, Overall, New York City high schools have the highest percentage in arts compliance among all grade levels in the City, with 95% in 2012-2013 meeting the minimum requirements; and

**Whereas**, Even though the availability of arts instruction throughout the New York City public school system has increased, many schools still do not meet the arts requirements mandated by the State, particularly elementary and middle schools; and

**Whereas**, Moreover, it is difficult to determine whether New York City public schools are accurately meeting the State's arts education requirements because not all schools are reflected in the reports and the indicators to measure compliance have changed each year; and

**Whereas**, In addition, DOE has not formally established support systems that enable schools to be in compliance; and

**Whereas**, A statewide audit would allow for a standardized evaluation process for arts education compliance, and would appropriately track outcomes; and

**Whereas**, A remediation process would be of particular help to schools finding difficulty in meeting State arts requirements; now, therefore, be it

**Resolved**, That the Council of the City of New York supports A.5835/S.1029A, which would require the New York State Education Commissioner to conduct a statewide audit of compliance for arts instruction and report which schools are not in compliance with State arts education requirements, as well as establish a remediation process for schools that are not in compliance.

Referred to the Committee on Education.

Res. No. 71

**Resolution calling on the State University of New York (“SUNY”) and the New York State Department of Health (“DOH”) to work with stakeholders to keep SUNY Downstate Medical Center open as a leading public medical institution and to preserve the essential health care services the hospital provides.**

By Council Member Williams.

**Whereas**, All of the facilities under the State University of New York Downstate Medical Center ("SUNY Downstate") are a critical part of the Brooklyn healthcare system; and

**Whereas**, SUNY Downstate has been one of the nation's leading urban medical teaching facilities since approximately 1860; and

**Whereas**, As the only academic medical center in Brooklyn and the fourth largest employer in Brooklyn, SUNY Downstate employs about 8,000 faculty and staff members, educates over 1,700 students and serves a population of more than 2 million New Yorkers; and

**Whereas**, SUNY Downstate provides over 1,000 medical residents to 23 affiliated hospitals; and

**Whereas**, SUNY Downstate educates more New York City and minority physicians than any hospital in the region and must stay open in order to address the City's growing shortage of primary care physicians; and

**Whereas**, The quality of SUNY Downstate's program was recognized with the awarding of the Nobel Peace Prize in Medicine to Dr. Robert F. Furchgott in 1998; and

**Whereas**, More recently, on November 28, 2012, the State University of New York Board of Trustees appointed two Downstate faculty members to distinguished ranks, the highest system-wide honor conferred upon SUNY professors; and

**Whereas**, In addition, on that same day, six additional Downstate faculty and staff members were honored with Chancellor's Awards for Excellence; and

**Whereas**, According to SUNY Downstate, for every dollar invested in the institution, \$12 are returned to the local economy; and

**Whereas**, According to a January 2013 New York State Comptroller Audit, "absent other actions or plans to increase revenue or limit expenses, the Hospital will not have sufficient cash to meet its liabilities, possibly as early as May 2013"; and

**Whereas**, As of February 2014, SUNY Downstate had laid off 500 employees at University Hospital of Brooklyn and is losing \$15 million per month at Long Island College Hospital, whose fate has been in limbo since spring 2013; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State University of New York (“SUNY”) and the New York State Department of Health (“DOH”) to work with stakeholders to keep SUNY Downstate Medical Center open as a leading public medical institution and to preserve the essential health care services the hospital provides.

Referred to the Committee on Health.

Res. No. 72

**Resolution calling upon the New York City Department of Education to take full advantage of the Community Eligibility Option offered by the United States Department of Agriculture, in order to enable all eligible schools to provide universal free meal service to all students.**

By Council Members Williams, Dickens, Johnson and Rosenthal.

**Whereas**, School breakfast and lunch are national programs, authorized by Congress and administered by the United States Department of Agriculture (USDA); and

**Whereas**, The programs provide federal subsidies for each meal served, as well as smaller state subsidies; and

**Whereas**, For the period July 1, 2013 through June 30, 2014, the federal lunch reimbursement rate is \$2.93 for free lunch, \$2.53 for reduced-price lunch and 28 cents for paid lunch, while New York State lunch reimbursement rate is 6 cents for free lunch, 20 cents for reduced-price lunch and 6 cents for paid lunch; and

**Whereas**, Children from families with incomes at or below 130 percent of the poverty level are eligible for free meals, while those with incomes between 130 percent and 185 percent of the poverty level are eligible for reduced-price meals, for which students can be charged no more than 40 cents; and

**Whereas**, Children from families with incomes over 185 percent of poverty (currently \$43,568 annually for a family of four) pay a full price of \$1.75 for lunch in New York City public schools; and

**Whereas**, Even though they are eligible, many low-income children and teens do not take advantage of free school meals in order to avoid the stigma of being labeled as poor; and

**Whereas**, In addition, the process of collecting and verifying applications from hundreds of thousands of students every year is labor-intensive, inefficient and prone to inaccuracy; and

**Whereas**, The Healthy, Hunger-Free Kids Act of 2010 provides an alternative program option that can replace the inefficient, application-based system with a paperless data-driven system that allows students to eat free of charge and free of stigma; and

**Whereas**, This program is called the Community Eligibility Option (CEO) and has been available to districts in New York State since the 2012-13 school year; and

**Whereas**, The CEO is a viable and valuable alternative for districts and schools in high poverty areas, which reduces administrative paperwork and costs while making it easier for eligible children in low income communities to receive meals; and

**Whereas**, The CEO enables eligible districts or schools to serve all children meals at no charge for four successive school years, before being required to recertify eligibility; and

**Whereas**, The New York City Department of Education (DOE) is the largest public school system in the United States, serving approximately 1.1 million students; and

**Whereas**, DOE's Office of School Food, known as "SchoolFood," is the largest school food service provider in the United States, providing over 865,000 meals each day to students in over 1,700 locations including public elementary, middle, special education and high schools, as well as charter schools and some non-public schools in the City; and

**Whereas**, Since 2003-04, the DOE has provided breakfast at no charge to students, regardless of their family income, in recognition of the importance of eating breakfast to learning; and

**Whereas**, DOE's free breakfast program has led to an increase of more than 50% in student participation, according to a report by the organization Community Food Advocates; and

**Whereas**, According to the DOE, in FY12, SchoolFood served an average of 642,957 lunches per day, of which 76.7% were free, 8% were reduced-price and just 15.2% paid full price; and

**Whereas**, Further, in FY12, 71.5% of students were eligible for free meals, 8.6% were eligible for reduced-price meals and just 20% were not eligible for free or reduced-price meals and had to pay full price, according to Community Food Advocates; and

**Whereas**, These numbers indicate that New York City is a low-income school district and that many or most City schools would be eligible for the CEO program; and

**Whereas**, To date, DOE has not applied for the CEO program for all eligible schools and should do so as soon as possible; and

**Whereas**, In addition to reducing paperwork and administrative costs, implementing the CEO program in all eligible City schools would encourage more children and youth to take advantage of free school meals without the stigma of being labeled as poor; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to take full advantage of the Community Eligibility Option offered by the United States Department of Agriculture, in order to enable all eligible schools to provide universal free meal service to all students.

Referred to the Committee on Education.

Res. No. 73

**Resolution calling upon the United States Food and Drug Administration to require warning labels on sugar sweetened beverages.**

By Council Members Williams, Vacca and Rosenthal.

**Whereas**, The United States is facing an obesity epidemic and according to the Centers for Disease Control and Prevention, more than one-third of adults are obese; and

**Whereas**, This epidemic also impacts children as approximately 12.5 million children and adolescents between the ages of 2 and 19 are obese; and

**Whereas**, There are many factors that contribute to obesity including caloric intake, level of physical activity, environment, and genetics; and

**Whereas**, Obesity is also an acute problem in New York City, as a majority of New Yorkers are overweight or obese, according to the Department of Health and Mental Hygiene (DOHMH); and

**Whereas**, According to the DOHMH, the biggest contributor to obesity is the sugar that people consume; and

**Whereas**, Sugar-sweetened beverages, such as soda, sports drinks, fruit drinks and tea drinks, are a common source of sugar, with some containing 16 teaspoons of added sugar in a 20-ounce serving; and

**Whereas**, Due to the negative impact that sugar sweetened beverages can have on an individual's health, many organizations have urged the United States Food and Drug Administration to take action; and

**Whereas**, The Center for Science in the Public Interest (CSPI), along with other health groups and state agencies, including, but not limited to, the American Public Health Association, the Trust for America's Health, and the New York State Department of Health, have advocated for messages warning consumers about the risks of weight gain, obesity, diabetes, and other associated health problems; and

**Whereas**, CSPI recommended several labels including: "This drink contains 250 calories. Consider switching to water;" "Drinking too many sugary drinks can promote diabetes and heart disease;" and "For better health, the U.S. government recommends that you limit your consumption of sugary drinks;" and

**Whereas**, CSPI believes that warning labels will raise public awareness about the possible health concerns associated with consuming sugar sweetened beverages; and

**Whereas**, Government must take an increased role in combating the obesity epidemic; and

**Whereas**, Providing warning labels on sugar sweetened beverages is one method to educate the public about the serious health consequences associated with these products; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Food and Drug Administration to require warning labels on sugar sweetened beverages.

Referred to the Committee on Health.

Res. No. 74

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would add an excise tax on sugar sweetened beverages.**

By Council Members Williams and Rosenthal.

**Whereas**, New York State is facing an obesity epidemic; and

**Whereas**, New York City is facing the same challenge, as the majority of New Yorkers are overweight or obese, and four out of ten elementary school children also fall under this category, according to the Department of Health and Mental Hygiene (DOHMH); and

**Whereas**, Reports indicate that the obesity rates are even higher in low-income communities, where seven out of ten residents are either overweight or obese; and

**Whereas**, The health consequences from obesity can include serious conditions such as diabetes, hypertension, heart disease, stroke, and kidney failure; and

**Whereas**, According to the DOHMH, the biggest contributor to obesity is the sugar that people consume; and

**Whereas**, The DOHMH has indicated that Americans consume 200 to 300 more calories than they did 30 years ago and half of these calories come from sugar-sweetened beverages; and

**Whereas**, Sugar-sweetened beverages, such as soda, sports drinks, fruit drinks and tea drinks, are a common source of sugar, with some containing 16 teaspoons of added sugar in a 20-ounce serving; and

**Whereas**, The New York State Comptroller estimated that obesity-related illness costs New York State residents \$7.6 billion in medical costs every year; and

**Whereas**, In 2010, then-Governor David Paterson and the late State Health Commissioner Dr. Richard Daines proposed a tax of one penny per ounce on sugar-sweetened beverages; and

**Whereas**, Commissioner Daines had indicated that this proposal would generate nearly \$1 billion in revenue after being fully phased in; and

**Whereas**, Multiple public health organizations believe that sugar-sweetened beverages are the food category most strongly linked with the rise in obesity; and

**Whereas**, At that time in 2010, the New York Academy of Medicine, the Greater New York Hospital Association, the Healthcare Association of New York State, the Center for Science in the Public Interest, the Commission for the Public's Health System, Community Health Care Association of New York State, the New York Chapter of the American Academy of Pediatrics, the Medical Society of the State of New York, and the New York State Dental Association all supported the excise tax; and

**Whereas**, Additionally, in a nationwide study conducted at Columbia University Medical Center and the University of California, San Francisco, researchers estimated that the imposition of an excise tax on sugar sweetened beverages would result in approximately a 15 percent reduction in consumption and reduce the prevalence of obesity, diabetes and cardiovascular disease; and

**Whereas**, Government must take affirmative steps to stem the tide of the obesity epidemic and the impact that sugar sweetened beverages have on 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 legislation that would add an excise tax on sugar sweetened beverages.

Referred to the Committee on Health.

Res. No. 75

**Resolution in support of A.4980-C/S.4705-A, also known as the "2013 Fair Elections Act," which would create a public campaign financing system for campaigns for New York statewide office, state legislative office and constitutional convention delegate.**

By Council Members Williams, Constantinides and Mendez.

**Whereas**, New York State does not currently have a public campaign financing system for candidates running for statewide office, state legislative office or constitutional convention delegate; and

**Whereas**, The current New York State campaign contribution limit for a candidate running in a primary and general election for statewide office is \$60,700, and between \$8,200 and \$16,800 for state legislative office, as compared to \$5,000 for a United States Presidential candidate; and

**Whereas**, The current New York State limit on direct corporate contributions to candidates is \$5,000, as compared to an absolute ban on such contributions under New York City and federal law; and

**Whereas**, In 2010 the United States Supreme Court issued a decision in *Citizens United v. Federal Election Commission*, holding that corporations and other groups may engage in unlimited independent spending on elections; and

**Whereas**, The Supreme Court decision, combined with New York State's current contribution limits and lack of a public campaign financing system, has the potential to hinder electoral competition and increase the risk of corruption by allowing wealthy individuals and corporations to spend large amounts to fund political campaigns; and

**Whereas**, Public campaign financing provides candidates with resources to run competitive races, improves election transparency through more stringent disclosure requirements and reduces the risk of corruption and the appearance of impropriety by decreasing the potential for undue influence from wealthy contributors; and

**Whereas**, A.4980-C/S.4705-A, also known as the "2013 Fair Elections Act," currently pending in the State Assembly and Senate and introduced by Assembly Speaker Silver and Senator Stewart-Cousins, respectively, would establish a New York State optional partial public campaign financing system for campaigns for statewide office, state legislative office, and constitutional convention delegates; and

**Whereas**, This public campaign finance system would be a matching funds system whereby candidates would get \$6 for every \$1 of eligible contributions up to \$250, and could raise no more than \$2,000 from any single contributor; and

**Whereas**, A matching funds system would increase voter participation by encouraging candidates to seek smaller contributions from a larger donor base, and thereby reduce the disproportionate influence of wealthy donors and corporations; now, therefore, be it

**Resolved**, That the Council of the City of New York supports A.4980-C/S.4705-A, also known as the "2013 Fair Elections Act," which would create a public campaign financing system for campaigns for New York statewide office, state legislative office and constitutional convention delegate.

Referred to the Committee on Governmental Operations.

Res. No. 76

**Resolution calling on the Congress of the United States to pass, and the President to sign into law, H.R. 3122, the Successful, Safe and Healthy Students Act of 2013.**

By Council Members Williams and Rosenthal.

**Whereas**, Students deserve to learn in a safe space that promotes a positive, healthy and creative learning environment; and

**Whereas**, Studies show that healthy students have an improved capacity to focus and learn, feel better, experience improved self-image and perform better in school; and

**Whereas**, Bullying prevention, physical wellness, and student mental health have received increasing focus from educators and policymakers in recent years, as evidenced by annual bullying prevention summits hosted by the United States

Department of Education and similar events held in individual states; and

**Whereas**, H.R. 3122, *The Successful, Safe and Healthy Students Act* (“the Act”) introduced by Congressman Bruce Braley in September 2013, seeks to bolster these efforts by creating grant programs so local schools can develop and implement programs that encourage positive learning conditions and increase academic achievement for all students; and

**Whereas**, The Successful, Safe and Healthy Student State Grant program, would provide funding to states to implement programs to support positive conditions for learning; and

**Whereas**, States receiving funding under this program could distribute grants to local school districts to improve learning conditions, giving priority to those with the highest poverty and greatest needs; and

**Whereas**, By awarding grant funding to efforts that seek to increase opportunities for physical activity, good nutrition, healthy living, substance abuse prevention and the prevention of bullying, harassment and violence, schools would be better able to foster supportive learning environments; and

**Whereas**, The Act would also allow states to award subgrants to give local districts the resources they need to develop and improve data systems to improve conditions for learning in schools and communities; and

**Whereas**, Specifically, the Act amends the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to award grants to states to: (1) develop, improve, and implement state reporting and information systems that measure conditions for learning, based on surveys of school students and staff; and (2) award competitive subgrants to local educational agencies (LEAs) or nonprofit organizations that use such measurement systems to make comprehensive improvements to school-level conditions for learning; and

**Whereas**, The Act would also condition a state's grant eligibility on the state: (1) having a statewide physical education requirement that is consistent with widely recognized standards; and (2) requiring its LEAs to establish policies that prevent and prohibit harassment in schools, to notify students, parents, and educational professionals of prohibited conduct each year, and to provide students and parents with grievance procedures that target such conduct; and

**Whereas**, Further, the Act would direct the Secretary of Education to evaluate the programs this Act funds and provide technical assistance to program applicants, grantees, and subgrantees; and

**Whereas**, The Act seeks to advance student achievement by promoting student health and wellness, preventing bullying, violence and drug use, and fostering a positive school climate; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Congress of the United States to pass, and the President to sign into law, H.R. 3122, the Successful, Safe and Healthy Students Act of 2013.

Referred to the Committee on Education.

Res. No. 77

**Resolution calling on the New York State Legislature to pass and the Governor to sign, A.4205, 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 Williams, Mendez and Rosenthal.

**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**, 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% of ELLs 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 have concluded that tutoring programs can 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 for the provision of 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.4205, introduced by Assembly Member Karim Camara, 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.4205, 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.

Res. No. 78

**Resolution calling on the New York State Assembly to pass A.4830, the New York State Senate to introduce similar legislation, and the Governor to sign such legislation, which requires ex-felons to be fully informed of their voting**

By Council Members Williams, Mendez and Rosenthal.

**Whereas**, The right to vote in open and free elections is one of our country's greatest tenets of citizenship, a privilege that is protected in the United States (“U.S.”) Constitution; and

**Whereas**, According to the Sentencing Project, a criminal justice advocacy group, every U.S. state, with the exceptions of Maine and Vermont, bars incarcerated individuals from voting while in prison; and

**Whereas**, In New York State, individuals on parole for a felony conviction are also banned from voting until they have completed their parole, unless the individual has been granted a Certificate of Relief or Certificate of Good Conduct; and

**Whereas**, According to the New York State Commission of Correction, as of September 30<sup>th</sup> of 2013, there were 83,766 inmates in New York State correctional facilities; and

**Whereas**, Although an individual regains the right to vote upon completion of his or her sentence, it is the responsibility of the newly-freed individual to re-register to vote; and

**Whereas**, Unfortunately, a significant number of incarcerated individuals are misinformed or uninformed about their voting rights; and

**Whereas**, According to the Sentencing Project, over 40 percent of prisoners believe that incarceration results in the permanent revocation of voting rights and over 60 percent believe that probation results in the suspension of voting rights; and

**Whereas**, In order to avoid the disenfranchisement of thousands of people, it is imperative that individuals who have served out their sentences be informed of their right to vote in New York State; and

**Whereas**, A.4830, sponsored by Assembly Member N. Nick Perry and currently pending in the New York State Assembly, seeks to amend the New York State Executive Law by requiring the State Board of Parole to notify inmates convicted of a felony, thirty days prior to their completion of their maximum sentence, that their right to vote will be restored upon their release; and

**Whereas**, A.4830 would require the State Board of Parole to notify individuals discharged from parole that their right to vote has been restored; and

**Whereas**, A.4830 would amend the New York State Election Law by requiring the New York State Board of Elections to provide the State Board of Parole with a sufficient number of voter registration and enrollment forms, which will then be given to soon-to-be released inmates and those individuals discharged from parole; and

**Whereas**, Voting in elections is a key ingredient of civil participation, and one that must be encouraged among all eligible New Yorkers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Assembly to pass A.4830, the New York State Senate to introduce similar legislation, and the Governor to sign such legislation, which requires ex-felons to be fully informed of their voting rights.

Referred to the Committee on Civil Rights.



Res. No. 79

**Resolution in support of the creation and presentation of a ticker-tape parade to honor the veterans of the Iraq and Afghanistan wars.**

By Council Members Williams, Gentile and Rosenthal.

**Whereas**, Ticker-tape parades evolved from New York City's long history of public celebrations; and

**Whereas**, Since early American military times, soldiers have displayed their colors in ceremonial reviews; and

**Whereas**, Following the American Revolution, parades commemorated events of national importance such as Evacuation Day and Independence Day; and

**Whereas**, October 29, 1886 marked the first ticker-tape parade in New York City, when exuberant office workers threw their ticker-tape into the streets as an unplanned celebration of the dedication of the Statue of Liberty; and

**Whereas**, Although the Iraq War ended on December 31, 2011, only St. Louis has held a "Welcome Home Our Heroes" parade to date with an estimated attendance of 100,000 people; and

**Whereas**, According to Iraq and Afghanistan Veterans of America, roughly 2.6 million troops have been deployed since October 2001 to the wars in Iraq and Afghanistan, with approximately 85,000 veterans from these conflicts in New York State; and

**Whereas**, New York City's ticker-tape parades down the Canyon of Heroes in lower Manhattan have long been part of American culture; and

**Whereas**, Sports champions and near champions, celebrities, foreign dignitaries and veterans of wars and conflicts in World War I and II, Korea, Vietnam and the first Gulf War, have all marched down Broadway to a cheering crowd and skies full of ticker-tape, confetti, paper streams and the like; and

**Whereas**, The valor and sacrifice of the members of the United States Armed Forces who served in Iraq and Afghanistan cannot and should not be ignored; and

**Whereas**, A ticker-tape parade should serve as a dignified tribute to the many who sacrificed in Iraq and Afghanistan, and as a time and place for the public to gather in demonstration of our gratitude to our servicemen and servicewomen; and

**Whereas**, New Yorkers have traditionally rallied around our heroes and our veterans are no less deserving than others for this fitting token of our appreciation; now, therefore, be it

**Resolved**, That the Council of the City of New York supports the creation and presentation of a ticker-tape parade to honor the veterans of the Iraq and Afghanistan wars.

Referred to the Committee on Veterans.

Res. No. 80

**Resolution calling on the New York State Legislature and the Governor to enact a law that will expunge misdemeanor convictions from the criminal record of any individual who committed such misdemeanors before the age of twenty and is not rearrested for at least ten years from the time of such misdemeanor convictions.**

By Council Members Williams and Rosenthal.

**Whereas**, According to the United States Bureau of Justice Statistics, during 2010, over 7.1 million people were under supervision of adult correctional authorities in the United States; and

**Whereas**, According to the New York State Division of Criminal Justice Services ("DCJS"), there were 18,286 probationers in New York State during 2012, 9,460 of whom were from New York City; and

**Whereas**, The DCJS reported a total of approximately 212,000 convictions for misdemeanors during 2012 in New York State; and

**Whereas**, Under the New York State Penal Law, misdemeanors are defined as offenses, other than traffic infractions, for which a sentence of imprisonment in excess of 15 days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed; and

**Whereas**, Misdemeanors are often minor offenses including, but not limited to, possession of marijuana, resisting arrest, and making graffiti; and

**Whereas**, New York State should amend State law to allow individuals who are convicted of committing a misdemeanor crime or crimes before the age of twenty, and are not rearrested for at least ten years from the time of such misdemeanor conviction or convictions, to have all such misdemeanor convictions expunged from their record; and

**Whereas**, Individuals with criminal records have to overcome additional obstacles when applying for employment; and

**Whereas**, Expunging misdemeanors from a criminal record in these limited cases would help prevent stigmatization; and

**Whereas**, Expunging their record will assist individuals who are demonstrating a commitment to a fresh start in securing employment, thus helping such individuals

become productive members of society; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature and the Governor to enact a law that will expunge misdemeanor convictions from the criminal record of any individual who committed such misdemeanors before the age of twenty and is not rearrested for at least ten years from the time of such misdemeanor convictions.

Referred to the Committee on Public Safety.

Res. No. 81

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.1507/S.1416, which would establish child-sensitive arrest policies and procedures.**

By Council Members Williams and Rosenthal.

**Whereas**, Witnessing an arrest can have a severe psychological impact on a child, which could lead to emotional distress such as anxiety, confusion, anger, and sadness; and

**Whereas**, Most children do not talk about their experience and may develop negative associations of law enforcement or figures of authority as a result of their traumatic experience; and

**Whereas**, According to a 2010 report on arrest protocols, when examining the relationship between witnessing arrests and elevated symptoms of post-traumatic stress, children who witnessed the arrest of someone in their household and had a parent who was recently arrested were 72% more likely to have elevated post-traumatic stress symptoms than children who did not have an arrested parent and had never witnessed an arrest; and

**Whereas**, In an effort to prevent post-traumatic stress symptoms in children, A.1507, sponsored by Assembly Member Joseph R. Lentol and currently pending in the New York State Assembly, and companion bill S.1416, sponsored by State Senator Velmanette Montgomery and currently pending in the New York State Senate, seek to amend the New York State Executive Law and the Criminal Procedure Law, in relation to developing and instituting child-sensitive arrest policies and procedures; and

**Whereas**, A.1507/S.1416 would amend the New York State Executive Law by requiring the superintendent of the New York State Police, in consultation with the New York State Office of Child and Family Services and the New York State Division of Criminal Justice Services, to maintain and disseminate written policies and procedures regarding child-sensitive arrest practices; and

**Whereas**, These policies would include, but are not limited to (i) inquiring whether an arrestee is charged with the care or custody of a child; (ii) allowing for the arrangement of temporary care for the child; (iii) education on how witnessing violence causes emotional harm to children and how law enforcement can minimize the impact of such harm; and (iv) information on the availability of access to community-based providers of crisis intervention, child protection, and other resources that could aid the child; and

**Whereas**, A.1507/S.1416 seeks to amend the New York State Criminal Procedure Law by requiring that State and local law enforcement officers who are arresting an individual inquire at the time of the arrest whether the individual is a parent, guardian, or person legally charged with the care or custody of a minor child who may be at risk as a result of the arrest; and

**Whereas**, A.1507/S.1416 would help to minimize child trauma and out of home placements, as well as help prevent the development of negative associations with law enforcement or figures of authority; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.1507/S.1416, which would establish child-sensitive arrest policies and procedures.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 82

**Resolution calling on the New York State Legislature to pass A.2803/S.1043 and the Governor to sign such legislation into law, granting the New York State Attorney General jurisdiction to investigate and prosecute police misconduct upon the request of the Governor or the District Attorney of the county wherein such misconduct was committed.**

By Council Member Williams.

**Whereas**, The New York State Attorney General ("Attorney General") serves as (i) New York State's chief law enforcement officer; (ii) the chief legal advisor to the Governor; and (iii) the guardian of New York State's citizens' legal rights; and

**Whereas**, The resources of the Attorney General include two executive offices, thirteen regional offices, over 650 Assistant Attorneys General, and over 1,700 employees, comprising of forensic accountants, legal assistants, scientists, investigators and support staff; and

**Whereas**, New York State consists of 62 counties, each of which elects a district attorney who is charged with prosecuting violations of the law that occur within his or her county's borders; and

**Whereas**, District attorneys have longstanding relationships with local law enforcement agencies and have limited resources with which to prosecute a myriad of offenses; and

**Whereas**, The Attorney General's resources should be utilized to assist New York counties whose district attorneys have the least resources to prosecute criminal offenses; and

**Whereas**, Additionally, there may be an inherent conflict present in a local prosecuting agency's investigation and prosecution of a serious criminal offense alleged to have been committed by a municipal police officer, given the ongoing relationships between local district attorneys and their affiliated municipal police agencies; and

**Whereas**, The presence of such relationship could interfere with and compromise the objective, management, and conduct of criminal proceedings against an accused police officer; and

**Whereas**, The Attorney General's office has a more distant relationship with municipal and county law enforcement agencies than do the district attorneys; and

**Whereas**, A.2803, sponsored by Assembly Member Keith Wright and currently pending in the New York State Assembly, and companion bill S.1043, sponsored by State Senator Gustavo Rivera and currently pending in the New York State Senate, seek to amend the New York State Executive Law by increasing the authority of the Attorney General to investigate and prosecute any alleged criminal misconduct by police officers in connection with the performance of their regular duties under limited, specific circumstances; and

**Whereas**, A.2803/S.1043 provide that this increased authority may be exercised only upon (i) a written finding by the Attorney General that a lack of prosecutorial resources of the local jurisdiction hinders the effective investigation and prosecution of the alleged offense or offenses or (ii) the exercise of this authority is necessary to ensure the public's confidence in the justice system; and

**Whereas**, Granting the Attorney General jurisdiction to investigate and prosecute police misconduct helps promote and safeguard the public's faith in the justice system and ensures that adequate prosecutorial resources are made available; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass A.2803/S.1043 and the Governor to sign such legislation into law, granting the New York State Attorney General jurisdiction to investigate and prosecute police misconduct upon the request of the Governor or the District Attorney of the county wherein such misconduct was committed.

Referred to the Committee on Public Safety.

Res. No. 83

**Resolution calling on the New York City Police Department and the Department of Correction to adhere to their current strip search procedures.**

By Council Member Williams.

**Whereas**, In *Florence v. Board of Chosen Freeholders of County of Burlington* ("Florence"), decided on April 2, 2012, the United States Supreme Court held, in a 5-4 decision, that law enforcement officers may strip search individuals arrested for minor offenses; and

**Whereas**, The *Florence* case involved Albert Florence, a New Jersey man who was arrested in Burlington, New Jersey after a State Trooper discovered an erroneous warrant for an unpaid fine that had actually been paid; and

**Whereas**, Mr. Florence was handcuffed, arrested, and sent to a jail in Burlington County and a jail in Essex County over the next six days, where he was strip searched both times; and

**Whereas**, After a judge dismissed the charges, Mr. Florence sued the Essex County Correctional Facility and the County of Burlington, claiming that his constitutional rights to due process and freedom from unreasonable searches had been violated; and

**Whereas**, In writing the majority's decision, Justice Anthony Kennedy indicated that the reason for an arrest, however minor, does not always reflect the actual threat the suspect poses; and

**Whereas**, While the Supreme Court's ruling does not require strip searches for every individual who gets arrested, it does make explicit that strip searches for minor offenses do not violate the Fourth Amendment; and

**Whereas**, In his dissent, Justice Stephen G. Breyer, joined by Justices Ruth Bader Ginsberg, Sonia Sotomayor and Elena Kagan, cited a study by the New York federal district court which found that, of the 23,000 individuals strip searched between 1999 and 2003 at the Orange County Correctional Facility in Goshen, New York, there were only 5 instances where a strip search resulted in the discovery of drugs, and "that in four of these five instances there may have been 'reasonable suspicion' to search"; and

**Whereas**, The American Civil Liberties Union condemned the Supreme Court decision, claiming that it "jeopardizes the privacy rights of millions of people who are arrested each year"; and

**Whereas**, Currently, the New York City Police Department's ("NYPD") and the New York City Department of Correction's ("DOC") requirements for conducting a strip search impose a higher standard for authorized strip searches of arrestees than that permitted under *Florence*; and

**Whereas**, Pursuant to NYPD Patrol Guide section 208-05, a strip search "may not be conducted routinely in connection with an arrest" and "may only be conducted when the arresting officer reasonably suspects that weapons, contraband or evidence may be concealed upon the person or in the clothing in a manner that they may not be discovered by the previous search methods"; and

**Whereas**, Pursuant to DOC Operations Order 08/02, which upon information and belief is still in effect, "post-arraignment detainee inmates incarcerated for Misdemeanor and/or Violation Offenses shall not be made the subject of a strip search during the new admission process unless there is a reasonable suspicion that the inmate is in possession of contraband"; and

**Whereas**, For the sake of New Yorkers' civil liberties, it is imperative that the NYPD and DOC not use the *Florence* decision to ease the requirements for strip searches conducted by the NYPD and DOC; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York City Police Department and the Department of Correction to adhere to their current strip search procedures.

Referred to the Committee on Public Safety.

Res. No. 84

**Resolution calling upon the Metropolitan Transportation Authority to institute a public recycling program in all of its transit facilities within New York City.**

By Council Members Williams and Rosenthal.

**Whereas**, The Metropolitan Transportation Authority (MTA) does not provide separate recycling receptacles for paper, metals, glass, and plastic in the subway system, as the transit systems in cities such as Chicago, Washington, Boston, Montreal and San Francisco have done; and

**Whereas**, The Chicago Transit Authority provides newspaper recycling bins on more than 100 rail station platforms; and

**Whereas**, The MTA does provide recycling bins at many Metro-North Railroad facilities including newspaper collection bins at Grand Central Terminal and separate receptacles for commuters to discard newspapers, bottles, and cans at the majority of Metro-North stations; and

**Whereas**, The MTA performs post-collection separation of subway system refuse which includes picking through the trash after it is collected to separate recyclables; and

**Whereas**, Recyclables that are mixed in with food waste and other trash before being separated can lead to higher levels of contaminated recyclables; and

**Whereas**, Recycling has proven to be a relatively inexpensive and environmentally sound way to reduce waste; and

**Whereas**, New York City has implemented a public space recycling program throughout many communities in the five boroughs; and

**Whereas**, This program includes the collection of newspapers, magazines, mixed paper, metal, glass, and rigid plastic via over 1,500 specially marked receptacles on public sidewalks; and

**Whereas**, At present, thousands of newspapers and other recyclables are disposed of in regular receptacle bins containing trash in subway stations throughout the City every day; and

**Whereas**, Creating a separate recycling program for discarded newspapers and other recyclables in subway stations would further reduce the City's waste stream; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the MTA to institute a public recycling program in all of its transit facilities within New York City.

Referred to the Committee on Transportation.

Res. No. 85

**Resolution calling on the New York State Senate to pass S.2872, the New York State Assembly to introduce similar legislation, and the Governor to sign such legislation into law, which would amend the New York State Executive Law in relation to the duties of State Police when an offense is committed by a police officer resulting in serious physical injury to another person.**

By Council Member Williams.

**Whereas**, The New York City Police Department ("NYPD") has approximately 34,500 uniformed police officers and is responsible for enhancing the quality of life in the City by working in partnership with the community, enforcing the law, and providing for a safe environment; and

**Whereas**, New York City has five district attorneys, one for each county, who serve as each county's chief prosecutor; and

**Whereas**, There is necessarily a relationship formed between the NYPD and the district attorneys' offices as they work together to prosecute the arrests made by the police; and

**Whereas**, Under the current law, the investigation and prosecution of State crimes by municipal police officers is undertaken by the local district attorneys; and

**Whereas**, There may be an inherent conflict present in a local prosecuting agency's investigation and prosecution of a serious criminal offense alleged to have been committed by a municipal police officer, given the ongoing relationships between local district attorneys and their affiliated municipal police agencies; and

**Whereas**, The presence of such relationship could interfere with and compromise the objective, management, and conduct of criminal proceedings against an accused police officer; and

**Whereas**, In order to better promote public confidence in the justice process, particularly in communities of color, a systemic change is needed in the way police misconduct and brutality complaints are criminally investigated and prosecuted; and

**Whereas**, S.2872, currently pending in the New York State Senate, seeks to amend the New York State Executive Law by authorizing New York State's Division of State Police ("State Police") to (i) assume responsibility of any crime scene involving an offense by a police officer resulting in serious physical injury to another person; (ii) secure and freeze the scene of such crime; and (iii) undertake a criminal investigation in cooperation with the New York State Attorney General; and

**Whereas**, S.2872 would charge the State Police with the responsibility to prevent, investigate, and detect violations of the State's criminal laws by a police officer, as well as require the State Police to cooperate with the New York State Attorney General in the investigation and criminal prosecution of any such offense by a police officer; and

**Whereas**, S.2872 would assist in improving relations between local police departments and community residents by offering a more neutral, independent investigation of alleged police misconduct and brutality; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Senate to pass S.2872, the New York State Assembly to introduce similar legislation and the Governor to sign such legislation into law, which would amend the New York State Executive Law in relation to the duties of State Police when an offense is committed by a police officer resulting in serious physical injury to another person.

Referred to the Committee on Public Safety.

Res. No. 86

**Resolution calling upon the Commissioner of Housing and Community Renewal to amend the Rent Stabilization Code to create a review process for rent increases for individual apartments based upon increased services, new equipment installation or improvements to an apartment, and change the structure of Major Capital Improvement and Individual Apartment Increases from being charged in perpetuity to being charged for only five years.**

By Council Members Williams, Arroyo, Johnson and Mendez.

**Whereas**, According to New York State law, the Commissioner of the State Division of Housing and Community Renewal (HCR) has the power to promulgate amendments to the Rent Stabilization Code (RSC) for apartments occupied by approximately more than one million New Yorkers; and

**Whereas**, HCR serves the important public duty of establishing safeguards for tenants of rent-regulated units against unsubstantiated rent increases; and

**Whereas**, Currently, Section 2522.4(a) of the RSC provides for rent increases based on two categories of improvements made to the apartment unit or building; and

**Whereas**, One method of increasing rent is provided for in Section 2522.4(a)(2) of the RSC based on a Major Capital Improvement (MCI), which is usually a building-wide improvement with rent increases being applied across all apartments; and

**Whereas**, Such increase depends upon an extensive documented application subject to the review and approval of HCR; and

**Whereas**, Any MCI increase is added to the base rent for all future rent increases; and

**Whereas**, Rent increases pursuant to this section of the RSC may substantially increase the monthly rent for rent stabilized units, since an MCI increase is perpetual and not based on the life of the capital improvement; and

**Whereas**, By not having the MCI increase terminate at any point, some tenants may be charged for an improvement long after the landlord has been fully reimbursed for the cost of the improvement; and

**Whereas**, The second method of increasing rent is provided for in Section 2522.4(a)(1) of the RSC which allows at the landlord's discretion an application for increased services or installation of new equipment or improvements to individual apartments (IAI); and

**Whereas**, Such increases require the filing of a notice with HCR only if the apartment is occupied by a tenant, but otherwise requires no application review or approval by HCR; and

**Whereas**, Similar to MCI increases, an IAI is also added to the base rent for all future rent increases; and

**Whereas**, It is unfair to charge tenants for improvements long after the landlord has recouped his or her cost; and

**Whereas**, The Commissioner of HCR should create a review and approval process for individual apartment rent increases analogous to those applied to MCIs, in order to reduce the risk of unwarranted rent increases; and

**Whereas**, Such a review and approval process may result in apartments with more affordable rents to remain in the Rent Stabilization system for a longer period of time; and

**Whereas**, A five-year cap for both MCIs and IAIs should also be imposed to help ensure that tenants are not charged for improvements long after the landlord has been fully compensated for the cost of the improvements; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Commissioner of Housing and Community Renewal to amend the Rent Stabilization Code to create a review process for rent increases for individual apartments based upon increased services, new equipment installation or improvements to an apartment, and change the structure of Major Capital Improvement and Individual Apartment Increases from being charged in perpetuity to being charged for only five years.

Referred to the Committee on Housing and Buildings.

Res. No. 87

**Resolution calling on New York State Legislature to pass and the Governor to sign A8393-2013 and S1492-2013, which would repeal the Urstadt law.**

By Council Members Williams, Gentile, Mendez and Rosenthal.

**Whereas**, New York City continues to face a housing crisis with the latest Housing and Vacancy Survey conducted by the U.S Bureau of the Census revealing a vacancy rate of only 3.12 percent; and

**Whereas**, In 1971, the "Urstadt Law" enacted by the New York State Legislature removed New York City's authority to enact more stringent or restrictive rent regulation provisions; and

**Whereas**, There are over one million apartments covered by rent regulations in New York City, which represents most of the city's affordable rental housing stock and roughly half of the City's rental units; and

**Whereas**, The New York City Rent Guidelines Board recently reported that 9,499 rent-stabilized units were deregulated in 2012 with about 249,355 rent stabilized units deregulated between 1994 and 2012 because of rent amounts, coop/condo conversions, the expiration of applicable tax benefits, and other property conversions; and

**Whereas**, More New Yorkers are paying at or over 30% of their income towards rent which creates a financial hardship for low and middle-income tenants and has forced many low and middle-income tenants to relocate, live in substandard housing conditions or unable to keep up with living expenses; and

**Whereas**, The housing market in New York City is unlike other communities in New York State, and New York City's local government is in the best position to comprehend and address the areas housing problems; and

**Whereas**, The Urstadt Law prevents New York City from strengthening the rent regulation laws to address the city's current housing crisis which affects millions of tenants; and

**Whereas**, A8393-2013 and S1492-2013 would give New York City the ability to regulate and control residential rents, evictions, the classification of housing accommodations and the enforcement of relevant local laws; and

**Whereas**, It is in the best interest for the City of New York for the Urstadt Law to be repealed so that the city can manage its rental housing stock; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on New York State Legislature to pass and the Governor to sign A8393-2013 and S1492-2013, which would repeal the Urstadt law.

Referred to the Committee on Housing and Buildings.

Res. No. 88

**Resolution calling upon the United States Congress and the President of the United States to raise the minimum age for enlisting in the military to age 21.**

By Council Members Williams and Rosenthal.

**Whereas**, Federal law allows individuals who are age 18 and over, and those age 17 with parental consent, to enlist in the United States Army, Navy, Air Force, Marine Corps or Coast Guard; and

**Whereas**, Each branch of the United States Armed Forces utilizes recruitment and Junior Reserve Officer Training Corps (JROTC) programs in high schools in an effort to promote the option of military service to students and to obtain enlistments of those age 17 and older; and

**Whereas**, Under federal law, military recruiters must be afforded the same access to public high school students that is provided to colleges, universities, and prospective employers; and

**Whereas**, Research indicates that adolescents are more susceptible to peer pressure and have an increased tendency to engage in risky behavior in comparison to adults; and

**Whereas**, According to a study by the National Institutes of Health, development of the portion of the brain involved in decision-making is not complete until an individual is over age 21; and

**Whereas**, Service in the military may entail exposure to life-threatening and highly stressful situations; and

**Whereas**, Those under age 21 may be unprepared to properly weigh the risks and benefits of military service; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress and the President of the United States to raise the minimum age for enlisting in the military to age 21.

Referred to the Committee on Veterans.

Res. No. 89

**Resolution calling on the United States government to make Haitian recipients of Temporary Protected Status eligible for federal public benefits.**

By Council Member Williams.

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

**Whereas**, The Secretary of the United States Department of Homeland Security (DHS) has the authority to provide TPS to immigrants living in the United States who are unable to safely return to their home country because of an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent their safe return; and

**Whereas**, The United States Citizenship and Immigration Services (USCIS), part of DHS, is responsible for administering the TPS program; and

**Whereas**, A country's TPS designation takes effect on the date of publication of the designation and may last between six and 18 months, with the possibility of an extension; and

**Whereas**, Once the Secretary of DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to TPS or to any other status they may have acquired while registered for TPS; and

**Whereas**, On January 12, 2010, Haiti experienced a 7.0 magnitude earthquake that destroyed most of Haiti's capital, Port-au-Prince, severely affected the country's infrastructure, and led to the deaths of more than 200,000 people and more than 300,000 people were injured; and

**Whereas**, On January 21, 2010, Janet Napolitano, the Secretary of DHS, granted an 18-month TPS designation to Haiti because of the extraordinary and temporary conditions that prevented Haitians from returning safely to their homes; and

**Whereas**, Due to the slow pace of recovery from the 2010 earthquake, causing on-going unsanitary conditions, Haiti fully meets the criteria of a country entitled to TPS and therefore the Secretary of DHS granted two extensions and re-designations of TPS for Haiti, the latter of which expires in July of 2014; and

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

**Whereas**, According to the USCIS, since the designation of TPS to Haiti, over 100,000 Haitians have been approved for such immigration relief; and

**Whereas**, Haitians granted TPS may obtain authorization to work in the United States, may be granted travel authorization, and are not removable from the United States; and

**Whereas**, Haitians granted TPS who are living in New York City are eligible for in-state tuition rates at schools in the CUNY system; and

**Whereas**, Any immigrants granted TPS, including Haitians, however, are not considered to be permanently residing in the United States; and

**Whereas**, According to the New York State Office of Temporary and Disability Assistance guide on alien eligibility for public benefits entitled the "Alien Eligibility Desk Aid," the only non-citizen Haitians eligible for Medicaid, Family Assistance, Safety Net Assistance, and Food Stamp Benefits are "Haitian entrants"; and

**Whereas**, "Haitian entrant" is defined in section 501(e) of the Refugee Education Assistance Act of 1980 as an individual from Haiti who has applied for asylum with the United States; and

**Whereas**, Haitian TPS beneficiaries are not considered to be "Haitian entrants" on the basis of having been granted TPS and as such are not deemed eligible for any federal public benefits administered by New York State and New York City; and

**Whereas**, The Obama administration has promised to continue to support Haiti and its people as it recovers from the disastrous earthquake, and extending federal public benefits to Haitians with TPS living in the United States would further demonstrate the United States' support for Haiti; now, therefore, be it,

**Resolved**, That the Council of the City of New York calls upon the United States government to make Haitian recipients of Temporary Protected Status eligible for federal public benefits.

Referred to the Committee on Immigration.

Res. No. 90

**Resolution urging the New York City Department of Education to assist the Caribbean international teachers it recruited to attain citizenship and the United States Congress to include a discussion of the needs of international teachers recruited to work in the United States in the comprehensive immigration reform debate.**

By Council Members Williams, Arroyo and Mendez.

**Whereas**, At the turn of the twenty-first century, New York City public schools were faced with a severe shortage of teachers; and

**Whereas**, To address this need, the New York City Department of Education (DOE) created the Caribbean Recruitment Initiative, a program of the Center for Recruitment and Professional Development of the DOE, which focused on recruiting Caribbean teachers; and

**Whereas**, To recruit the high caliber, educated teachers needed in New York City public schools, DOE promised prospective teachers from the Caribbean competitive salaries, housing assistance, education subsidies, and a pathway to permanent residency in the United States; and

**Whereas**, Of the approximately 3,340 teachers DOE recruited from around the world to teach in New York City's public schools, approximately 500 teachers are from the Caribbean (the "Caribbean teachers"); and

**Whereas**, When the Caribbean teachers arrived in the United States, DOE sponsored the Caribbean teachers through J-1 visas; and

**Whereas**, According to the U.S. Department of State, a J-1 visa is a non-immigrant visa issued to an individual who meets certain eligibility criteria and is sponsored either by a private sector or government program; a J-1 visa is valid for one year and is renewable two times; and

**Whereas**, There is an additional program called the H1-B program, which, according to the U.S. Department of Labor, is for hiring non-immigrant individuals as workers in specialty occupations; a H1-B visa is valid for three years, and is renewable once for a maximum of six years; and

**Whereas**, According to *Broken Promises, The Story of Caribbean International Teachers in New York City's Public Schools*, a report by the Black Institute, (the "Report"), at the end of the validity of the Caribbean teachers' J-1 visas, DOE advised them to apply for H1-B visas; and

**Whereas**, According to the Report, many Caribbean teachers are now approaching the end of validity of their H1-B visas, are experiencing difficulty in obtaining permanent residency, and are fearful of being deported and unemployed; and

**Whereas**, The DOE is at least partially responsible for these hardships; and

**Whereas**, The Report states that the setbacks Caribbean teachers are experiencing in their quest for permanent residency include, but are not limited to: (i) DOE's classification of them as EB-3 workers, which is a designation for unskilled workers, (ii) DOE's shifting criteria for obtaining its support for permanent residency; and (iii) DOE's grant of authority to principals to decline to recommend a Caribbean teacher, a decision that that will automatically affect such teacher's immigration status in the United States; and

**Whereas**, As noted in the Report, decisions affecting an individual teacher's ability to remain in the United States may be beyond the scope of a principal's employment; and

**Whereas**, The DOE should take all possible actions to quickly resolve all pending immigration issues Caribbean teachers and their families are facing; and

**Whereas**, The Caribbean teachers uprooted their families from their native countries with the hope of sponsoring their loved ones to become citizens and permanent residents of the United States, a status that would provide them the many privileges United States citizens and residents are offered; and

**Whereas**, Many of the Caribbean teachers were recruited over ten years ago and brought their children with them; because the permanent residency process has taken much longer than anticipated and only children under the age of twenty-one can be sponsored by their legal permanent resident parents for immigration benefits, many of their children have aged out of status and are deportable; and

**Whereas**, A discussion of the needs of international teachers recruited to work in the United States must be included in the comprehensive immigration reform debate; and

**Whereas**, The U.S. Congress should assist in expediting the permanent residency process for Caribbean teachers who have been enriching the lives of the City's youth for the past decade; now, therefore, be it

**Resolved,** That the Council of the City of New York urges the New York City Department of Education to assist the Caribbean international teachers it recruited to attain citizenship and the United States Congress to include a discussion of the needs of international teachers recruited to work in the United States in the comprehensive immigration reform debate.

Referred to the Committee on Immigration.

Res. No. 91

**Resolution calling upon the New York City Police Department and the Metropolitan Transportation Authority to stop arresting people for committing minor infractions in the transit system, irrespective of whether they have an arrest record or have previously committed minor infractions in the system.**

By Council Member Williams.

**Whereas,** Currently, the Metropolitan Transportation Authority (MTA) and New York City Police Department (NYPD) are authorized to impose fines on or arrest people who commit minor infractions in the transit system; and

**Whereas,** These minor infractions include, but are not limited to, littering, sleeping, occupying more than one seat, and placing a foot on a seat; and

**Whereas,** Reports indicate that people accused of committing a minor infraction are more likely to be arrested, rather than subjected to a fine, if they have an arrest record or have previously committed a minor infraction in the transit system; and

**Whereas,** In addition to being very disruptive, an arrest can cause significant stress, financial hardship, loss of employment and difficulty in finding employment, among other things; and

**Whereas,** Many people believe that MTA rules are being enforced unfairly and inconsistently across the City; and

**Whereas,** Arresting people for minor infractions is overly punitive and unfair, and officers should only use arrest as a last resort when enforcing MTA rules and should do so uniformly and fairly; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Police Department and the Metropolitan Transportation Authority to stop arresting people for committing minor infractions in the transit system, irrespective of whether they have an arrest record or a have previously committed minor infractions in the system.

Referred to the Committee on Public Safety.

Int. No. 121

By Council Members Wills and King.

**A Local Law to amend the administrative code of the city of New York in relation to the suspension of the issuance of violations for littering.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-118.1 of the administrative code of the city of New York is amended as follows:

§16-118.1 Citywide Routing System. a. The department shall implement a citywide routing system for residential premises for the enforcement of subdivision two of section 16-118 of this code, as such subdivision relates to the cleaning of sidewalks, flagging, curbstones, airshafts, backyards, courts, alleys and roadway areas by owners, lessees, tenants, occupants or persons in charge of any such premises, and for commercial premises for the enforcement of such subdivision as such subdivision relates to cleaning of sidewalks, flagging, curbstones and roadway areas by owners, lessees, tenants, occupants or persons in charge of such premises. The citywide enforcement routing system shall limit the issuance of notices of violation, appearance tickets or summonses within any sub-district of a local service delivery district to predetermined periods of a total of no more than two hours each day, provided that each such predetermined period shall be one hour. The department shall establish a citywide schedule of periods for issuing notices of violation, appearance tickets or summonses for commercial premises in each district and shall give written notice to the owners, lessees, tenants, occupants or persons in charge of such premises in each district of the periods for the district in which their premises are located by the use of flyers, community meetings or such other techniques as the commissioner reasonably determines to be useful. The two one-hour predetermined periods for issuing notices of violation, appearance tickets or summonses for residential premises shall be from 8:00 a.m. until 9:00 a.m. and from 6:00 p.m. until 7:00 p.m., *Monday through Saturday. No notices of violation, appearance tickets or summonses for residential premises may be issued on Sunday.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 122

By Council Members Wills, Mendez and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring food service establishments to provide hand sanitizer dispensaries in close proximity to buffet stands.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 Hand Sanitizer Dispensaries. a. For the purposes of this section, “food service establishment” means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

b. Food service establishments that operate or maintain a self-service salad bar or buffet shall be required to provide a hand sanitizer dispensary in close proximity to such salad bar or buffet, but no closer than six feet to and no further than twelve feet from such salad bar or buffet.

§2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Health.

Int. No. 123

By Council Members Wills, Arroyo, Dickens, Gentile, Mendez and Richards.

**A Local Law to amend the New York city charter, in relation to waiving fees for the use of city facilities by city elected officials for constituent events.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 35 of the New York city charter is amended by adding a new section 829.1 to read as follows:

§ 829.1 Fee Waiver.

a. Definitions. As used in this section, the following terms have the following meanings:

(i) “City elected official” means any of the following officials of the city of New York: the mayor, the public advocate, a city council member, a borough president or the comptroller of the city of New York.

(ii) “City facility” means any land, building, structure or improvement that is owned or administered by the city and for the use of which a city facility fee must be paid.

(iii) “City facility fee” means any fee that is charged by the city or any of its agencies or other subdivisions in connection with the use of a city facility, including but not limited to any fee for use, setup, cleaning or security. Any fee that is charged by a private party for use of a city facility when such private party uses the facility pursuant to a franchise, concession, lease agreement or other contract with the city is not a city facility fee.

(iv) “Constituent event” means any event that is sponsored exclusively by one or more city elected officials for the primary purpose of promoting the general welfare or the social, educational or economic development of the residents of the elected official’s district or the city as a whole. A constituent event does not include any event that requires the payment of an admission fee, that is not open to the general public or that is held for political, commercial or religious purposes.

b. No city elected official shall be required to pay a city facility fee in connection with the use of a city facility for a constituent event.

§2. This local law shall take effect 120 days after its enactment, except that the commissioner of citywide administrative services shall take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Governmental Operations.

Int. No. 124

By Council Members Wills, King, Mendez and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to consider alternate forms of academic assessment for students displaced due to superstorm sandy or any other natural or weather-related disaster and to keep a record in the individual file of each such student.**

*Be it enacted by the Council as follows:*



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

**Title 21-A Education**  
**Chapter 1 Department of Education**  
**Chapter 2 Academic Assessments**

*Chapter 1. Department of Education.*

§21-950 Definitions. Whenever used in this title, the following terms shall have the following meanings:

- a. "Chancellor" shall mean the chancellor of the New York city department of education
- b. "Department" shall mean the New York city department of education.
- c. "Student" shall mean any pupil under the age of twenty-one under the jurisdiction of the department of education of the city of New York.

*Chapter 2. Academic Assessments*

§21-951 Disaster-related accommodations. a. For the purposes of this section the following terms shall have the following meanings:

1. "Academic assessment" shall mean the systematic collection, review, use of information to determine student performance.
2. "Host school" shall mean any school or school building that is required to accommodate non-enrolled students from other schools or school buildings as a result of a natural or weather-related disaster.
3. "Natural or weather-related disaster" shall mean any major adverse event resulting from natural processes, which causes substantial damages, including but not limited to, hurricanes, floods, and earthquakes.

b. For any student displaced from their primary residence or home school by superstorm sandy or any subsequent natural or weather-related disaster and for any student enrolled at a host school who has been impacted by such disaster, the department of education shall consider alternate forms of academic assessment excluding standardized exams, including but not limited to, homework, in-class projects, essays and classroom participation. The department shall also include in the file of any such student, information, to the extent known, regarding the nature of the displacement and the degree to which such student was impacted by such natural or weather-related disaster and any academic accommodation that was made for any such student in consideration of such event.

c. The department shall notify the parents or persons in parental relation of any such student identified pursuant to subdivision b of this section, for whom the department has decided to consider any such alternate form of academic assessment within three school days of when such decision is made.

d. Within one hundred twenty calendar days of the occurrence of such natural or weather related disaster, the department shall submit to the Council, a report which shall include but not be limited to the following; a list of schools in which one or more students were displaced as a result of such occurrence, the number of students for which an academic accommodation was made pursuant to subdivision b of this section, information regarding whether such academic accommodation was noted in each such student's academic file and information regarding whether the parents or persons in parental relation were notified that such accommodation was made or considered.

e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.

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

Referred to the Committee on Education.

Res. No. 92

**Resolution calling upon the New York State legislature to pass, and the Governor to enact, legislation to create an approval process whereby community boards and the New York City Council have the power to veto siting of transitional housing for the homeless.**

By Council Members Wills, Gentile and Mendez.

**Whereas**, Pursuant to New York State law and regulations, the Office of Temporary and Disability Assistance ("OTDA") oversees the provision of social services in the State, including those for the homeless; and

**Whereas**, The Department of Homeless Services ("DHS") in New York City operates under this oversight and is responsible for providing, among other things, transitional housing for eligible homeless individuals and families until they move into permanent housing; and

**Whereas**, DHS utilizes various types of transitional housing to fulfill this responsibility, including Tier II shelters for families, residences for adults, hotels, and cluster sites, which are temporary transitional housing units in apartment buildings where lease holding tenants may also reside; and

**Whereas**, Section 197-c of the New York City Charter sets forth the uniform

land use review procedure ("ULURP"), which describes the process that must be followed when there are changes in the use, development or improvement of real property subject to City regulation; and

**Whereas**, ULURP applies in several instances, including site selection for capital projects, housing and urban renewal plans and projects, and the City's acquisition of real property by lease; and

**Whereas**, New York City Charter section 197-d provides a detailed explanation of the ULURP process and includes, *inter alia*, requirements that certain documents be filed with the Department of City Planning, that affected community boards and borough presidents be notified of proposed projects and participate in meetings, that a public hearing be held, and it also provides for review of proposed projects by the City Council; and

**Whereas**, Additionally, section 203 of the New York City Charter sets forth the criteria for the location of City facilities, otherwise known as the "fair share" criteria including, but not limited to, the building of certain types of transitional housing; and

**Whereas**, The intent of the fair share criteria is to make the decision-making processes used by City agencies in selecting sites more transparent, provide a more open forum for involvement in the land use process, and achieve more distributional equity of City facilities in New York; and

**Whereas**, However, the City need not undergo the ULURP/fair share process when siting many types of transitional housing for the homeless, namely, those that do not qualify as "city facilities;" and

**Whereas**, While DHS requires that the community be provided with notice for certain types of proposed sites, including Tier II family shelters and State-certified facilities for single adults, the requirement does not apply for all types of transitional housing; and

**Whereas**, For example, if DHS pays a landlord a per diem rate to temporarily house a homeless person or a family in an apartment, the location would not undergo fair share analysis and DHS does not provide the community with notice; and

**Whereas**, Additionally, in cluster sites, when less than 50 percent of the units within a particular building are comprised of shelter clients DHS does not provide notice to the community prior to utilizing those units for temporary housing; and

**Whereas**, At a June 10, 2010 General Welfare Committee hearing, then DHS Commissioner Seth Diamond testified that shelters are concentrated in particular neighborhoods in order to keep families with children who enter shelter close to their original neighborhoods and communities; and

**Whereas**, However, it has been documented that facilities for the homeless are concentrated in low-income communities, communities of color, and that siting rules are often evaded or eluded; and

**Whereas**, For example, testimony from an April 12, 2011 City Council Landmarks, Public Siting and Maritime Uses Committee Hearing titled, Oversight: Fair Share After 20 Years, demonstrated that some City residents state that the fair share doctrine fails to create an equitable distribution of transitional housing for the homeless; and

**Whereas**, At the April 12<sup>th</sup> hearing, the Director of Economic Development for the Greater Jamaica Development Corporation testified that, "there is no question that the prevalence of homeless facilities within a relatively narrow geographical area contributes to the negative perception of the [area];" and

**Whereas**, Additionally, at the June 10, 2010 General Welfare Committee Hearing, a representative from Community Board 16 in Brooklyn testified that, "the present method of siting transitional housing creates an atmosphere of hostility and undermines...efforts...to rebuild our community with permanent and affordable housing;" and

**Whereas**, In the Statement of Community District Needs in 2013 for both Community Board 5 in the Bronx and Community Board 5 in Brooklyn, the Boards stated that their communities have accepted more than their fair share of homeless shelters and therefore requested "zero" new transitional housing facilities; and

**Whereas**, While social services, including those for the homeless, are State regulated and administered through the local districts under State supervision, State law is silent regarding notice requirements or fair share considerations that DHS must fulfill prior to locating transitional housing; and

**Whereas**, In order to ensure the equitable distribution of transitional housing in New York City, community boards and the City Council must have the authority to veto proposed sites for transitional housing; and

**Whereas**, Currently, pursuant to State law, the City Council has the power to disapprove a proposed site for the construction of a new educational facility; and

**Whereas**, The School Construction Authority ("SCA") must submit a site plan to the Mayor and City Council and if the Council disapproves of the construction plan the SCA may revise and resubmit the plan or may eliminate it after consultation with the Department of Education; and

**Whereas**, A similar process is needed in order to prevent the oversaturation of transitional housing in particular neighborhoods in New York City; 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 enact, legislation to create an approval process whereby community boards and the New York City Council have the power to veto siting of transitional housing for the homeless.

Referred to the Committee on General Welfare.

Res. No. 93

**Resolution urging the New York State Liquor Authority to require grocery and drug stores licensed to sell beer and/or wine for consumption off-premise, to locate all alcohol and related products in the furthestmost area away from the entrance of the store.**

By Council Members Wills and Mendez.

**Whereas**, In 2007, then Acting Surgeon General, Kenneth P. Moritsugu, M.D., M.P.H., outlined the "potential negative consequences of underage alcohol use on human maturation, particularly on the brain," and offered strategies to reduce underage alcohol consumption in a report entitled *Call to Action*; and

**Whereas**, The Surgeon General described underage alcohol consumption in the United States as "a widespread and persistent public health and safety problem that creates serious personal, social, and economic consequences for adolescents, their families, communities, and the Nation as a whole;" and

**Whereas**, According to the National Institutes of Health, alcohol is the drug of choice among America's adolescents, used by more young people than tobacco or illicit drugs; and

**Whereas**, A 2012 University of Michigan *Monitoring the Future Survey* found that a higher percentage of youth in 8th, 10th, and 12th grades used alcohol in the month prior to being surveyed than used tobacco or marijuana; and

**Whereas**, A 2010 National Survey on Drug Use and Health ("NSDUH") found that by age 15, approximately 50% of boys and girls have consumed an entire serving of alcohol; and

**Whereas**, The Surgeon General's *Call to Action* suggests that alcohol "prevention and reduction efforts must take into account the dynamic developmental processes of adolescence, the influence of an adolescent's environment, and the role of individual characteristics in the adolescent's decision to drink;" and

**Whereas**, One of the first steps to improve the environment around alcohol is to ensure the placement of alcohol advertising, promotions, and other means of marketing do not disproportionately expose youth to messages about alcohol; and

**Whereas**, The Centers for Disease Control and Prevention ("CDC") found that during a point-of-purchase alcohol marketing and promotion survey done in 2003, "convenience stores (with or without gasoline) and small grocery stores had the most accessible alcohol products; and

**Whereas**, According to the CDC, single beers for purchase located most often near checkout locations "were most likely to be found in convenience stores (27%), convenience/gas stores (18%), and small grocery stores (27%);" and

**Whereas**, The New York State Liquor Authority ("SLA") and its agency arm, the Division of Alcoholic Beverage Control ("ABC"), "regulate and control the manufacture and distribution of alcoholic beverages for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to law;" and

**Whereas**, The SLA is also authorized by statute to "determine whether public convenience and advantage will be promoted by the issuance of licenses to traffic in alcoholic beverages and to carry out the increase or decrease in the number thereof and the location of premises licensed in the public interest;" and

**Whereas**, The SLA issues approximately 140 different types of licenses and permits to manufacturers, wholesalers, and retailers that seek to distribute alcoholic beverages within the State; and

**Whereas**, In the retail sector, businesses that sell alcohol for consumption at another location (i.e. package stores, grocery stores, drug stores, etc.) are issued "off-premises" licenses by the SLA; and

**Whereas**, The SLA requires that each applicant for an off-premises license submit a diagram of the layout of the store; and

**Whereas**, The SLA has no rules or regulations requiring these types of businesses to place alcohol related products at certain locations within the store; and

**Whereas**, The SLA *Handbook for Retail Licensees* lists ways to protect against selling to minors but lists nothing about the placement of alcohol advertisements and products, now therefore, be it

**Resolved**, That the Council of the City of New York urges the New York State Liquor Authority to require grocery and drug stores licensed to sell beer and/or wine for consumption off-premise, to locate all alcohol and related products in the furthestmost area away from the entrance of the store.

Referred to the Committee on Consumer Affairs.

Res. No. 94

**Resolution calling upon the United States Congress to pass, and the President to sign, the Protecting Our Youth From Dangerous Synthetic Drugs Act of 2013, which would create a Controlled Substance Analogue Committee to maintain a list of dangerous controlled substances, and would direct the United States Sentencing Commission to ensure adequate penalties for the manufacturing or trafficking of dangerous synthetic drugs.**

By Council Members Wills and Gentile.

**Whereas**, Controlled substance analogues, or synthetic drugs, are chemical compounds which are designed to mimic the chemical structure or predictive effect

on the body of a schedule I or II controlled substance, and which have the potential for abuse; and

**Whereas**, The manufacturing, trafficking and use of synthetic drugs is a growing problem across the United States, as evidenced by two recent federal enforcement operations which resulted in the seizure of over \$93 million in assets and over 10 tons of synthetic drugs from controlled synthetic drugs and traffickers; and

**Whereas**, Synthetic drugs, while sometimes marketed as a "legal high" containing natural products, can have dangerous side effects according to the National Institute on Drug Abuse; and

**Whereas**, The American Association of Poison Control Centers estimated that poison centers received roughly 5,230 calls relating to exposure to synthetic marijuana in 2012; and

**Whereas**, However, manufacturers and traffickers of synthetic drugs are sometimes able to circumvent federal law by altering the chemical structure of the products they manufacture; and

**Whereas**, S.1323, sponsored by Senator Diane Feinstein, would establish the Protecting Our Youth From Dangerous Synthetic Drugs Act of 2013, and create an interagency Controlled Substance Analogue Committee, headed by the United States Drug Enforcement Administration, and would task this Committee with creating and maintaining a list of synthetic drugs; and

**Whereas**, S.1323 would also make it illegal to import synthetic drugs for human use in the United States; and

**Whereas**, S.1323 would also direct the United States Sentencing Commission to review and, if necessary, amend sentencing guidelines, to ensure that manufacturers and traffickers of synthetic drugs face appropriate penalties; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, the Protecting Our Youth From Dangerous Synthetic Drugs Act of 2013, which would create a Controlled Substance Analogue Committee to maintain a list of dangerous controlled substances, and would direct the United States Sentencing Commission to ensure adequate penalties for the manufacturing or trafficking of dangerous synthetic drugs.

Referred to the Committee on Health.

Res. No. 95

**Resolution calling on the New York State Legislature and the Governor to amend the New York State Penal Law by increasing penalties for the unintentional discharge of a firearm resulting in an injury to an individual.**

By Council Members Wills and Rosenthal.

**Whereas**, According to the Centers for Disease Control and Prevention, in 2010, there were 31,672 deaths in the United States related to firearms, which included 606 deaths attributed to the accidental discharge of firearms; and

**Whereas**, According to the Harvard Injury Control Research Center, accidental deaths attributed to guns were seven times higher in the four states with the most guns compared to the four states with the fewest guns; and

**Whereas**, Frequently, across the country, individuals accidentally shoot another person because they are not mindful and are unaware that the firearm is loaded; and

**Whereas**, An illustration of this occurred in the Lower East Side of Manhattan in November 2013, when, in the process of cleaning his hunting rifle, a 50-year-old man inadvertently fired a shot into the ceiling of his apartment causing debris to fall on and injure a 4-year-old boy; and

**Whereas**, Yet another example happened on June 12, 2010, when a 15-year-old boy from Flatlands, Brooklyn accidentally shot his friend in the stomach while flaunting a gun belonging to his mother; and

**Whereas**, New York State has enacted some of the strictest, most comprehensive gun laws in the country; however, there are specific areas of the law where the State lacks appropriate punishment for crimes involving a firearm; and

**Whereas**, Section 265.35 of the New York State Penal Law ("Penal Law") defines the prohibited use of weapons in New York State; and

**Whereas**, Under section 265.35 of the Penal Law, any person who maims or injures another individual by unintentionally discharging a firearm is guilty of a Class A misdemeanor; and

**Whereas**, The penalty for a Class A misdemeanor carries a fine not to exceed \$1,000 and the possibility of up to one year in jail; and

**Whereas**, This current penalty for the unintentional discharge of a firearm resulting in injury to an individual is an insufficient deterrent and should be increased to a felony so that individuals recognize the complete dangers that firearms present; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature and the Governor to amend the New York State Penal Law by increasing penalties for the unintentional discharge of a firearm resulting in an injury to an individual.

Referred to the Committee on Public Safety.

L.U. No. 18

By Council Member Greenfield:

Application no. 20145268 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 567 Hudson Street, Inc., d/b/a White Horse Tavern, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 567 Hudson Street, in the Borough of Manhattan, Community District 2, 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(e) of the New York City Administrative Code.

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

L.U. No. 19

By Council Member Greenfield:

Application No. C 120178 ZMQ submitted by Zirk Union turnpike, LLC pursuant to Section 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c, to rezone a portion of an R3-2 district and an R3-2/C1-1 district to an R5D/C1-3, in the Hillcrest neighborhood of the Borough of Queens, Community Board 8, Council District 24.

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

L.U. No. 20

By Council Member Greenfield:

Application No. N 140099 ZRK submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, pertaining to the regulations governing ferry and water taxi docking facilities in the Borough of Brooklyn, Community District 1, Council District 33.

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

L.U. No. 21

By Council Member Greenfield:

Application no. 20145310 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 98 Kenmare Restaurant Group LLC, d/b/a Maison O, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 98 Kenmare Street, in the Borough of Manhattan, Community District 2, Council District 1. 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(e) of the New York City Administrative Code.

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

L.U. No. 22

By Council Member Greenfield:

Application no. 20145354 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Nonna's of Whitestone LTD, d/b/a Nonna's Pizzeria & Trattoria, for a revocable consent to continue establish, maintain and operate an enclosed sidewalk café located at 22-30 154<sup>th</sup> Street, in the Borough of Queens, Community District 7, Council District 19. 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(e) of the New York City Administrative Code.

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

L.U. No. 23

By Council Member Greenfield:

Application No. C 140055 ZSM submitted by Downtown RE Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(a) to modify the use regulations to allow Use Group 6 (retail) uses below the floor level of the second story and Use Group 2 (residential) uses within the mixed use development located at 688 Broadway, in the Borough of Manhattan, Community District 2, Council District 1. 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 a vote of the Council pursuant to 197-d(b)(3) of the Charter.

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

L.U. No. 24

By Council Member Greenfield:

Application No. C 140056 ZSM submitted by Downtown RE Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43, for a mixed use development located at 688 Broadway, in the Borough of Manhattan, Community District 2, Council District 1.

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

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

**ANNOUNCEMENTS:**

**Thursday, February 27, 2014**

**★ Note Topic Addition**

Committee on **CONTRACTS** .....10:00 A.M.

**Oversight** – A Day Late and A Dollar Short: Exploring the Impact of Late Registration of Contracts on City Vendors

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Helen Rosenthal, Chairperson

**★ Note Topic Addition**

Committee on **CIVIL RIGHTS** .....10:00 A.M.

**Oversight** – The Commission on Human Rights Implementation of Local Law 2 of 2011

Committee Room – City Hall .....Darlene Mealy, Chairperson

**★ Note Topic Addition**

Committee on **SMALL BUSINESS**.....10:00 A.M.

**Oversight** - Non-Profit Corporations and Social Entrepreneurship

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Cornegy, Chairperson

**★ Note Topic Addition**

Committee on **GENERAL WELFARE** .....10:00 A.M.

**Oversight** – Conditions and Operations in the Department of Homeless Services Family Shelters

Council Chambers – City Hall ..... Stephen Levin, Chairperson

**★ Addition**

Committee on **PUBLIC HOUSING** jointly with the

Committee on **RECOVERY AND RESILIENCY** .....10:00 A.M.

**Off-site Oversight Hearing** - Provisional Heating Systems in the Wake of Sandy: How are they working at NYCHA developments and how long will they be in place?

**Location:** ..... Carey Gardens Community Center  
2315 Surf Avenue  
Brooklyn, NY 11224

Details Attached ..... Ritchie Torres, Chairperson  
..... Mark Treyger, Chairperson

**★ Note Topic Addition**

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**..... **1:00 P.M.**

**Oversight** – Examining New York City's Efforts to Improve Emergency Medical Service Operations

Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
..... Elizabeth Crowley, Chairperson

**★ Note Topic Addition**

Committee on **VETERANS** ..... **1:00 P.M.**

**Oversight** – Veteran Unemployment

Committee Room – City Hall ..... Eric Ulrich, Chairperson

**★ Note Topic Addition**

Committee on **CIVIL SERVICE AND LABOR** ..... **1:00 P.M.**

**Oversight** – Low Wage Workers and the High Cost of Living in NYC

Council Chambers – City Hall ..... I.  
Daneek Miller, Chairperson

**★ Addition**

Committee on **CONSUMER AFFAIRS**..... **1:00 P.M.**

**Oversight** - Office of Financial Empowerment: Accomplishments, Programming and Strategy Going Forward

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Rafael L. Espinal, Chairperson

Friday, February 28, 2014

**★ Note Committees and Topic Addition**

Committee on **JUVENILE JUSTICE** jointly with the  
Committee on **GENERAL WELFARE** and the  
Committee on **MENTAL HEALTH, DEVELOPMENTAL DISABILITY,  
ALCOHOLISM; DRUG ABUSE AND DISABILITY SERVICES** ..**10:00 A.M.**

**Oversight** - Pre- and Post-Release Mental Health Services for Detained and Placed Youth

Committee Room – City Hall..... Fernando Cabrera, Chairperson  
..... Stephen Levin, Chairperson  
..... Andrew Cohen, Chairperson

**□ Addition**

Committee on **WATERFRONTS**..... **10:00 A.M.**

**Tour:** ..... Brooklyn Bridge Park and the East River Esplanade

**Location:** ..... 334 Furman Street  
Brooklyn, NY 11201

Details Attached ..... Deborah Rose, Chairperson

**★ Note Topic Addition**

Committee on **ENVIRONMENTAL PROTECTION** ..... **1:00 P.M.**

**Oversight** - Air quality impacts and ways to measure and address them in NYC environmental justice communities

Hearing Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
..... Donovan Richards, Jr., Chairperson

**★ Note Revised Topic**

Committee on **GOVERNMENTAL OPERATIONS** jointly with the  
Committee on **OVERSIGHT AND INVESTIGATION** ..... **1:00 P.M.**

**Oversight** – The Recent Report of the Department of Investigations on the Board of Elections

Committee Room – City Hall ..... Ben Kallos, Chairperson  
..... Vincent Gentile, Chairperson

**★ Addition**

Committee on **HOUSING AND BUILDINGS** ..... **1:00 P.M.**

**Oversight** – Vacant Properties in New York City: How many are there and what is the City doing about them?

Council Chambers – City Hall ..... Jumaane D. Williams, Chairperson

Monday, March 3, 2014

Committee on **GOVERNMENTAL OPERATIONS** ..... **1:00 P.M.**

**Oversight** – Best Practices for Recruitment and Appointments to Community Boards

Council Chambers – City Hall ..... Ben Kallos, Chairperson

Tuesday, March 4, 2014

Subcommittee on **ZONING & FRANCHISES** ..... **9:30 A.M.**

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING**

**& MARITIME USES** ..... **11:00 A.M.**

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Peter Koo, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS**

**& CONCESSIONS** ..... **1:00 P.M.**

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Inez Dickens, Chairperson

**New York City Council Fiscal Year 2015 Preliminary Budget,  
Mayor's FY '14 Preliminary Management Report and  
Agency Oversight Hearings**

Wednesday, March 5, 2014

**10:00 a.m. Finance Committee – Council Chambers – City Hall**

**10:00 a.m. Office of Management and Budget**

- ◆ Capital Budget
- ◆ Expense Budget
- ◆ Revenue Budget
- 12:45 p.m. ◆ Contract Budget (Joint with Committee on Contracts)
- 1:15 p.m. Department of Finance
- 2:45 p.m. Department of Design and Construction
- 3:15 p.m. Comptroller
- 3:45 p.m. Independent Budget Office
- 4:00 p.m. Public

Thursday, March 6, 2014

Committee on **RULES, PRIVILEGES & ELECTIONS** ..... **10:30 A.M.**

**M 18** - Communication from the Mayor - Submitting the name of **Richard Briffault** to the Council for its advice and consent regarding his appointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.

**M 19** - Communication from the Mayor - Submitting the name of **Fernando A. Bohorquez, Jr.** to the Council for its advice and consent regarding his appointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor Brad Lander, Chairperson

Committee on **LAND USE** ..... **11:00 A.M.**

**All items reported out of the subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
..... David G. Greenfield, Chairperson

**10:00 a.m. Transportation Committee – Council Chambers – City Hall**

10:00 a.m. Taxi and Limousine Commission

10:45 a.m. MTA/NYC Transit (Expense)  
 11:15 a.m. MTA/NYC Transit (Capital)  
 11:45 a.m. Department of Transportation (Capital)  
 12:45 p.m. Department of Transportation (Expense)  
 1:15 p.m. Public

**12:00 p.m. Land Use Committee – Committee Room – City Hall**

12:00 p.m. Landmarks Preservation Commission  
 1:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)  
 2:00 p.m. Department of City Planning  
 3:00 p.m. Public

**Friday, March 7, 2014**

**10:00 a.m. Higher Education Committee – Council Chambers – City Hall**

10:00 a.m. City University of New York  
 11:30 a.m. Public

**11:00 a.m. Consumer Affairs Committee – 250 Broadway, 16<sup>th</sup> Floor – Committee Room**

11:00 a.m. Department of Consumer Affairs  
 12:00 p.m. Public

**Monday, March 10, 2014**

**10:30 a.m. Youth Services Committee – Committee Room – City Hall**

10:30 a.m. Department of Youth and Community Development (Joint with Community Development Committee)  
 12:00 p.m. Public

**Tuesday, March 11, 2014**

Committee on IMMIGRATION .....10:00 A.M.  
 Agenda to be announced  
 Committee Room – City Hall..... Carlos Menchaca, Chairperson

**1:00 p.m. Cultural Affairs, Libraries & International Intergroup Relations Committee – Council Chambers – City Hall**

1:00 p.m. Libraries (joint with Subcommittee on Libraries)  
 2:30 p.m. Department of Cultural Affairs  
 4:00 p.m. Public

**Wednesday, March 12, 2014**

*Stated Council Meeting*.....*Ceremonial Tributes – 1:00 p.m.*  
 .....*Agenda – 1:30 p.m.*

**New York City Council Fiscal Year 2015 Preliminary Budget, Mayor’s FY ’14 Preliminary Management Report and Agency Oversight Hearings**

**Wednesday, March 5, 2014**

**10:00 a.m. Finance Committee – Council Chambers – City Hall**

**10:00 a.m. Office of Management and Budget**

◆ Capital Budget  
 ◆ Expense Budget  
 ◆ Revenue Budget  
 12:45 p.m. ◆ Contract Budget (Joint with Committee on Contracts)  
 1:15 p.m. Department of Finance  
 2:45 p.m. Department of Design and Construction  
 3:15 p.m. Comptroller  
 3:45 p.m. Independent Budget Office  
 4:00 p.m. Public

**Thursday, March 6, 2014**

**10:00 a.m. Transportation Committee – Council Chambers – City Hall**

10:00 a.m. Taxi and Limousine Commission  
 10:45 a.m. MTA/NYC Transit (Expense)  
 11:15 a.m. MTA/NYC Transit (Capital)  
 11:45 a.m. Department of Transportation (Capital)  
 12:45 p.m. Department of Transportation (Expense)  
 1:15 p.m. Public

**12:00 p.m. Land Use Committee – Committee Room – City Hall**

12:00 p.m. Landmarks Preservation Commission  
 1:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)  
 2:00 p.m. Department of City Planning  
 3:00 p.m. Public

**Friday, March 7, 2014**

**10:00 a.m. Higher Education Committee – Council Chambers – City Hall**

10:00 a.m. City University of New York  
 11:30 a.m. Public

**11:00 a.m. Consumer Affairs Committee – 250 Broadway, 16<sup>th</sup> Floor – Committee Room**

11:00 a.m. Department of Consumer Affairs  
 12:00 p.m. Public

**Monday, March 10, 2014**

**10:30 a.m. Youth Services Committee – Committee Room – City Hall**

10:30 a.m. Department of Youth and Community Development (Joint with Community Development Committee)  
 12:00 p.m. Public

**Tuesday, March 11, 2014**

**1:00 p.m. Cultural Affairs, Libraries & International Intergroup Relations Committee – Council Chambers – City Hall**

1:00 p.m. Libraries (joint with Subcommittee on Libraries)  
 2:30 p.m. Department of Cultural Affairs  
 4:00 p.m. Public

**Thursday, March 13, 2014**

**10:00 a.m. Health Committee – Council Chambers – City Hall**

10:00 a.m. Medical Examiner  
 11:00 a.m. Department of Health & Mental Hygiene  
 1:00 p.m. Health & Hospitals Corporation  
 2:30 p.m. Public

**10:00 a.m. Civil Rights Committee – 250 Broadway, 16<sup>th</sup> Floor - Committee Room**

10:00 a.m. Human Rights Commission  
 10:30 a.m. Equal Employment Practices Commission  
 11:00 a.m. Public

**12:00 p.m. Oversight & Investigations Committee – 250 Broadway, 16<sup>th</sup> Floor - Committee Room**

12:00 p.m. Department of Investigation  
 1:00 p.m. Public

**Friday, March 14, 2014**

**★ Note Time Change**

**1:00 p.m. Environmental Protection Committee – Committee Room – City Hall**

1:00 p.m. Department of Environmental Protection (Capital)  
 2:15 p.m. Department of Environmental Protection (Expense)  
 3:30 p.m. Public



**Tuesday, March 18, 2014**

**10:00 a.m. Education Committee – Council Chambers – City Hall**

10:00 a.m. Department of Education and School Construction Authority  
(Capital)  
12:00 p.m. Public

**Wednesday, March 19, 2014**

**★ Deferred**

~~10:00 a.m. Mental Health, Developmental Disabilities, Alcoholism,  
Drug Abuse & Disability Services Committee – Council Chambers – City Hall  
10:00 a.m. Department of Health & Mental Hygiene (joint with  
Subcommittee on Drug Abuse)  
11:30 a.m. Public~~

**★ Deferred**

~~12:00 p.m. Standards and Ethics Committee – Committee Room – City Hall  
12:00 p.m. Conflicts of Interest Board  
12:45 p.m. Public~~

**1:30 p.m. Sanitation & Solid Waste Management Committee – Committee Room – City Hall**

1:30 p.m. Department of Sanitation  
3:30 p.m. Business Integrity Commission  
4:00 p.m. Public

Thursday, March 20, 2014

**10:00 a.m. Education Committee – Council Chambers – City Hall**

10:00 a.m. Department of Education (Expense)  
1:00 p.m. Public

**1:30 p.m. Economic Development Committee – Committee Room – City Hall**

1:30 p.m. Department of Small Business Services (joint with Small  
Business Committee)  
2:30 p.m. Economic Development Corporation (Capital)  
4:00 p.m. Public

**Friday, March 21, 2014**

**10:00 a.m. Public Safety Committee – Council Chambers – City Hall**

10:00 a.m. Police Department  
12:00 p.m. District Attorneys/Special Narcotics Prosecutor  
2:00 p.m. Civilian Complaint Review Board  
3:00 p.m. Criminal Justice Coordinator  
3:45 p.m. Public

**10:00 a.m. Public Housing Committee – Committee Room – City Hall**

10:00 a.m. NYC Housing Authority  
12:00 p.m. Public

**Monday, March 24, 2014**

**10:00 a.m. General Welfare Committee – Council Chambers – City Hall**

10:00 a.m. Department of Homeless Services  
12:00 p.m. Human Resources Administration / Department of Social  
Services  
1:30 p.m. Administration for Children's Services joint with Women's  
Issues and Juvenile Justice Committees  
4:00 p.m. Public

**10:30 a.m. Housing and Buildings Committee – Committee Room – City Hall**

10:30 a.m. Department of Housing Preservation and Development  
(Expense)  
11:00 a.m. Department of Housing Preservation and Development  
(Capital)  
12:30 p.m. Department of Buildings  
1:15 p.m. Public

**Tuesday, March 25, 2014**

**10:00 a.m. Governmental Operations Committee – Committee Room – City Hall**

10:00 a.m. Financial Information Services Agency  
10:30 a.m. Office of Payroll Administration  
11:15 a.m. Board of Elections  
12:15 p.m. Law Department  
1:00 p.m. Department of Citywide Administrative Services  
2:00 p.m. Department of Records and Information Services  
2:30 p.m. Tax Commission  
3:00 p.m. Community Boards  
3:30 p.m. Public

**10:00 a.m. Aging Committee – Council Chambers – City Hall**

10:00 a.m. Department for the Aging (joint with the Subcommittee on Senior  
Centers)  
11:30 a.m. Public

**Thursday, March 27, 2014**

**10:00 a.m. Fire & Criminal Justice Services Committee – Council Chambers – City Hall**

10:00 a.m. Fire/Emergency Medical Service  
12:00 p.m. Department of Probation  
12:30 p.m. Department of Correction  
1:30 p.m. Office of Emergency Management  
2:15 p.m. Legal Aid / Indigent Defense Services  
3:00 p.m. Public

**★ Addition**

**10:00 a.m. Mental Health, Developmental Disabilities, Alcoholism,  
Drug Abuse & Disability Services Committee – Committee Room – City Hall**

10:00 a.m. Department of Health & Mental Hygiene (joint with  
Subcommittee on Drug Abuse)  
11:30 a.m. Public

**1:00 p.m. Parks & Recreation Committee – Committee Room – City Hall**

1:00 p.m. Department of Parks & Recreation (Expense)  
2:30 p.m. Department of Parks & Recreation (Capital)  
3:00 p.m. Public

MEMORANDUM

**February 6, 2014**

**TO:** ALL COUNCIL MEMBERS

**RE: OFF-SITE HEARING BY THE COMMITTEE ON PUBLIC HOUSING JOINTLY WITH THE COMMITTEE ON RECOVERY AND RESILIENCY**

**Please be advised that all Council Members are invited to attend:**

**Oversight** - Provisional Heating Systems in the Wake of Sandy: How are they working at NYCHA developments and how long will they be in place?

**Location:** Carey Gardens Community Center  
2315 Surf Avenue  
Brooklyn, NY 11224

The hearing will be on **Thursday, February 27, 2014 beginning at 10:00 a.m.** A van will be leaving City Hall at **9:00 a.m.**

Council Members interested in attending should call Guillermo Patino at 212-788-9056.

Hon. Ritchie Torres, Chairperson  
Committee on Public Housing

Hon. Melissa Mark-Viverito  
Speaker of the Council

Hon. Mark Treyger, Chairperson  
Committee on Recovery and Resiliency

MEMORANDUM

Wednesday, February 19, 2014

**TO:** ALL COUNCIL MEMBERS

**RE:** TOUR BY THE COMMITTEE ON WATERFRONTS

Please be advised that all Council Members are invited to attend a tour:

Brooklyn Bridge Park and the East River Esplanade

334 Furman Street  
Brooklyn, NY 11201

The tour will be on **Friday, February 28, 2014 beginning at 10:00 a.m.** A van will be leaving City Hall at **9:30 a.m. sharp.**

Council Members interested in riding in the van should call Cullen Howe at 212-788-9124.

Deborah Rose, Chairperson Viverito Committee on Waterfronts Council	Melissa Speaker	Mark- of the Council
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Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, March 12, 2014.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

