

# THE COUNCIL

STATED MEETING OF

**TUESDAY, OCTOBER 7, 2014**

## THE COUNCIL

*Minutes of the Proceedings for the  
STATED MEETING  
of  
Tuesday, October 7, 2014, 2:09 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	Rosie Mendez
Fernando Cabrera	David G. Greenfield	I. Daneek Miller
Margaret S. Chin	Vincent M. Ignizio	Annabel Palma
Andrew Cohen	Corey D. Johnson	Antonio Reynoso
Costa G. Constantinides	Ben Kallos	Donovan J. Richards
Robert E. Cornegy, Jr.	Andy L. King	Ydanis A. Rodriguez
Elizabeth S. Crowley	Peter A. Koo	Deborah L. Rose
Laurie A. Cumbo	Karen Koslowitz	Helen K. Rosenthal
Chaim M. Deutsch	Rory I. Lancman	Ritchie J. Torres
Inez E. Dickens	Bradford S. Lander	Mark Treyger
Daniel Dromm	Stephen T. Levin	Eric A. Ulrich
Rafael L. Espinal, Jr.	Mark Levine	James Vacca
Mathieu Eugene	Alan N. Maisel	Paul A. Vallone
Julissa Ferreras	Steven Matteo	James G. Van Bramer
Daniel R. Garodnick	Darlene Mealy	Mark S. Weprin
Vincent J. Gentile	Carlos Menchaca	Ruben Wills

Absent: Council Members Barron and Williams.

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

After consulting with the Deputy City Clerk (Ms. Fuentes), the presence of a quorum was announced by the Public Advocate (Ms. James). At a later point in the Meeting, the City Clerk and Clerk of the Council (Mr. McSweeney) arrived in the Chambers and sat at the front dais.

*There were 49 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. Dr. Demetrius S. Carolina, First Central Baptist Church, 117 Wright Street, Staten Island, N.Y. 10304..

Let us all bow.

Dear oh wise and everlasting Savior,  
we thank You for this time of coming together  
to be about the business of this city.

We pray Your guiding hand over the thoughts,

minds and decisions of these leaders.

We pray for these that's blessed the Chamber;  
that, in fact, the spirit of justice and truth  
echoes through not only this Chamber,  
but the halls of this great city.

We trust and pray that Your guiding hand  
will allow us to be reflective and mindful of the fact  
that we are a shining example of what a city should be  
and the world's eyes are on us.

We pray that the theme of justice, tolerance,  
understanding and integrity be the order of the day.

We trust You, You alone, to order our steps.

We pray that You would allow those  
for whom these leaders represent  
to be proud of the decisions  
that are made this day and beyond.

Protect, we pray, their minds,  
their thoughts, their actions.

Bless their families and loved ones.

We thank You for being a God of the whole man,  
mind, body and spirit.

In the name of the Father, Son  
and Holy Spirit we pray.

Amen.

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

At this point, the Speaker (Council Member Mark-Viverito) asked for a Moment of Silence in memory of three retired firefighters: Daniel Heglund, Robert Leaver, and Lt. Howard Bischoff, who all passed away on the same day, September 25, 2014. These individuals died from illnesses believed related to the injuries they sustained as first responders following the September 11th terrorist attacks.

\* \* \*

### ADOPTION OF MINUTES

On behalf of Council Member Miller, the Public Advocate (Ms. James), moved that the Minutes of the Stated Meeting of September 10, 2014 be adopted as printed.

### COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-152

**Communication from the Department of Environmental Protection – Submitting the NYC Department of Environmental Protection's Hazardous Materials Management 2014 Annual Report, pursuant to Section 24-715 of the Administrative Code.**

October 1, 2014

The Hon. Bill de Blasio  
Mayor, City of New York  
City Hall  
New York, NY 10007

•  
Re: Hazardous Materials Management 2014 Annual Report

Dear Mayor de Blasio:

I am pleased to present the New York City Department of Environmental Protection's Hazardous Materials Management 2014 Annual Report, as required by Section 24-715 of the Administrative Code. This Annual Report contains information about the use and storage of hazardous substances as well as emergency response activities related to hazardous materials in New York City.

Very truly yours,

Emily Lloyd

Received, Ordered, Printed and Filed.

#### LAND USE CALL UPS

M-153

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

**Pursuant to Rule 11.20(c) of the Council Rules, Section 197-d (b)(3) of the New York City Charter and Section 62-822(a) of the New York City Zoning Resolution, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure (ULURP) application nos. C 140323 (A) ZSQ, C 140324(A) ZSQ, C 130384 MMQ and non-ULURP Application nos. N 140325 ZAQ shall be subject to Council review. These items are related to Application nos. N 140329(A) ZRQ and C 140322 ZMQ which are subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.**

Coupled on Roll Call.

#### LAND USE CALL UP VOTE

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

**Affirmative** – Arroyo, 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, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

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

#### REPORTS OF THE STANDING COMMITTEES

##### Reports of the Committee on Finance

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

Report for Res. No. 428

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

The Committee on Finance, to which the annexed resolution was referred on October 7, 2014 and which was subsequently coupled with the resolution shown below, respectfully

#### REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 26, 2014, the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the "Fiscal 2015 Expense Budget"). On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget").

Analysis. This Resolution, dated October 7, 2014, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget, and approves new designations and changes in the designation of certain organizations receiving local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2014 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local and aging discretionary funding and funding for a certain initiative in accordance with the Fiscal 2015 Expense Budget and youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget, and local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2014 Expense Budget.

This resolution sets forth the new designation and changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 1; sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 2; sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of funding pursuant to certain initiatives in the Fiscal 2015 Expense Budget, as described in Charts 4-12; sets forth the new designation and changes in the designation of a certain organizations receiving local discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 13; sets for the change in the designation of a certain organization receiving funding pursuant to a certain initiative pursuant to the Fiscal 2014 Expense Budget, as described in Chart 14; amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget, as described in Chart 15; and amends the description for the Description/Scope of Services for a certain organization receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as described in Chart 16.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/Fiscal 2015 Expense Budget, dated June 26, 2014, and Adjustments Summary/Schedule C/Fiscal 2014 Expense Budget, dated June 27, 2013.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget. Some of these new designations and changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget. One of the changes will be effectuated upon a budget modification.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 5 sets forth the new designation of a certain organization receiving funding pursuant to Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 6 sets forth the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2015 Expense Budget. Some of these new designations and changes will be effectuated upon a budget modification.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 8 sets forth the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 9 sets forth the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 10 sets forth the new designation of certain organizations receiving funding pursuant to the NYC Youth Build Project Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 11 sets forth the change in the designation of a certain organization receiving funding pursuant to the Anti-Gun Violence Initiative – Community-Based Programs in accordance with the Fiscal 2015 Expense Budget.

Chart 12 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Initiative – Job Readiness Programs in accordance with the Fiscal 2015 Budget.

Chart 13 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 14 sets forth the change in the designation of a certain organization, specifically an EIN change, receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 15 amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for the Boroughwide Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 16 amends the description for the Description/Scope of Services for certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2013, Fiscal 2014, and Fiscal 2015 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 428:)**

Res. No. 428

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

By Council Members Ferreras, Palma and Koo.

**Whereas,** On June 26, 2014 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

**Whereas,** On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 and 2015 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 and Fiscal 2015 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding pursuant to a certain initiative; now therefore be it

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Youth Build Project Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative – Community-Based Programs Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Initiative – Job Readiness Programs in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization, specifically an EIN change, receiving funding pursuant to the HIV/AIDS Faith Based Initiative funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for the Boroughwide Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving youth funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 16.



CHART 4: Housing Preservation Initiative (HPI) - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	UA
Ulrich	Chaya CDC	11-3580555	HPD	\$50,000.00	806	005
Ulrich	Adrienne Leake of America Community Services, Inc.	11-3580555	HPD	\$50,000.00	806	005
Cabrera	New Settlement Apartments dba Crumulated Company LTD., The	14-1719016	HPD	\$50,000.00	806	005
Cabrera	New Settlement Apartments dba Crumulated Company LTD., The	14-1719016	HPD	\$50,000.00	806	005
Gibson	New Settlement Apartments dba Crumulated Company LTD., The	14-1719016	HPD	\$50,000.00	806	005
Gibson	New Settlement Apartments dba Crumulated Company LTD., The	14-1719016	HPD	\$50,000.00	806	005
Ferreras	Make the Road New York	11-3344389	HPD	\$50,000.00	806	005
Ferreras	Caribou Migration Services	11-2834618	HPD	\$50,000.00	806	005

\* Indicates pending completion of pre-qualification review.

CHART 5: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	UA
Gerodick	Mayor's Office of Criminal Justice	13-640034	MOCJ	\$35,000.00	098	002
	New York City and Lesbian Anti-Violence Project, Inc.	13-316220	MOCJ	\$35,000.00	098	002

\* Indicates pending completion of pre-qualification review.

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

CHART 6: Adult Literacy Initiative - Fiscal 2015

Borough	Organization	EIN Number	Agency	Amount	Agy #	UA
Manhattan	Department of Youth and Community Development	13-620034	DYCD	\$950,000.00	260	005
Manhattan	African Services Committee	13-3749744	DYCD	\$11,888.00	260	005
Manhattan	Chinatown Empower Project, Inc.	13-2792914	DYCD	\$11,888.00	260	005
Manhattan	College of Mount Saint Vincent	13-1740448	DYCD	\$11,888.00	260	005
Manhattan	Lille Sisters of the Assumption Family Health Services, Inc.	13-2897881	DYCD	\$11,888.00	260	005
Manhattan	Fortune Society, Inc., The	13-2844438	DYCD	\$11,888.00	260	005
Manhattan	Urban Justice Center	13-1025308	DYCD	\$11,888.00	260	005
Manhattan	Young Men's and Young Women's Hebrew Association of Washington Heights and Inwood	13-3442022	DYCD	\$11,888.00	260	005
Manhattan	Inwood Community Services	13-1035308	DYCD	\$11,888.00	260	005
Manhattan	Church Avenue Merchants Block Association (CAMBA)	13-2867407	DYCD	\$11,888.00	260	005
Manhattan	Council of Jewish Organizations of Flatbush, Inc.	11-2460338	DYCD	\$14,687.50	260	005
Manhattan	Edith and Carl Marks Jewish Community House of Bensonhurst	11-2864728	DYCD	\$14,687.50	260	005
Manhattan	El Puente de Williamsburg	11-1033664	DYCD	\$5,687.50	260	005
Manhattan	Boro Park Jewish Community Council	11-2814286	DYCD	\$14,687.50	260	005
Manhattan	Fifth Avenue Committee, Inc.	11-2475943	DYCD	\$14,687.50	260	005
Manhattan	Melrose Organization, Inc.	11-3561851	DYCD	\$14,687.50	260	005
Manhattan	Opportunities for a Better Tomorrow	11-2934620	DYCD	\$29,375.00	260	005
Manhattan	NA Community Services Network, Inc.	11-2897811	DYCD	\$14,687.50	260	005
Manhattan	Medgar Evers College	13-640034	DYCD	\$14,687.50	260	005
Manhattan	NY United Jewish Association, Inc. dba Jewish Community Council of Marine Park	26-2617283	DYCD	\$14,687.50	260	005
Manhattan	Life of Hope	20-5252137	DYCD	\$14,687.50	260	005
Manhattan	Brooklyn Adult Learning Center (OACE School #19)	13-640034	DYCD	\$14,687.50	260	005
Manhattan	Ridgewood Boro Park Senior Center	11-2435853	DYCD	\$14,687.50	260	005

\* Indicates pending completion of pre-qualification review.

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

CHART 6: Adult Literacy Initiative - Fiscal 2015 (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	UA
Brooklyn	Brooklyn Public Library - Eastern Parkway/Schenectady Branch **	13-640034	BPL	\$14,687.50	038	001
Brooklyn	Jewish Community Council of Greater Coney Island, Inc.	11-2865181	DYCD	\$3,000.00	260	005
Queens	Asian Americans for Equality	13-3187792	DYCD	\$19,271.84	260	005
Queens	Central Queens YM & YWHA, Inc.	11-1633596	DYCD	\$5,491.78	260	005
Queens	Catholic Charities Neighborhood Services, Inc.	11-2017151	DYCD	\$14,687.50	260	005
Queens	Dominico-American Society of Queens, Inc.	06-1388895	DYCD	\$14,687.50	260	005
Queens	Ecuadorian International Center, Inc.	01-0627174	DYCD	\$13,881.78	260	005
Queens	Flushing Jewish Community Council	11-2695959	DYCD	\$14,687.50	260	005
Queens	Greater Ridgewood Youth Council, Inc.	11-2618141	DYCD	\$14,687.50	260	005
Queens	Hellenic American United for Progress, Inc.	11-2423857	DYCD	\$18,781.78	260	005
Queens	Hellenic American Neighborhood Action Committee, Inc. (HANAC)	11-2298032	DYCD	\$14,687.50	260	005
Queens	Jacob A. Ris Neighborhood Settlement House, Inc.	11-1729398	DYCD	\$8,491.78	260	005
Queens	Korean Community Services of Metropolitan New York, Inc.	23-746889	DYCD	\$14,687.50	260	005
Queens	Make the Road New York	11-3344389	DYCD	\$14,687.50	260	005
Queens	New Immigrant Community Empowerment (NICE)	11-3060026	DYCD	\$8,491.78	260	005
Queens	Queens Community House, Inc.	11-2315583	DYCD	\$13,881.78	260	005
Queens	SEVA Immigrant Community Advocacy Project, Inc.	20-8013346	DYCD	\$5,081.78	260	005
Queens	Southern Queens Park Association, Inc.	11-2328846	DYCD	\$5,081.78	260	005
Queens	Queens Borough Public Library **	13-640034	QBL	\$5,351.78	039	001
St. Delegation	Jewish Community Center of Staten Island, Inc.	13-5662296	DYCD	\$25,000.00	260	005
St. Delegation	Staten Island Employment Education Consortium	13-3097287	DYCD	\$25,000.00	260	005

\* Indicates pending completion of pre-qualification review.

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



CHART 8: Food Pantries Initiative - Fiscal 2015 (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Queens	Hour Children	13-584412	DYCD	\$12,100.00	260	005	
Queens	Jewish Center of Jackson Heights	11-188124	DYCD	\$12,100.00	260	005	
Queens	Kehilat Sephardim	11-5310774	DYCD	\$12,100.00	260	005	
Queens	Melba of Queens	27-0883366	DYCD	\$12,100.00	260	005	
Queens	MCCNY Charities, Inc.	27-0287132	DYCD	\$12,100.00	260	005	
Queens	Our Lady of Grace	11-6388277	DYCD	\$12,100.00	260	005	
Queens	Ridgewood Older Adult Center and Services, Inc.	06-0807285	DYCD	\$12,100.00	260	005	
Queens	River Fund New York, Inc.	11-5450383	DYCD	\$12,100.00	260	005	
Queens	Samaritan Outreach Ministries, Inc.	11-5262656	DYCD	\$12,100.00	260	005	
Queens	Solid Rock Baptist Church	11-5996373	DYCD	\$12,100.00	260	005	
Queens	St. Margaret Mary Roman Catholic Church	11-1989644	DYCD	\$12,100.00	260	005	
Queens	St. Theresa		DYCD	\$12,100.00	260	005	*
Queens	Voices of Hope (St. Marks AME)	11-5436008	DYCD	\$12,100.00	260	005	
SI	Bethel Community Church	13-2003338	DYCD	\$1,000.00	260	005	
SI	Cherry Assembly of God	13-2003338	DYCD	\$1,000.00	260	005	
SI	Church of the Holy Spirit	13-5698163	DYCD	\$1,000.00	260	005	
SI	City Harvest, Inc. (Our Lady of Good Counsel Parish)	13-3170676	DYCD	\$1,000.00	260	005	
SI	Council of Jewish Organizations of Staten Island	13-5254774	DYCD	\$1,000.00	260	005	
SI	Holy Rosary Church	13-3871539	DYCD	\$1,000.00	260	005	
SI	Project Hospitality	13-3234441	DYCD	\$1,000.00	260	005	
SI	St. Edwards (Mount Loretto)	13-3813576	DYCD	\$1,000.00	260	005	
SI	Staten Island Urban Community Association, Inc.	13-3813576	DYCD	\$1,000.00	260	005	
SI	Staten Island Urban Community Association, Inc.	13-3855101	DYCD	\$1,000.00	260	005	
SI	Trinity Episcopal Lutheran Church	13-5698163	DYCD	\$1,000.00	260	005	
SI	University of Notre Dame Club Staten Island	31-1344137	DYCD	\$1,000.00	260	005	

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 8: Food Pantries Initiative - Fiscal 2015 (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Manhattan	Convent Avenue Baptist Church	13-2760116	DYCD	\$1,760.00	260	005	
Manhattan	Fresh Youth Initiatives, Inc. (Helping Hands Food Pantry)	13-372207	DYCD	\$7,670.00	260	005	
Manhattan	Holy Trinity Neighborhood Center	75-3107120	DYCD	\$1,000.00	260	005	
Manhattan	Kennore Associates LP	13-3862650	DYCD	\$1,000.00	260	005	
Manhattan	Little Sisters of Assumption Family Health Services	13-2867881	DYCD	\$1,000.00	260	005	
Manhattan	MCCNY Charities, Inc.	27-0287132	DYCD	\$1,000.00	260	005	
Manhattan	Middle Project, Inc. (The Formerly Middle Collegiate Church*)	31-1689641	DYCD	\$1,000.00	260	005	
Manhattan	New York City Rescue Mission	13-496794	DYCD	\$11,860.00	260	005	
Manhattan	NY Common Pantry	13-3127972	DYCD	\$23,760.00	260	005	
Manhattan	Phidias, Inc.		DYCD	\$1,000.00	260	005	*
Manhattan	Project ORE of Ed. Alliance	13-5682210	DYCD	\$1,000.00	260	005	
Manhattan	Roadside Outreach Ministries, Inc.	13-3859713	DYCD	\$1,000.00	260	005	
Manhattan	St. Rose of Lima		DYCD	\$1,000.00	260	005	*
Manhattan	Washington Heights-Inwood Preservation and Restoration Corporation	13-2944830	DYCD	\$7,670.00	260	005	
Manhattan	Bethel Pentecostal Assembly, Inc.	11-3448121	DYCD	\$12,100.00	260	005	
Queens	Church of God in Christ, Jesus of the Apostles Faith Corp	11-3071628	DYCD	\$12,100.00	260	005	
Queens	City Harvest, Inc. (Brooks Memorial United Methodist Church)	13-3170676	DYCD	\$12,100.00	260	005	
Queens	City Harvest, Inc. (Community Bible Evangelical Free Church)	13-3170676	DYCD	\$12,100.00	260	005	
Queens	City Harvest, Inc. (First Baptist Church)	13-3170676	DYCD	\$12,100.00	260	005	
Queens	City Harvest, Inc. (Mount Hope Baptist Church)	13-3170676	DYCD	\$12,100.00	260	005	
Queens	City Harvest, Inc. (Queens Jewish Community Council, Inc.)	13-3170676	DYCD	\$12,100.00	260	005	
Queens	City Harvest, Inc. (St. Albans Baptist Church)	13-3170676	DYCD	\$12,100.00	260	005	
Queens	First Baptist Church of Corona NY, Inc.	31-176167	DYCD	\$12,100.00	260	005	
Queens	Flushing Jewish Community Council	11-2866568	DYCD	\$12,100.00	260	005	

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 9: NYC Youth Build Project Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Member	Department of Sanitation	13-600034	DYCD	\$2,100,000.00	260	312	
Member	Department of Sanitation	13-600034	DSNY	\$8,206.12	827	109	
Member	Department of Sanitation	13-600034	DSNY	\$8,206.12	827	102	
Member	Lower East Side Direct Management Corporation, Inc.	13-3633266	DBSS	\$23,000.00	801	002	

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 9: NYC Cleanup Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Member	Department of Sanitation	13-600034	DSNY	\$8,206.12	827	109	
Member	Department of Sanitation	13-600034	DSNY	\$8,206.12	827	102	
Member	Lower East Side Direct Management Corporation, Inc.	13-3633266	DBSS	\$23,000.00	801	002	

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 10: NYC Youth Build Project Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Member	Department of Youth and Community Development	13-6402434	DYCD	\$3,500,000.00	260	312	
Member	Albany Development Corp - Albanian YouthBuild	13-4652144	DYCD	\$193,560.00	260	312	*
Member	Northern Manhattan Improvement Corporation - YouthBuild NMIC	13-0972415	DYCD	\$193,560.00	260	312	*
Member	Settlement Housing Fund - DREAMS YouthBuild	23-0786822	DYCD	\$193,560.00	260	312	*
Member	South Bronx Overall Economic Development Corporation - YouthBuild Transformation Academy	13-2780022	DYCD	\$193,560.00	260	312	*
Member	Youth Action Programs and Homes, Inc. - Youth Action YouthBuild	13-3203701	DYCD	\$495,760.00	260	312	*
Member	Young Men's Christian Association of Greater New York (Queens, NY) - YouthBuild YMCA	13-1624228	DYCD	\$35,000.00	260	312	*

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 12: Anti-Gun Violence Initiative - Job Readiness Programs - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Center for Court Innovation (Bronx Community Solutions)	13-2617224	DOP	(\$129,400.00)	781	003
Urban Youth Alliance International, Inc. (BronxConnect)	13-2969182	DOP	\$129,400.00	781	003

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect.

CHART 11: Anti-Gun Violence Initiative - Community-Based Programs - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Gangstas Making Astronomical Community Changes, Inc. **	45-5359451	DOHMH	(\$250,000.00)	816	114

\*\* Change was made to correct error in previous Transparency Resolution

CHART 14: HIV/AIDS Faith Based Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UJA *
St. Matthew's Baptist Church	13-3211559	DOHMH	(\$6,400.00)	816	112
St. Matthew's Baptist Church	20-0379483	DOHMH	\$6,400.00	816	112

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 13: Local Discretionary - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Condition
Evansville	Southwest Indiana Resources Center	15-3352624	DOSS	(\$1,000.00)	801	002	
	Evansville Board of Health District Management Association, Inc.	11-3398017	DOSS	\$1,000.00	801	002	

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect



CHART 15: Purpose of Funds Changes - Fiscal 2015 (continued)

Source	Member	Organization	EIN Number / Agency	Amount	New Purpose of Funds
LOCAL	Rose	Young Men's Christian Association of Greater New York	13-162428 DYCD	(\$1,500.00)	Funding will support FREE afterschool activities, including fishing, boating, hunting, horticulture, animal care, bike repair, canoeing, wilderness survival techniques, marksmanship, archery, and more. Funds will support the provision of these services, including staffing, promotion, materials and equipment, and related expenses.
LOCAL	Rose	Young Men's Christian Association of Greater New York	13-162428 DYCD	\$1,500.00	Funding will be used for the after school program that offers students an opportunity to engage in educational activities that teach them how city government works, the importance of volunteering in the community. There is also YMCA afterschool program. Program coordinators and counselors are all paid and trained by the YMCA and required to have experience.
BORO	SI Davigallon	New York City Police Department	13-860034 NYFPD	(\$11,500.00)	
BORO	SI Davigallon	New York City Police Department	13-860034 NYFPD	\$11,500.00	Funds will be used to purchase equipment for the 125th Precinct (\$5,000), 123rd Precinct (\$5,000) and the Station Island Highways Unit (\$1,500).
LOCAL	Rosenthal	Fund for the City of New York, Inc. - Afro Latin Jazz Alliance	13-261254 DCLA	(\$3,500.00)	Funds to support performing artists and teaching artist fees.
LOCAL	Rosenthal	Fund for the City of New York, Inc. - Afro Latin Jazz Alliance	13-261254 DCLA	\$3,500.00	Funds will be used to support an annual performance at Symphony Space.

\* Indicates pending completion of pre-qualification review.

CHART 15: Purpose of Funds Changes - Fiscal 2015

Source	Member	Organization	EIN Number / Agency	Amount	New Purpose of Funds
LOCAL	Metho	West Brighton Community Local Development Corporation	13-304424 DSBS	(\$18,000.00)	The funds will be used for staff meetings, printing, supplies and outreach in helping to form the Victory Boulevard BID.
LOCAL	Metho	West Brighton Community Local Development Corporation	13-304424 DSBS	\$18,000.00	Funds will be used for general business and administrative services along Victory Boulevard Business District Corridor based on the merchant's needs.
AGING	Chin	Greenwich House, Inc.	13-566204 DFTA	(\$18,000.00)	Funds will support health and wellness classes and cultural programming at the Greenwich House Senior Center at 100 West Street. The classes will be offered on the Souths, formerly Caring Community site. The funds will also pay for outside teachers, expert in their field of wellness and cultural programs included but not limited to Tai Chi, Yoga, Body and Fitness, Painting, Ceramics and Jewelry Making.
AGING	Chin	Greenwich House, Inc.	13-566204 DFTA	\$18,000.00	Funds will support the purchase of nutritious meals, as well as health and wellness classes and cultural programming at the Greenwich House Senior Center at 100 West Street. The classes will be offered on the Souths, formerly Caring Community site. The funds will also pay for outside teachers, expert in their field of wellness and cultural programs included but not limited to Tai Chi, Yoga, Body and Fitness, Ceramics and Jewelry Making.
LOCAL	Rosenthal	Symphony Space, Inc.	13-261456 DCLA	(\$3,500.00)	Funds to support performing artists and teaching artist fees.
LOCAL	Rosenthal	Symphony Space, Inc.	13-261456 DCLA	\$3,500.00	Funds will be used to support an annual performance at Symphony Space.
LOCAL	Lancman	Older Adults Technology Services (OATS), Inc.	05-086099 DFTA	(\$3,500.00)	Direct services to support technology training courses for seniors.
LOCAL	Lancman	Older Adults Technology Services (OATS), Inc.	05-086099 DFTA	\$3,500.00	Direct services to support technology training courses for seniors.
LOCAL	Lancman	Queens Community Civic Corporation	22-218337 DYCD	(\$10,000.00)	Funding to support organizing, community seminars and workshops to educate residents regarding immediate issues, services available and rights to which they are entitled in their neighborhoods.
LOCAL	Lancman	Queens Community Civic Corporation	22-218337 DYCD	\$10,000.00	To support after-school program and housing services.
LOCAL	Lancman	Young Israel Of Queens Valley Senior League	13-381326 DFTA	(\$10,000.00)	Funding to support programming including recreation, health promotion, nutrition education and meals. Funding will be used to supplement occupancy and utilities expenses to help support the aforementioned programming such as our education program, serving as a hub for all things LIC and providing improved resources for an expanded demographic.
LOCAL	Lancman	Young Israel Of Queens Valley Senior League	13-381326 DFTA	\$10,000.00	Funding to support programming including recreation, health promotion, nutrition education and meals. Funding will be used to supplement occupancy and utilities expenses to help support the aforementioned programming such as our education program, serving as a hub for all things LIC and providing improved resources for an expanded demographic.
LOCAL	Van Bramer	Long Island City Partnership	11-2651377 DSBS	(\$5,000.00)	Funding to support the LIC Partnership's efforts to become a one-stop portal to LIC expanded demographic services for all ages, launched this year under the DOT Weekend Walks Program.
LOCAL	Van Bramer	Long Island City Partnership	11-2651377 DSBS	\$5,000.00	Funding to support the LIC Partnership's efforts to become a one-stop portal to LIC expanded demographic services for all ages, launched this year under the DOT Weekend Walks Program.
LOCAL	Van Bramer	Long Island City Partnership	11-2651377 DSBS	(\$10,000.00)	Funding to support and promote the LIC Spring Show, a street festival combining art, food, and performances for all ages, launched this year under the DOT Weekend Walks Program.
LOCAL	Van Bramer	Long Island City Partnership	11-2651377 DSBS	\$10,000.00	Funding to support and promote the LIC Spring Show, a street festival combining art, food, and performances for all ages, launched this year under the DOT Weekend Walks Program.
LOCAL	Van Bramer	Long Island City Partnership	11-2651377 DSBS	\$10,000.00	To fund neighborhood promotion and the expansion of the BID.
LOCAL	Reynoso	Grand Street District Management Association, Inc.	11-273627 DSBS	(\$15,000.00)	To support the Grand Street BID's work with local businesses, including supplemental sidewalk cleaning, graffiti removal, and promotion of businesses including special events for the community, end facades and streetscape improvements.
LOCAL	Reynoso	Grand Street District Management Association, Inc.	11-273627 DSBS	\$15,000.00	To support beautification of the Grand Street BID area, including supplemental cleaning and graffiti removal services.

\* Indicates pending completion of pre-qualification review.

CHART 16: Purpose of Funds Changes - Fiscal 2014

Source	Member	Organization	EIN Number / Agency	Amount	New Purpose of Funds
Youth	Chin	Henry Street Settlement	13-162424 DYCD	(\$3,500.00)	To enable the Henry Street Settlement to host a community event and take youths on a field trip.
Youth	Chin	Henry Street Settlement	13-162424 DYCD	\$3,500.00	To enable the Henry Street Settlement to host a community event and take youths on a field trip.
Youth	Gentile	Scandinavian East Coast Museum	11-3834763 DYCD	(\$6,000.00)	To support an annual Viking First in Oak's HeadBless Park, including re-enactments, a ship replica, and educational promotional materials, and to defray the costs of printing and paying a writer, illustrator, and designer for an educational coloring book.
Youth	Gentile	Scandinavian East Coast Museum	11-3834763 DYCD	\$6,000.00	To support an annual Viking First in Oak's HeadBless Park, including re-enactments, a ship replica, and educational promotional materials, and to defray the costs of printing and paying a writer, illustrator, and designer for an educational coloring book.

\* Indicates pending completion of pre-qualification review.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, October 7, 2014. *Other Council Members Attending: Torres*

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 Finance and had been favorably reported for adoption.

Report for L.U. No. 124

**Report of the Committee on Finance in favor of approving Renewal Housing Development Fund Company, Block 3174, Lot 24, Block 3276, Lot 36, Block 3283, Lot 37, Block 3293, Lot 135, Block 3300, Lots 27, 23 and 11, Bronx, Community District No. 7, Council Districts No. 14 and 15.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on October 7, 2014 and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

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

October 7, 2014

TO: Hon. Julissa Ferreras  
Chair, Finance Committee  
Members of the Finance Committee

FROM: Rebecca Chasan, Assistant Counsel, Finance Division  
Sarah Gastelum, Legislative Financial Analyst, Finance Division

RE: Finance Committee Agenda of October 7, 2014 - Resolution approving tax exemption for two Land Use Items (Council Districts 14, 15 and 21)

*Item 1:*

Alberta L. Altson House consists of 1 building with 151 units of rental housing for low-income senior citizens. Presbyterian Housing Development Fund Corporation ("HDFC") of Queens developed the project under the Section 202 Supportive Housing Program for the Elderly, with financing and rental subsidies from the United States Department of Housing and Urban Development ("HUD") and tax exemption from the City. Last year, the HDFC refinanced its original HUD mortgage in order to fund needed repairs, decrease debt service, and meet other financial obligations. At that time, the HDFC and HPD entered into a Regulatory Agreement establishing certain controls upon the operation of the Exemption Area. By resolution (Res. 1814-2013), pursuant to Section 577 of the Private Housing Finance Law, the Council granted the property a partial 35-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

The prior resolution omitted a lot and a demapped parcel which were part of the original conveyance by the City to the HDFC. Therefore, HPD is requesting that the Council amend the prior resolution by changing the definition of "Exemption Area" to include the additional lot and demapped parcel.

This item has the approval of Council Member Ferreras.

Summary:

- Council District – 21
- Council Member – Ferreras
- Council Member approval – Yes
- Borough – Queens
- Block/Lot – Block 1900, Lot 161; Block 1932, Lot 9; and the intervening demapped parcel
- Number of Buildings – 1
- Number of Units – 151
- Type of Exemption – Article XI, partial 35 years
- Population Served – Rentals for low-income senior citizens
- Sponsor/Developer – Presbyterian Housing Development Fund Corporation of Queens
- Open Violations or Outstanding Debt to the City – None

*Item 2:*

Renewal Housing Development Fund Corporation ("HDFC") consists of 7 multiple dwellings with 129 units of rental housing for low-income families. The HDFC financed the rehabilitation of the project with a loan from the City of New York Department of Housing Preservation and Development ("HPD"). At that time, the HDFC and HPD entered into a regulatory agreement establishing certain controls upon the operation of the Exemption Area. By resolution (Res. 2048-2013), pursuant to Section 577 of the Private Housing Finance Law, the Council granted the property a partial 35-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

The prior resolution contains a typographical error which incorrectly identifies one location as Block 3300, Lots 274.3 & 11, rather than Block 3300, Lots 27, 23 & 11. Therefore, HPD has submitted a request to the Council to approve a technical correction to the prior resolution to reflect the correct tax lot.

Summary:

- Council District – 14 & 15
- Council Member – Cabrera and Torres
- Council Member notification – Yes
- Borough – Bronx
- Block/Lot – Block 3174, Lot 24; Block 3276, Lot 36; Block 3283, Lot 37; Block 3293, Lot 135; Block 3300, Lots 27, 23 & 11
- Number of Buildings – 7
- Number of Units – 129 total
- Type of Exemption – Article XI, full 40 years
- Population Served – Rentals for low-income persons
- Sponsor/Developer – Renewal Housing Development Fund Corporation
- Open Violations or Outstanding Debt to the City – None

**(For text of the coupled resolution for LU No. 125, please see the Report of the Committee on Finance for LU No. 125 printed in these Minutes; for text of the coupled resolution for LU No. 124, please see below)**

*Accordingly, this Committee recommends the adoption of LU Nos. 124 and 125.*

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

Res. No. 435

**Resolution approving an exemption from real property taxes for property located at (Block 3174, Lot 24; Block 3276, Lot 36; Block 3283, Lot 37; Block 3293, Lot 135; Block 3300, Lots 27, 23 & 11) the Bronx, pursuant to**

**Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 124).**

By Council Member Ferreras.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 22, 2014 that the Council take the following action regarding a housing project to be located at (Block 3174, Lot 24; Block 3276, Lot 36; Block 3283, Lot 37; Block 3293, Lot 135; Block 3300, Lots 27, 23 & 11) the Bronx ("Exemption Area"):

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

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

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

**RESOLVED:**

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

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

(a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

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

(c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3174, Lot 24; Block 3276, Lot 36; Block 3283, Lot 37; Block 3293, Lot 135; Block 3300, Lots 27, 23 & 11 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 Renewal Housing Development Fund Company, Inc.

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

(g) "Owner" shall mean the HDFC or any future owner of the Exemption Area 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 during the term of the Exemption.

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 or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building 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

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, October 7, 2014.  
*Other Council Members Attending: Torres*

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 Finance and had been favorably reported for adoption.

Report for L.U. No. 125

**Report of the Committee on Finance in favor of approving Presbyterian HDFC of Queens, Block 1900, Lot 161; Block 1932, Lot 9; and the intervening demapped parcel Queens, Community District No.4, Council District No. 21.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on October 7, 2014 and which was subsequently coupled with the resolution shown below, respectfully

#### REPORTS:

(For text of the report, please see the Report of the Committee on Finance for LU No. 124 printed above in these Minutes)

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 436

**Resolution approving a full exemption from real property taxes for property located at (Block 1900, Lot 161; Block 1932, Lot 9; and the intervening demapped parcel) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 125).**

By Council Member Ferreras.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 2, 2014 that the Council take the following action regarding a housing project to be located at (Block 1900, Lot 161; Block 1932, Lot 9; and the intervening demapped parcel) Queens ("Exemption Area"):

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

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

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

#### RESOLVED:

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

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

(a) "Effective Date" shall mean the later of (i) the date of repayment or refinancing of the HUD Mortgage, (ii) the date that HUD and the HDFC enter into the Use Agreement that will run for 35 years from the repayment or refinancing of the HUD Mortgage, or (iii) the date that HPD and the HDFC enter into the Regulatory Agreement.

(b) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, Block 1900, Lot 161, Block 1932, Lot 9, on the Tax Map of the City of New York, and portions of certain intervening and abutting demapped streets as more fully described by metes and bounds in Exhibit A attached hereto.

(c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) 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.

(d) "HDFC" shall mean Presbyterian Housing Development Fund Corporation of Queens.

(e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.

(g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.

(h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

(i) "Owner" shall mean the HDFC or any future owner of the Exemption Area.

(j) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on May 25, 1983 (Cal. No. 56).

(k) "Regulatory Agreement" shall mean a regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

(l) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.

(m) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date and terminates thirty-five years (35) from the refinancing of the HUD Mortgage, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

2. The Prior Exemption shall terminate upon the Effective Date.

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

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) \$225,840, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

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

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

(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.

(d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement, (ii) execute and record a Regulatory Agreement, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, October 7, 2014.  
*Other Council Members Attending: Torres*

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. 114

**Report of the Committee on Land Use in favor of approving Application no. 20155008 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Friendly Foods LLC, d/b/a/ Cherche Midi for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 282 Bowery, 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 10, 2014, (Minutes, page 3292) and which was subsequently coupled with the resolution shown below, respectfully

#### REPORTS:

#### SUBJECT

MANHATTAN CB - 2

20155008 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Friendly Foods, LLC, d/b/a Cherche Midi, for a revocable consent to modify and continue to maintain and operate an unenclosed sidewalk café located at 282 Bowery.

#### INTENT

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

#### PUBLIC HEARING

DATE: September 30, 2014

Witnesses in Favor: One      Witnesses Against: None

#### SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2014

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

**In Favor:** Weprin, Garodnick, Williams, Wills, Richards, Torres, Ignizio  
**Against:** None      **Abstain:** None

#### COMMITTEE ACTION

DATE: October 2, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

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

Res. No. 437

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 282 Bowery, Borough of Manhattan (20155008 TCM; L.U. No. 114).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on August 28, 2014 its approval dated August 20, 2014 of the petition of Friendly Foods, LLC, d/b/a Cherche Midi, for a revocable consent to modify and continue to maintain and operate an unenclosed sidewalk café located at 282 Bowery, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on September 30, 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, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, 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, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, October 2, 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. 115

**Report of the Committee on Land Use in favor of approving Application no. C 140300 ZSM submitted by MC 19 East Houston, 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) of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow uses permitted under Section 32-15 (Use Group 6 uses) below the floor level of the second story of a proposed 6-story commercial building on a zoning lot which, as of**

December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District. This application is subject to the 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 was referred on September 10, 2014 (Minutes, page 3292), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**C 140300 ZSM**

City Planning Commission decision approving an application submitted by MC 19 East Houston, 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) of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow uses permitted under Section 32-15 (Use Group 6 uses) below the floor level of the second story of a proposed 6-story commercial building on a zoning lot which, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District.

**INTENT**

This special permit action, in conjunction with the other related actions, would facilitate the development of a new six-story commercial building at 19 East Houston Street in Manhattan Community District 2.

**PUBLIC HEARING**

**DATE:** September 16, 2014

**Witnesses in Favor:** Six                      **Witnesses Against:** Eight

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 30, 2014

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

**In Favor:** Weprin, Garodnick, Williams, Wills, Richards, Torres, Ignizio  
**Against:** None                      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** October 2, 2014

The Committee recommends that the Council approve the attached resolution.

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, 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, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, October 2, 2014.

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

Report for L.U. No. 116

**Report of the Committee on Land Use in favor of approving Application no. C 140301 ZSM submitted by MC 19 East Houston, 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) of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of**

Front Wall and Required Front Setbacks) to facilitate the development of a 6-story commercial building on a zoning lot which, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Community Board 2, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on September 10, 2014 (Minutes, page 3292), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**C 140301 ZSM**

City Planning Commission decision approving an application submitted by MC 19 East Houston, 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) of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of a 6-story commercial building on a zoning lot which, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District.

**INTENT**

This special permit action, in conjunction with the other related actions, would facilitate the development of a new six-story commercial building at 19 East Houston Street in Manhattan Community District 2.

**PUBLIC HEARING**

**DATE:** September 16, 2014

**Witnesses in Favor:** Six                      **Witnesses Against:** Eight

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 30, 2014

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

**In Favor:** Weprin, Garodnick, Williams, Wills, Richards, Torres, Ignizio  
**Against:** None                      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** October 2, 2014

The Committee recommends that the Council approve the attached resolution.

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, 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, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, October 2, 2014.

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

Report for L.U. No. 117

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. C 140302 ZSM submitted by MC 19 East Houston, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or**

**10A uses) with no limitation on floor area per establishment on the cellar, ground floor, second floor and third floor of a proposed 6-story commercial development, on property located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Community Board 2, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 10, 2014, (Minutes, page 3293) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**C 140302 ZSM**

City Planning Commission decision approving an application submitted by MC 19 East Houston, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on the cellar, ground floor, second floor and third floor of a proposed 6-story commercial development, on property located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District.

**INTENT**

This special permit action, in conjunction with the other related actions, would facilitate the development of a new six-story commercial building at 19 East Houston Street in Manhattan Community District 2. This application has been withdrawn by the applicant. This is a motion to file pursuant to that withdrawal.

**PUBLIC HEARING**

**DATE:** September 16, 2014

**Witnesses in Favor:** Six

**Witnesses Against:** Eight

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 30, 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, Garodnick, Williams, Wills, Richards, Torres, Ignizio

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

**COMMITTEE ACTION**

**DATE:** October 2, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

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

Res. No. 438

**Resolution approving a motion to file pursuant to withdrawal of the application concerning the decision of the City Planning Commission on ULURP Application No. C 140302 ZSM (L.U. No. 117), for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on the cellar, ground floor, second floor and third floor of a proposed 6-story commercial development, on property located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan.**

By Council Members Greenfield and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on August 22, 2014 its decision dated August 20, 2014 (the "Decision"), on the application submitted by MC 19 East Houston, LLC, pursuant to Sections 197-c and 201 of the

New York City Charter, for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on the cellar, ground floor, second floor and third floor of a proposed 6-story commercial development, on property located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District (ULURP No. C 140302 ZSM), Community District 2, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications C 140300 ZSM (L.U. No. 115), a special permit pursuant to Section 74-712(a) to modify use regulations to allow Use Group 6 uses below the floor level of the second story; C 140301 ZSM (L.U. No. 116), a special permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43; and C 140299 PPM (L.U. No. 118), a disposition of city-owned property;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on September 16, 2014;

**WHEREAS**, by letter dated September 29, 2014 to the New York City Planning Commission and submitted to the Council on September 29, 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, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, 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, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, October 2, 2014.

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. No. 118

**Report of the Committee on Land Use in favor of approving Application no. C 140299 PPM submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition of one city-owned property located at 19 East Houston Street, (Block 511, Lot 19), pursuant to zoning.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 10, 2014 (Minutes, page 3293), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**C 140299 PPM**

City Planning Commission decision approving an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition of one city-owned property located at 19 East Houston Street, (Block 511, Lot 19), pursuant to zoning.

**INTENT**

This disposition of city-owned property, in conjunction with the other related actions, would facilitate the development of a new six-story commercial building at 19 East Houston Street in Manhattan Community District 2.

**PUBLIC HEARING**

**DATE:** September 16, 2014

**Witnesses in Favor:** Six

**Witnesses Against:** Eight

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 30, 2014

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

**In Favor:** Weprin, Garodnick, Williams, Wills, Richards, Torres, Ignizio  
**Against:** None      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** October 2, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, 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, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, October 2, 2014.

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

Report for L.U. No. 119

**Application No. C 155020 HAQ by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of Urban Development Action Area and Project for property located at 161-79 86th Avenue (Block 9774 Lots 165, 166, 167), Borough of Queens, Community Board 8, Council District 24.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 10, 2014, (Minutes, page 3294) and which was subsequently coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
161-79 Avenue Queens	86 <sup>th</sup> 9774/165 /166 /167	20155020 HAQ	119	Asset Sales

**INTENT**

HPD requests that the Council:

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

**PUBLIC HEARING**

**Date:** September 30, 2014

**Witnesses In Favor:** Two      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**Date:** September 30, 2014

The Subcommittee recommends that the Committee approve the proposal and grant the request made by the Department of Housing Preservation and Development.

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

**COMMITTEE ACTION**

**DATE:** October 2, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

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

Res. No. 439

**Resolution approving an Urban Development Action Area Project located at 161-79 86th Avenue (Block 9774, Lots 165, 166 and 167), Borough of Queens, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Article 16 of the General Municipal Law (L.U. No. 119; 20155020 HAQ).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 25, 2014 its request dated August 4, 2014 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 161-79 86th Avenue (Block 9774, Lots 165, 166 and 167), Community District 8, Borough of Queens (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on September 30, 2014;

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

**RESOLVED:**

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a

designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

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

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

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

The Project shall be disposed of and developed upon the terms and conditions in the Project Summary that HPD has submitted to the Council on August 25, 2014, a copy of which is attached hereto.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, 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, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, October 2, 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. 121

**Report of the Committee on Land Use in favor of approving Application No. 20145691 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Hearth Restaurant Investors, LLC, d/b/a/ Hearth for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 403 East 12th Street, Borough of Manhattan, Community District 3, Council District 2. 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 was referred on September 23, 2014, (Minutes, page 3491) and which was subsequently coupled with the resolution shown below, respectfully

#### REPORTS:

##### SUBJECT

MANHATTAN CB - 3

20145691 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Hearth Restaurant Investors, LLC, d/b/a/ Hearth, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 403 East 12<sup>th</sup> Street.

##### INTENT

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

##### PUBLIC HEARING

DATE: September 30, 2014

Witnesses in Favor: One

Witnesses Against: None

##### SUBCOMMITTEE RECOMMENDATION

DATE: September 30, 2014

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

**In Favor:** Weprin, Garodnick, Williams, Wills, Richards, Torres, Ignizio  
**Against:** None **Abstain:** None

#### COMMITTEE ACTION

DATE: October 2, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

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

Res. No. 440

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 403 East 12<sup>th</sup> Street, Borough of Manhattan (20145691 TCM; L.U. No. 121).**

By Council Members Greenfield and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on September 5, 2014 its approval dated September 4, 2014 of the petition of Hearth Restaurant Investors, LLC, d/b/a/ Hearth, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 403 East 12<sup>th</sup> Street, Community District 3, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on September 30, 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, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, 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, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, October 2, 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. 123

**Report of the Committee on Land Use in favor of approving Application No. 20155063 HAM by the New York City Department of Housing Preservation and Development for approval of a tax exemption, pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the properties located at Block 1718/Lot 69, Block 1903/ Lot 29, Block 1904/Lots 33 and 59, Block 1906, Lot 64, Block 2026/Lots 20, 22, 23, 26, 27 and 29, Block 2031/Lot 18, Block 2032/Lot 43, Block 2036/Lot 61, Block 2045/Lots 96, 97 and 100, Block 2046/Lots 7 and 63; in the Borough of Manhattan, Community Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2014, (Minutes, page 3492) and which was subsequently coupled with the resolution shown below, respectfully

#### REPORTS:

##### SUBJECT

MANHATTAN CB - 10

20155063 HAM

Application submitted by the New York City Department of Housing Preservation and Development for an exemption from real property tax pursuant to



Article XI of the Private Housing Finance Law (PHFL) for the properties located at Block 1718/Lot 69, Block 1903/ Lot 29, Block 1904/Lots 33 and 59, Block 1906, Lot 64, Block 2026/Lots 20, 22, 23, 26, 27 and 29, Block 2031/Lot 18, Block 2032/Lot 43, Block 2036/Lot 61, Block 2045/Lots 96, 97 and 100, Block 2046/Lots 7 and 63; in the Borough of Manhattan, Council District 9, pursuant to Section 577 of the PHFL.

**INTENT**

To approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area+ consisting of 20 multiple dwellings, known as Northern Manhattan Equities, which will provide rental housing for low-income families.

**PUBLIC HEARING**

**DATE:** September 30, 2014

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 30, 2014

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

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

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

**COMMITTEE ACTION**

**DATE:** October 2, 2014

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Ignizio

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

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

Res. No. 441

**Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the Exemption Area located on Block 1718/Lot 69, Block 1903/ Lot 29, Block 1904/Lots 33 and 59, Block 1906, Lot 64, Block 2026/Lots 20, 22, 23, 26, 27 and 29, Block 2031/Lot 18, Block 2032/Lot 43, Block 2036/Lot 61, Block 2045/Lots 96, 97 and 100, Block 2046/Lots 7 and 63; in Community District 10, Borough of Manhattan (L.U. No. 123; 20155063 HAM).**

By Council Members Greenfield and Dickens.

**WHEREAS,** the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 9, 2014 its request dated September 5, 2014 that the Council take the following actions regarding a tax exemption for real property located on Block 1718/Lot 69, Block 1903/ Lot 29, Block 1904/Lots 33 and 59, Block 1906, Lot 64, Block 2026/Lots 20, 22, 23, 26, 27 and 29, Block 2031/Lot 18, Block 2032/Lot 43, Block 2036/Lot 61, Block 2045/Lots 96, 97 and 100, Block 2046/Lots 7 and 63; in Community District 10, Borough of Manhattan (the "Exemption Area"):

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

**WHEREAS,** upon due notice, the Council held a public hearing on the Tax Exemption on September 30, 2014; and

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

**RESOLVED:**

The Council approves the Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- (a) "Company" shall mean Northern Manhattan Equities LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1718, Lot 69, Block 1903, Lot 29, Block 1904, Lots 33 and 59, Block 1906, Lot 64, Block 2026, Lots 20, 22, 23, 26, 27 and 29, Block 2031, Lot 18, Block 2032, Lot 43, Block 2036, Lot 61, Block 2045, Lots 96, 97 and 100, Block 2046, Lots 7 and 63 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty two (32) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "HDFC" shall mean NME Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the City of New York Department of Housing Preservation and Development.
- (h) "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
- (i) "Owner" shall mean, collectively, the HDFC and the Company.
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

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, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- (b) The Exemption shall only apply to buildings on the Exemption Area that existed on the Effective Date.
- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property

taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of the J-51 Benefits.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, 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, RITCHIE J. TORRES, VINCENT M. IGNIZIO; Committee on Land Use, October 2, 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).

### Reports of the Committee on Transportation

Report for Int. No. 295-A

**Report of the Committee on Transportation, in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring certain qualified transportation benefits.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on April 29, 2014 (Minutes, page 1358), respectfully

#### REPORTS:

#### INTRODUCTION

On October 6, 2014, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Int. No. 295-A, which would require that entities with twenty or more full-time employees offer qualified commuter benefits to their employees. The first hearing was held on June 30, 2014 at which time the Committee heard testimony from representatives of the New York City Department of Finance (“DOF”), transit advocates, and other interested parties. Prior to the second hearing, amendments were made to the bill, including changing the agency responsible for enforcement from DOF to the Department of Consumer Affairs (“DCA”), extending the enactment date to January 1, 2016, and providing for a six-month period following the enactment date during which employers would not be subject to civil penalties for violations of the proposed local law. The amended version also specifies that the requirements of the local law only apply to those employers with 20 or more full-time employees and provides that DCA may exempt businesses that demonstrate they would suffer a financial hardship by offering commuter benefits.

#### BACKGROUND

The Internal Revenue Code (“IRC”) allows employers to offer commuter transit benefits to their employees on a pre-tax basis.<sup>1</sup> In 2012, Congress adopted the American Taxpayer Relief Act—which increased the commuter transit benefit to \$245 per month—however, this provision expired in December 2013 and Congress failed to pass an extension.<sup>2</sup> Currently, employees are allowed to exclude up to \$130 from their wages for certain transit expenses, including mass transit commuting expenses.<sup>3</sup> While employees are not required to participate, the program offers attractive tax benefits to both employers and employees. Because the benefit is offered on a pre-tax basis, participants in the program reduce their taxable income by the amount excluded from the gross pay. According to one study, on average, New Yorkers who purchase a monthly Metro Card save \$443 per year; and their employers save \$103 per employee who participates.<sup>4</sup>

It is estimated that over 700,000 people who work and live in New York City participate in the transit benefits program.<sup>5</sup> If the proposed legislation were adopted, an additional estimated 600,000 employees in New York City could be eligible for the transit benefits program.<sup>6</sup> In addition to the benefits derived by employers and their employees, it has been documented that the transit benefits program has a

for the Lower Ma\_\_\_\_\_

<sup>1</sup> 26 U.S.C. § 132(f).

<sup>2</sup> Stephen Miller. *Pretax Limit on Transit Benefits Drops for 2014: Disparity grows between allowable transit and parking benefits*. SOCIETY FOR HUMAN RESOURCE MANAGEMENT, December 30, 2013, <http://www.shrm.org/hrdisciplines/benefits/articles/pages/pretax-transit-benefits-limit-2014.aspx>.

<sup>3</sup> Internal Revenue Service, Publication 15-B –Transportation (Commuting) Benefits, available at [http://www.irs.gov/publications/p15b/ar02.html#en\\_US\\_2014\\_publink1000193740](http://www.irs.gov/publications/p15b/ar02.html#en_US_2014_publink1000193740).

<sup>4</sup> Benjamin Lowe. *Affordable Transit, Affordable New York: Guaranteeing the Transit Break for Employees and Businesses*. RIDERS ALLIANCE, April 27, 2014, at 2.

<sup>5</sup> <http://www.ridersny.org/wp-content/uploads/2014/01/Riders-Alliance-Report-on-Pre-Tax-Transit-Benefits-4-27-14-FINAL.pdf>.

<sup>6</sup> *Id.* at 3.

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

beneficial impact on the wider New York City economy. A report by the Riders Alliance estimates that the proposed legislation could add an additional \$85 million to the local economy.<sup>7</sup>

While the benefits associated with transit benefits are well documented, some argue that the new mandate will create additional costs, especially for small businesses.<sup>8</sup> In particular, critics of the proposed legislation, while acknowledging the benefits of transit benefits to commuters, argue that the new requirement may make it difficult for New York City to reduce its unemployment rate.<sup>9</sup> The amended version of the bill addresses this concern by allowing DCA to provide exemptions to employers who can demonstrate to the Department’s satisfaction that compliance with the proposed local law would be a financial hardship.

#### ANALYSIS

Section one of Int. No. 295-A would amend title 20 of the Administrative Code by adding a new chapter 9 and a new section 20-926. Subdivision a of the new section would require that every individual, corporation, or other entity with twenty or more full-time employees offer qualified transit benefits on a pre-tax basis. “Full-time employees” would be defined as employees who work an average of 30 hours or more per week during a period of time established through a rule promulgated by the Commissioner of Consumer Affairs.

Subdivision b of new section 20-926 would state that the provisions of such section would be enforceable by DCA and that any notice of violation issued by DCA would be returnable at the administrative tribunal designated by the Department’s rules. Subdivision b would state that a first violation of subdivision a would result in a civil penalty of \$100 to \$250. The subdivision would state that an employer violating subdivision a for the first time would have 90 days to cure the violation before a civil penalty would be imposed. If the violation were not cured within 90 days, an employer would be liable for an initial civil penalty. Each 30-day period in which an employer continues to fail to offer transit benefits would constitute a subsequent violation and would be liable for an additional civil penalty of \$250. Under subdivision b, an employer would not be liable for a civil penalty more than once in any 30-day period.

Subdivision c would exclude government entities, entities under a collective bargaining agreement (provided that employees not covered by such agreement are still offered transit benefits), and entities not required to pay federal, State, or New York City payroll taxes. Further, DCA would be permitted to waive the requirements of new section 20-926 if an employer demonstrates to the Department’s satisfaction that compliance would be a financial hardship.

Subdivision d would state that the Commissioner of Consumer Affairs may promulgate rules they deem necessary to carry out the provisions of new chapter 9, including establishing civil penalties for violation of such rules, so long as the penalties do not exceed \$250 any particular violation.

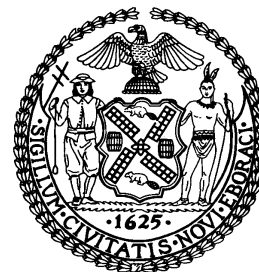
Section two of Int. No. 295-A would state that employers would not be subject to a civil penalty for violation of new chapter 9 or rules promulgated by the Commissioner of Consumer Affairs under the new chapter if the violation occurs before July 1, 2016.

Section three of Int. No. 295-A would state that the local law would take effect on January 1, 2016. Before that date, the Commissioner of Consumer Affairs would be required to take necessary steps, including the promulgation of rules, to ensure that the Department is able to carry out the law by January 1, 2016. Section three would also provide that the local law would no longer be effective if qualified transportation benefits were no longer permitted to be exempted from gross income for federal tax purposes.

#### UPDATE

On October 6, 2014, the Committee on Transportation passed Int. No. 295-A by a vote of thirteen in the affirmative and zero in the negative with no abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 295-A:)**



THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 295-A  
COMMITTEE: Transportation

for the Lower Ma\_\_\_\_\_

<sup>7</sup> *Id.* at 2.

<sup>8</sup> An Unfare Mandate. NEW YORK OBSERVER, May 6, 2014. <http://observer.com/2014/05/an-unfare-mandate/#axzz32CDnduLp>.

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

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring certain qualified transportation benefits.

**Sponsor:** By Council Members Garodnick, Johnson, Chin, Cohen, Constantinides, Crowley, Dickens, Gentile, King, Koo, Lancman, Lander, Levine, Miller, Richards, Rose, Vallone, Cornegy, Espinal, Palma, Cumbo, Barron, Maisel, Wills, Rosenthal, Koslowitz, Deutsch, Ferreras, Menchaca, Dromm, Torres, Treyger, Vacca, Rodriguez, Kallos, Levin, Reynoso, Arroyo, Van Bramer and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would require that every employer with twenty or more full-time employees, defined as “employees who work an average of 30 hours or more per week” in the city of New York offer its full-time employees the opportunity to use pre-tax earnings to purchase qualified transportation fringe benefits, other than qualified parking. The law would not apply the United States government, the state of New York, the city of New York, any local government, municipality or county, where a collective bargaining agreement exists, and where the employer is not required to pay federal, state, and city payroll taxes.

The bill would impose a civil penalty of between \$100 and \$250 on any employer found to be in its violation, and for every thirty days thereafter where such employer fails to offer such benefit, an additional civil penalty of \$250 would be imposed. However, the bill allows employers ninety days to cure the first violation before imposing such civil penalty. In the event that an employer’s number of full-time employees is reduced to less than twenty, any employee eligible to be provided with the pre-tax transportation benefit prior to the employee reduction will continue to be provided such opportunity for the duration of the employee’s employment with such employer.

**EFFECTIVE DATE:** This local law would take effect January 1, 2016, provided that (i) the Commissioner of Consumer Affairs shall, prior to the effective date of this local law, promulgate such rules, and take such other steps, as may be necessary to effectuate the provisions of this local law on its effective date and (ii) in the event qualified transportation benefits are no longer permitted to be excluded from an employee’s gross income for federal income tax purposes and from an employer’s wages for federal payroll tax purposes, this local law would no longer be effective. No penalties may be imposed for violations occurring prior to July 1, 2016.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2016

**FISCAL IMPACT STATEMENT:**

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY16
Revenues (+)	(\$7,300,000)	(\$7,300,000)	(\$7,300,000)
Expenditures (-)	\$2,856,063	\$1,292,563	\$2,856,063
Net	\$10,156,063	\$8,592,563	\$10,156,063

**IMPACT ON REVENUES:** The bill is intended to increase participation in a Federal program that impacts on City personal income tax revenue. The impact depends upon how successful the program is in encouraging City residents to use the benefit.

**IMPACT ON EXPENDITURES:** The Department of Consumer Affairs (DCA) will oversee the implementation and enforcement of this bill. The DCA plans to hire 11 full-time positions at an annual cost of approximately \$1 million in addition to an other than personal services (OTPS) cost of approximately \$1.9 million that includes approximately \$1.6 million for an outreach campaign in the first year. As such, it is estimated that the total cost of enacting this legislation would be approximately \$2.9 million in the first year and decreasing to approximately \$1.3 million in the outyears.

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

**SOURCE OF INFORMATION:** NYC Council Finance Division  
 NYC Department of Consumer Affairs  
 Mayor’s Office of Legislative Affairs

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head  
 Paul Sturm, Unit Head

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director, Finance Division  
 Rebecca Chasan, Assistant Counsel, Finance Division  
 Raymond Majewski, Deputy Director/Chief Economist, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 295 by the Council on April 29, 2014 and referred to the Committee on Transportation. A hearing was held by the Committee on June 30, 2014 and the legislation was laid over. Intro. 295 was subsequently amended, and the amended version, Proposed Intro. No. 295-A will be considered by the Committee on Transportation on October 6, 2014. Upon a successful vote by the Committee, Proposed Intro. 295-A will be submitted to the full Council for a vote on October 7, 2014.

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

**(The following is the text of Int. No. 295-A:)**

Int. No. 295-A

By Council Members Garodnick, Johnson, Chin, Cohen, Constantinides, Crowley, Dickens, Gentile, King, Koo, Lancman, Lander, Levine, Miller, Richards, Rose, Vallone, Cornegy, Espinal, Palma, Cumbo, Barron, Maisel, Wills, Rosenthal, Koslowitz, Deutsch, Ferreras, Menchaca, Dromm, Torres, Treyger, Vacca, Rodriguez, Kallos, Levin, Reynoso, Arroyo, Van Bramer, Mendez, Mealy and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring certain qualified transportation benefits.**

*Be it enacted by the Council as follows:*

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

*Chapter 9*

*Mass Transit Benefits*

§ 20-926 *Election of qualified transportation benefits in lieu of taxable dollar compensation for certain non-governmental employees.*

*a. Except as provided in subdivision c of this section, every employer with twenty or more full-time employees in the city of New York shall offer full-time employees the opportunity to use pre-tax earnings to purchase qualified transportation fringe benefits, other than qualified parking, in accordance with federal law, provided that in the event that such employer’s number of full-time employees is reduced to less than twenty, any employee eligible to be provided such opportunity prior to the employee reduction shall continue to be provided such opportunity for the duration of such employee’s employment with such employer. For purposes of this section, “full-time employees” shall mean employees who work an average of thirty hours or more per week for such employer for such period of time as the commissioner establishes by rule.*

*b. The provisions of this section shall be enforceable by the department. Any notice of violation issued by the department shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter as set forth in the department’s rules. The department shall prescribe the form and wording of such notices of violation. Any employer found to be in violation of the provisions of this section shall be liable for a civil penalty payable to the city of New York of not less than one hundred dollars nor more than two hundred fifty dollars for the first violation. Such employer shall have ninety days to cure such first violation before a civil penalty shall be imposed. After the expiration of such cure period, every thirty-day period in which such employer fails to offer such benefit shall constitute a subsequent violation and a civil penalty of two hundred fifty dollars shall be imposed for each such subsequent violation. A civil penalty shall not be imposed on any individual employer more than once in any thirty-day period.*

*c. Subdivision a of this section shall not apply (i) to the United States government, the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary, or the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207; (ii) where a collective bargaining agreement exists between any group of employees and an employer, except where the number of full-time employees not covered by any such agreement is twenty or more, in which case those full-time employees not covered by any such agreement shall be eligible for such benefit; or (iii) where such employer is not required by law to pay federal, state and city payroll taxes. In addition, the department may waive the requirements of this section for an employer if such employer has demonstrated to the satisfaction of the department that the offering of such benefit would be a financial hardship for such employer.*

*d. The commissioner may promulgate such rules as he or she deems necessary to effectuate the provisions of this chapter, including, but not limited to, establishing civil penalties for the violation of such rules in amounts not exceeding two hundred fifty dollars for any such violation.*

§ 2. Notwithstanding any other provision of law, an employer shall not be subject to a civil penalty for any violation of chapter 9 of title 20 of the administrative code of the city of New York, or any rule promulgated thereunder, if such violation occurs before July 1, 2016.

§ 3. This local law shall take effect January 1, 2016, provided that (i) the commissioner of consumer affairs shall, prior to the effective date of this local law, promulgate such rules, and take such other steps, as may be necessary to effectuate the provisions of this local law on its effective date and (ii) in the event qualified transportation benefits are no longer permitted to be excluded from an employee's gross income for federal income tax purposes and from an employer's wages for federal payroll tax purposes, this local law shall no longer be effective.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, MARK S. WEPRIN, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO; Committee on Transportation, October 6, 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 Int. No. 466-A

**Report of the Committee on Transportation, in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reducing the citywide speed limit to twenty-five miles per hour.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on September 10, 2014 (Minutes, page 3254), respectfully

#### REPORTS:

##### INTRODUCTION

On October 6, 2014, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a second hearing on Int. No. 466-A, which would reduce the citywide speed limit to twenty-five miles per hour. The first hearing was held on October 1, 2014 at which time the Committee heard testimony from representatives of the New York City Department of Transportation (DOT) and advocates. Prior to the first hearing, technical amendments were made to the original version of the bill following its introduction.

##### BACKGROUND

Speed is a critical factor in whether an individual will survive an incident involving a motor vehicle. A person struck by a vehicle traveling at 40 miles per hour only has a 30 percent of surviving.<sup>1</sup> However, a decrease in a vehicle's speed by only 10 miles per hour raises the chance of survival to 80 percent.<sup>2</sup> The chance of death drops to just two percent if a vehicle is only traveling 20 miles per hour.<sup>3</sup>

Following a decline in traffic deaths in New York City each year from 2007 to 2010, the City began to see a spike such fatalities in 2011.<sup>4</sup> Between July 2011 and June 2012, there were 291 traffic fatalities in the City.<sup>5</sup> According to DOT, speed was the single greatest contributing factor in traffic deaths that occurred in 2012.<sup>6</sup> The rate of traffic deaths and injuries among pedestrians and cyclists remained high during 2013.<sup>7</sup> During that period, the New York City Police Department (NYPD) issued more than 83,000 summonses for speeding.<sup>8</sup> Between January and August 2014, eighty pedestrians and fifteen cyclists have died as a result of traffic crashes, while more than 7,000 pedestrians and 2,500 cyclists have been injured.<sup>9</sup> Unsafe speeds were cited as a contributing factor in 2,137 of these incidents.<sup>10</sup>

##### Vision Zero Action Plan

On January 15, 2014, Mayor Bill de Blasio announced the creation of the Vision Zero Working Group.<sup>11</sup> The Group—comprised of the NYPD, DOT, the Taxi and Limousine Commission, and Department of Health and Mental Hygiene—was tasked with “developing a comprehensive roadmap to eliminate deadly crashes, especially those involving pedestrians.”<sup>12</sup> The Working Group later issued an Action Plan including 63 recommendations for ways to reduce traffic fatalities on the City's streets.<sup>13</sup> The proposals fell within the jurisdiction of various City agencies and included several State and City legislative suggestions. The Action Plan also called for a series of State legislative actions, including giving the City the ability to lower its citywide speed limit to 25 miles per hour.<sup>14</sup> In May 2014, the Council passed 11 bills—all later signed into law by Mayor Bill de Blasio—and 6 resolutions as part of the Vision Zero package.<sup>15</sup> Among the resolutions adopted by the Council was Res. No. 111-A, which called upon the New York State Legislature to pass, and the Governor to sign, legislation that would allow New York City to lower its speed limit to 25 miles per hour. As discussed below, the State subsequently took action to give the City greater control over speed limits on its streets.

##### City Speed Limits

New York State law sets the speed limit that is applicable throughout cities and villages within the State at thirty miles per hour.<sup>16</sup> Currently, under State law, New York City may only lower the speed limit to twenty-five miles per hour on designated streets and set speed limits of fifteen to twenty-four miles per hour on streets near schools and those where traffic calming measures are implemented.<sup>17</sup> However, in August 2014, Governor Andrew Cuomo signed into law legislation that will allow New York City to reduce the speed limit on streets throughout the City to twenty-five miles per hour, beginning November 7, 2014.<sup>18</sup>

Int. No. 466-A would use the authority granted by New York State and lower the citywide speed limit, which applies to areas where a speed limit is not posted, to twenty-five miles per hour.<sup>19</sup> Expressways, parkways, and other roads managed by the State Department of Transportation, such as Ocean Parkway, would not be affected.<sup>20</sup> As the authorizing State law will not take effect until November 7, any local laws passed pursuant to that law, such as Int. No. 466-A, would also not take effect until this date.<sup>21</sup>

##### ANALYSIS

Section one of Int. No. 466-A would amend section 19-177 of title 19 of the Administrative Code. Subdivision a of section 19-177 would be amended to provide that the official speed limit in the City is twenty-five miles per hour, unless a sign indicates otherwise. The subdivision would also be amended to state that the City speed limit is subject to New York State Vehicle and Traffic Law Section 1642(a)(26), which states that the Council may not provide for a lower speed limit on State highways on which the State Department of Transportation (NYSDOT) has established a higher or lower speed limit than fifty-five miles per hour,<sup>22</sup> State highways on which NYSDOT has designated that the City may not establish a maximum speed limit,<sup>23</sup> or on State highways maintained by the State.<sup>24</sup> Further, newly amended section 19-177 would be subject to the requirement that the City not establish a speed limit below twenty-five miles per hour, with the exceptions of setting lower school area speed limits—which may be fifteen miles per hour—and instituting lower limits as a part of traffic calming measures. New York State Vehicle and Traffic Law Section 1642(a)(26) also states that if a speed limit is lowered by more than five miles per hour, the City must provide the relevant community board with sixty days' notice before a speed limit is lowered and allow an opportunity to comment.

Subdivision c of section 19-177 would be amended to provide that signs posted at each exit to the City of each bridge and tunnel that terminates in the City would state the official unposted citywide speed limit to be 25 miles per hour, as amended subdivision a of section 19-177 would provide.

Section two of Int. No. 466-A would state that the local law would take effect on November 7, 2014.

##### UPDATE

On October 6, 2014, the Committee on Transportation passed Int. No. 466-A by a vote of thirteen in the affirmative and zero in the negative with no abstentions.

<sup>1</sup> Transportation Alternatives, Speeding, <http://transalt.org/issues/speeding> (last accessed Sept. 25, 2014).

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

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

<sup>4</sup> Matt Flegenheimer, *Deaths Rise for Drivers, Bikers and Walkers on City Streets*, N.Y. Times, Sept. 26, 2012, available at <http://www.nytimes.com/2012/09/27/nyregion/in-reversal-new-york-city-traffic-fatalities-rise.html>.

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

<sup>6</sup> Press Release, N.Y.C. Department of Transportation, Press Release, *NYC DOT Releases 2012 Traffic Safety Statistics, Calls for Speed Camera Enforcement Near NYC Schools*, Mar. 18, 2013, available at <http://a841-tfpweb.nyc.gov/dotpress/2013/03/nyc-dot-releases-2012-traffic-safety-statistics-calls-for-speed-camera-enforcement-near-nyc-schools/#more-14>.

<sup>7</sup> N.Y.C. Police Department, Traffic Archive 2013 – Collisions and Summonses, [http://www.nyc.gov/html/nypd/html/traffic\\_reports/traffic\\_report\\_archive\\_2013.shtml](http://www.nyc.gov/html/nypd/html/traffic_reports/traffic_report_archive_2013.shtml) (last accessed Sept. 25, 2014); Brad Aaron, *NYPD: 16,059 Pedestrians and Cyclists Injured, 178 Killed in Traffic in 2013*, Jan. 13, 2014, STreetsblog, <http://www.streetsblog.org/2014/01/31/nypd-16059-pedestrians-and-cyclists-injured-178-killed-in-traffic-in-2013/>.

<sup>8</sup> City of New York, *Vision Zero Action Plan 17* (Feb. 2014), available at <http://www.nyc.gov/html/visionzero/pdf/nyc-vision-zero-action-plan.pdf>.

<sup>9</sup> N.Y.C. Police Department, Traffic Archive 2014 – Collisions and Summonses, [http://www.nyc.gov/html/nypd/html/traffic\\_reports/traffic\\_report\\_archive\\_2014.shtml](http://www.nyc.gov/html/nypd/html/traffic_reports/traffic_report_archive_2014.shtml) (last accessed Sept. 25, 2014).

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

<sup>11</sup> Press Release, City of New York, *Mayor de Blasio Launches Interagency Working Group to Implement 'Vision Zero,' Prevent Pedestrian Fatalities*, Jan. 15, 2014, available at <http://www1.nyc.gov/office-of-the-mayor/news/023-14/mayor-de-blasio-launches-interagency-working-group-implement-vision-zero-prevent-pedestrian#0>.

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

<sup>13</sup> City of New York, *Vision Zero Action Plan* (Feb. 2014), available at <http://www.nyc.gov/html/visionzero/pdf/nyc-vision-zero-action-plan.pdf>.

<sup>14</sup> *Id.* at 21.

<sup>15</sup> Int. No. 43-2014, L.L. 2014/21; Int. 46-2014, L.L. 2014/22; Int. No. 80, L.L. 2014/23; Int. No. 140, L.L. 2014/24; Int. No. 167, L.L. 2014/25; Int. No. 168-2014, L.L. 2014/26; Int. No. 171-2014, L.L. 2014/27; Int. No. 174-2014, L.L. 2014/28; Int. No. 238-2014, L.L. 2014/29; Int. No. 272-2014, L.L. 2014/30; Int. No. 277-2014, L.L. 2014/31; Res. No. 6-2014; Res. No. 51-2014; Res. No. 68-2014; Res. No. 117-2014; Res. No. 118-2014; Res. No. 144-2014.

<sup>16</sup> N.Y. State Vehicle and Traffic Law § 1643.

<sup>17</sup> *Id.* at §§ 1642(a)(26) and 1643.

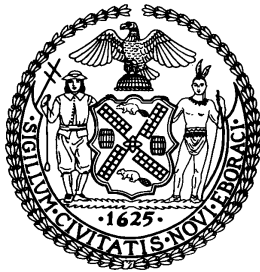
<sup>18</sup> A10144/S7892, Ch. 248 of 2014.

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

<sup>20</sup> N.Y. State Department of Transportation, New York Parkways by Jurisdiction, <https://www.dot.ny.gov/divisions/engineering/technical-services/hds-respository/Traffic%20Data%20Report%202011%20Appendix%20B%20-%20New%20York%20Parkways%20by%20Jurisdiction.pdf> (last accessed Sept. 24, 2014).

<sup>21</sup> A10144/S7892, Ch. 248 of 2014.  
<sup>22</sup> See N.Y. State Vehicle and Traffic Law § 1620.  
<sup>23</sup> See *id.* at § 1624.  
<sup>24</sup> See *id.* at § 1684.

(The following is the text of the Fiscal Impact Statement for Int. No. 466-A:)



THE COUNCIL OF THE CITY OF  
 NEW YORK  
 FINANCE DIVISION  
 LATONIA MCKINNEY, DIRECTOR  
 FISCAL IMPACT STATEMENT  
 PROPOSED INTRO. NO.: 466-A  
 COMMITTEE: Transportation

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reducing the citywide speed limit to twenty-five miles per hour.  
**Sponsor:** By Council Members Greenfield, Rodriguez, Chin, Johnson, Koo, Levine, Reynoso, Richards and the Public Advocate (Ms. James)

**SUMMARY OF LEGISLATION:** This legislation would lower New York City’s the official speed limit for a vehicle from 30 miles per hour to 25 miles per hour, except where otherwise posted. In addition, the bill would require that signs be posted at the entrances to the City and each bridge and tunnel having only one terminus stating the official City speed limit.

**EFFECTIVE DATE:** This local law would take effect on November 7, 2014.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$449,586	\$0	\$449,586
Net	\$449,586	\$0	\$449,586

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

**IMPACT ON EXPENDITURES:** It is estimated that the total cost of enacting this legislation would be approximately \$449,586. Implementation would require the installation of approximately 3,000 signs costing approximately \$246,581, consisting of 100 signs indicating “NYC LAW SPEED LIMIT 25 UNLESS OTHERWISE POSTED” (\$23,513) and 2,900 signs indicating “CITY SPEED LIMIT 25” (\$223,068). The majority of the sign installation would be done during regular work-days with a dedicated work crew from the Department of Transportation and would cost approximately \$202,987.

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

**SOURCE OF INFORMATION:** NYC Council Finance Division  
 Mayor’s Office of Legislative Affairs

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director, Finance Division  
 Rebecca Chasan, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 466 by the Council on September 10, 2014 and referred to the Committee on Transportation. A hearing was held by the Committee on October 1, 2014 and the legislation was laid over. Intro. 466 was subsequently amended, and the amended version, Proposed Intro. No. 466-A will be considered by the Committee on Transportation on October 6, 2014. Upon a successful vote by the Committee, Proposed Intro. 466-A will be submitted to the full Council for a vote on October 7, 2014.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 466-A:)

Int. No. 466-A

By Council Members Greenfield, Rodriguez, Chin, Johnson, Koo, Levine, Reynoso, Richards, Rosenthal, Van Bramer, Menchaca, Levin, Constantinides, Cohen, Lander and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the citywide speed limit to twenty-five miles per hour.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a and c of section 19-177 of the administrative code of the city of New York, as added by local law number 6 for the year 1996, are amended to read as follows:

a. [The] *Subject to the provisions of paragraph twenty-six of subdivision (a) of section sixteen hundred forty-two of the vehicle and traffic law, the official speed limit for a vehicle in the city of new York shall be [thirty] twenty-five miles per hour except where an official sign indicates that a different speed limit is in effect.*

c. The commissioner shall post a sign at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York that states the *official speed limit within the city as provided in subdivision a of this section.*

§ 2. This local law shall take effect on November 7, 2014.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, MARK S. WEPRIN, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO; Committee on Transportation, October 6, 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 #
Michelle Martinez	2500 Webb Avenue #3G Bronx, N.Y. 10468	14
Charles Cullen	910 Albemarle Road Brooklyn, N.Y. 11218	40
Ann Marie Gillick	1545 Independence Avenue Brooklyn, N.Y. 11228	43

*Approved New Applicants and Reapplicants*

Name	Address	District #
Jewel Crawford	100 Debs Place #190 Bronx, N.Y. 10475	12
Michelle R. Smith	280-300 East 161st Street #6Y Bronx, N.Y. 10451	16
Loretta Montgomery	1000 Freeman Street #1C Bronx, N.Y. 10459	17
Helen Tsourakis	43-12 25th Avenue Astoria, N.Y. 11103	22
Epifani Quintana	73-42 Little Neck Parkway Floral Park, N.Y. 11004	23
Dorris Battle	112-26 179th Street Jamaica, N.Y. 11433	27
Danielle Greenwood	172-40 133rd Avenue #12A Jamaica, N.Y. 11434	28
Edward S. Lentol II	107-42 113th Street South Richmond Hill, N.Y. 11419	28
Carmen X. Perez	64-84 Booth Street #4A Rego Park, N.Y. 11374	29
Marleny Tapia	102-32 65th Avenue #A3 Forest Hills, N.Y. 11375	29
James R. Rhem	1454 Point Breeze Place	31

Raymond Torres	Queens, N.Y. 11691 270 Franklin Street Brooklyn, N.Y. 11222	33
Bianca E. Gill-Nash	1601 President Street Brooklyn, N.Y. 11213	35
Annie L. Toombs	1149 Elton Street #4A Brooklyn, N.Y. 11239	42
Kenneth M. Corke	1323 East 40th Street Brooklyn, N.Y. 11234	45
Darryl Taylor	5115 Avenue L Brooklyn, N.Y. 11234	46
Cynthia Villafane	2250 West 11th Street #11B Brooklyn, N.Y. 11223	47
Albert Decapua	1765 East 15th Street Brooklyn, N.Y. 11229	48
Katherine Tsigel	2432 East 28th Street Brooklyn, N.Y. 11235	48

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) **Int 295-A --** Requiring certain qualified transportation benefits.
- (2) **Int 466-A --** Reducing the citywide speed limit to twenty-five miles per hour.
- (3) **Res 428 --** Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (4) **L.U. 114 & Res 437 -** App. **20155008 TCM**, unenclosed sidewalk café located at 282 Bowery, Borough of Manhattan, Council District 1.
- (5) **L.U. 117 & Res 438 -** App. **C 140302 ZSM SoHo Cast-Iron Historic District**, Borough of Manhattan, Community Board 2, Council District 1 (**Coupled to be Filed pursuant to a Letter of Withdrawal**).
- (6) **L.U. 119 & Res 439 -** App. **C 155020 HAQ** of Queens, Community Board 8, Council District 24.
- (7) **L.U. 121 & Res 440 -** App. **20145691 TCM**, unenclosed sidewalk café 403 East 12th Street, Borough of Manhattan, Council District 2.
- (8) **L.U. 123 & Res 441 -** App. **20155063 HAM** Manhattan, Community Council District 9.
- (9) **L.U. 124 & Res 435 -** Renewal Housing Development Fund Company, Bronx, Community District No. 7, Council Districts No. 14 and 15.
- (10) **L.U. 125 & Res 436 -** Presbyterian HDFC of Queens, Queens, Community District No.4, Council District No. 21.
- (11) **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, 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, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 466-A:**

**Affirmative** – Arroyo, 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, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

**Negative** – Matteo, Ulrich, Vallone, and Ignizio – **4**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 295-A and 466-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. 207-A

**Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving and adopting, as amended, a Resolution supporting the Justice for Jazz Artists Campaign which seeks through collective bargaining to improve the lives of musicians working in New York City's jazz clubs by addressing workplace issues, including providing retirement security.**

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed amended resolution was referred on April 29, 2014 (Minutes, page 1412), respectfully

**REPORTS:**

**Introduction**

On September 17, 2014, the Committee on Cultural Affairs, Libraries, and International Intergroup Relations, chaired by Council Member James Van Bramer, held a hearing on Res. No. 207-A, a resolution supporting the Justice for Jazz Artists Campaign which seeks through collective bargaining to improve the lives of musicians working in New York City's jazz clubs by addressing workplace issues, including providing retirement security. On October 6, 2014, the Committee held a second hearing on this resolution. At this second hearing, the Committee voted 9 to 0 in favor of this resolution.

**Background**

Jazz musicians playing in major New York City clubs are not guaranteed fair pay, do not receive healthcare benefits and often retire in poverty.<sup>1</sup> The "Justice for Jazz Artists" campaign, led by the Associated Musicians of Greater New York, Local 802 of the American Federation of Musicians, advocates for basic economic security for musicians who are not adequately compensated for their work. For instance, in nightclubs all over the City musicians are expected to work for whatever ends up in the tip jar at the end of the night and many are not guaranteed pay at all, let alone receive benefits or any other guarantees of economic viability.<sup>2</sup> Justice for Jazz Artists seeks fair pay, adequate pension contributions, protection of recording rights, and a process for redressing grievances.<sup>3</sup> Justice for Jazz Artists also proposes establishing a minimum wage for all musicians who work in business establishments such as nightclubs and restaurants.<sup>4</sup>

**Res. No. 207-A**

Res. No. 207-A points out that Jazz is an esteemed American art form, inspiring passionate devotion among generations of fans and recognized by the United States Congress in 1987 as a "national treasure." The resolution would note that New York City has long been an international jazz mecca to which music lovers from around the world travel in order to experience legendary venues such as the Blue Note, Birdland, the Jazz Standard, Iridium and Dizzy's Club Coca Cola and the Village Vanguard.

Res. No. 207-A indicates that while musicians who play on Broadway and in symphony orchestras are protected by union contracts, the skilled jazz musicians who work in major New York City venues have no guarantee of fair payment and receive no pension, health contributions or state statutory benefits like workers' compensation, unemployment or disability insurance. The resolution would state that many of the men and women who sustain this great American music are forced to retire with no income to fall back on in their later years.

The resolution indicates that the Associated Musicians of Greater New York, Local 802 of the American Federation of Musicians, launched the Justice for Jazz Artists Campaign, calling on jazz venue owners to provide jazz artists with fair pay, adequate pension contributions, protection of recording rights and a process for redressing grievances. The resolution would note that these efforts have been endorsed by the New School Jazz Department Faculty Committee and by Rutgers University-Newark Master's Program in Jazz History and Research.

The resolution points out that prominent writers and journalists including Amiri Baraka, Stanley Crouch, Gary Giddins, Nat Hentoff, Dan Morgenstern, John Chilton and Dr. Judith Schlesinger, have also added their support to the campaign. The resolution would further point out that Justice for Jazz Artists is endorsed by prominent musicians including Harry Belafonte, Ron Carter, Bob Cranshaw, Paquito D' Rivera, Bill Frisell, Joe Lovano, Christian McBride, Jason Moran, Jimmy Owens, Bucky Pizzarelli, John Pizzarelli, Bernard Purdie and Randy Weston.

Res. No. 207-A indicates that as a genre, jazz and the musicians who play it have helped create the soundtrack of American history. New York City would not be the cultural mecca it is without the color, texture and flavor that jazz musicians have added to it throughout the years. Finally, the resolution asserts that the Council of the City of New York supports the Justice for Jazz Artists Campaign which seeks through collective bargaining to improve the lives of musicians working in New York City's jazz clubs by addressing workplace issues, including providing retirement security.

<sup>1</sup> As accessed at <http://justiceforjazzartists.org/about/> on September 10, 2014.

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

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

<sup>4</sup> *Id.*

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

**(The following is the text of Res. No. 207-A:)**

Res. No. 207-A

**Resolution supporting the Justice for Jazz Artists Campaign which seeks through collective bargaining to improve the lives of musicians working in New York City's jazz clubs by addressing workplace issues, including providing retirement security.**

By Council Members Van Bramer, Johnson, Cumbo, Cornegy, Levine, Rose, Levin, Constantinides, Crowley, Miller, Rosenthal, Lander, Mealy and Barron.

**Whereas**, Jazz is an esteemed American art form, inspiring passionate devotion among generations of fans and recognized by the United States Congress in 1987 as a "national treasure"; and

**Whereas**, New York City has long been an international jazz mecca to which music lovers from around the world travel in order to experience legendary venues such as the Blue Note, Birdland, the Jazz Standard, Iridium and Dizzy's Club Coca Cola and the Village Vanguard; and

**Whereas**, While musicians who play on Broadway and in symphony orchestras are protected by union contracts, the skilled jazz musicians who work in major New York City venues have no guarantee of fair payment and receive no pension, health contributions or state statutory benefits like workers' compensation, unemployment or disability insurance; and

**Whereas**, Many of the men and women who sustain this great American music are forced to retire with no income to fall back on in their later years; and

**Whereas**, The Associated Musicians of Greater New York, Local 802 of the American Federation of Musicians, launched the Justice for Jazz Artists Campaign, calling on jazz venue owners to provide jazz artists with fair pay, adequate pension contributions, protection of recording rights and a process for redressing grievances; and

**Whereas**, These efforts have been endorsed by the New School Jazz Department Faculty Committee and by Rutgers University-Newark Master's Program in Jazz History and Research; and

**Whereas**, Prominent writers and journalists including Amiri Baraka, Stanley Crouch, Gary Giddins, Nat Hentoff, Dan Morgenstern, John Chilton and Dr. Judith Schlesinger, have also added their support to the campaign; and

**Whereas**, Justice for Jazz Artists is endorsed by prominent musicians including Harry Belafonte, Ron Carter, Bob Cranshaw, Paquito D' Rivera, Bill Frisell, Joe Lovano, Christian McBride, Jason Moran, Jimmy Owens, Bucky Pizzarelli, John Pizzarelli, Bernard Purdie and Randy Weston; and

**Whereas**, As a genre, jazz and the musicians who play it have helped create the soundtrack of American history; and

**Whereas**, New York City would not be the cultural mecca it is without the color, texture and flavor that jazz musicians have added to it throughout the years; now, therefore, be it

**Resolved**, That the Council of the City of New York supports the Justice for Jazz Artists Campaign which seeks through collective bargaining to improve the lives of musicians working in New York City's jazz clubs by addressing workplace issues, including providing retirement security.

JAMES G. VAN BRAMER, *Chair*; ELIZABETH S. CROWLEY, JULISSA FERRERAS, PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, COSTA G. CONSTANTINIDES, LAURIE A. CUMBO, HELEN K. ROSENTHAL. Committee on Cultural Affairs, Libraries and International Intergroup Relations, October 6, 2014.

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 2 Council Members formally voted against this item: Council Members Matteo and Ignizio.

The following Council Member formally abstained to vote on this item: Council Member Wills.

Adopted by the Council by voice-vote.

#### INTRODUCTION AND READING OF BILLS

Int. No. 486

By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Menchaca, Espinal, Arroyo, Chin, Constantinides, Eugene, Johnson, Koo, Lander, Levine, Richards, Rose, Rodriguez and Reynoso.

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

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 9-131 of chapter 1 of title 9 of the administrative code of the city of New York, as amended by local law number 22 for the year 2013, is amended to read as follows:

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

1. "Civil immigration detainer" shall mean a detainer issued pursuant to 8 C.F.R. 287.7 or any similar federal or successor request for detention of an individual suspected of violating civil immigration laws.

2. "Convicted of a [covered] violent or serious crime" shall mean a [final] judgment [of guilt] pursuant to section 1.20(15) of the criminal procedure law entered on a [covered] violent or serious crime [, including a conditional discharge pursuant to section 410.10 of the criminal procedure law or a comparable provision of federal law or the law of another state] or a conviction under federal law or the law of another state that would constitute a "predicate felony conviction" under section 70.06(1)(b)(i) of the penal law provided that such conviction was for the equivalent of a violent or serious crime. An individual shall not be considered convicted of a [covered] violent or serious crime if that individual:

i. was adjudicated as a youthful offender, pursuant to article seven hundred twenty of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, or a juvenile delinquent, as defined by subdivision one of section 301.2 of the family court act, or a comparable status pursuant to federal law or the law of another state; or

ii. [has never had a final judgment of guilt entered against him or her on a felony and] has not had a [final] judgment [of guilt] pursuant to section 1.20(15) of the criminal procedure law entered against him or her on a [misdemeanor that is a covered] violent or serious crime for at least [ten] five years prior to the date of the instant arrest provided that any period of time during which an individual was incarcerated for a serious or violent crime, between the time of the commission of the serious or violent crime and the instant arrest, shall be excluded in calculating such five year period.

3. "Judicial warrant" shall mean a warrant of arrest based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution for violation of civil immigration laws and which is based on probable cause that the subject of such warrant is subject to arrest for violation of civil immigration laws.

4.[3. "Covered] "Violent or serious crime" shall mean a [misdemeanor or felony charge brought in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, provided, however, that a charge brought pursuant to section 230.00 of the penal law, section 240.37 of the penal law, except when such charge relates to the patronizing of a prostitute, or subdivision one or subparagraph (i) or (iv) of paragraph (a) of subdivision two of section five hundred eleven of the vehicle and traffic law, or a comparable provision of federal law or the law of another state, shall not be deemed a covered crime.] crime defined in any of the following sections of the penal law, as well as the attempt to commit any of such crimes as defined in section 110 of the penal law other than those classified as E felonies: 100.10, 100.13, 105.15, 105.17, 115.05, 115.08, 120.01, 120.02, 120.04, 120.04-a (4), 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55, 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45, 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90, 130.95, 130.96, 135.10, 135.20, 135.25, 135.50, 140.25, 140.30, 150.15, 150.20, 160.05, 160.10, 160.15, 195.17, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.41, 220.43, 220.44, 220.48, 220.77, 230.19, 230.32, 230.33, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 265.01-B, 265.03, 265.04, 265.09, 265.11, 265.12, 265.13, 265.14, 265.19, 405.18, 460.22, 470.21, 470.22, 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50, 490.55; or a crime

defined in section 600 of the Vehicle and Traffic Law, provided that such crime constitutes a felony, or any crime codified by the legislature subsequent to the enactment of this section that the department, in consultation with the police department, by rule determines to be a felony involving violence, force, firearms, terrorism, or endangerment or abuse of vulnerable individuals. The commissioner shall submit any proposed additions to the crimes set forth in this paragraph to the speaker of the council at least sixty days prior to publishing such proposed rule.

[4. "Covered criminal case" shall mean a case in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States, where any felony charge, or a misdemeanor charge pursuant to any of the following provisions, or a comparable provision of federal law or the law of another state, is pending.

A. section 120.00 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law;

B. article one hundred thirty of the penal law;

C. section 265.01 of the penal law, provided that such charge relates to possession of a firearm, rifle, shotgun, bullet or ammunition;

D. section 215.50 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law; or

E. article thirty-one of the vehicle and traffic law.]

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

6. "Federal immigration authorities" shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act.

[7. i. "Pending covered criminal case" shall mean a covered criminal case where judgment has not been entered.

ii. Notwithstanding anything to the contrary in subparagraph i of this paragraph, an individual who is a defendant in more than one case where judgment has not been entered and where a covered crime is charged, shall be deemed to be a defendant in a pending covered criminal case.

iii. Any individual whose case is disposed of with an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

iv. Any individual who has been sentenced to conditional discharge pursuant to section 410.10 of the criminal procedure law or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

v. Any individual who, if convicted, must be found by the court to be a youthful offender, pursuant to paragraph (b) of subdivision one of section 720.20 of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case.]

[8]7. "Terrorist screening database" shall mean the United States terrorist watch list or any similar or successor list maintained by the United States.

§ 2. Subdivision b of section 9-131 of the administrative code of the city of New York, as amended by local law number 22 for the year 2013, is amended to read as follows:

[b. Prohibition on honoring civil immigration detainer. 1. The department shall not honor a civil immigration detainer by

i. holding an individual beyond the time when such individual would otherwise be released from the department's custody, except for such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or

ii. notifying federal immigration authorities of such individual's release.

2. Paragraph one of this subdivision shall not apply when:]

b. Prohibition on honoring civil immigration detainees. 1. The department may only honor a civil immigration detainer by holding an individual beyond the time when such individual would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or notifying federal immigration authorities of such individual's release if:

i. federal immigration authorities present the department with a judicial warrant for the detention of the individual who is the subject of such civil immigration detainer at the time such civil immigration detainer is presented and;

ii. a search, conducted at or about the time when such individual would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court, that such individual:

A. has been convicted of a [covered] violent or serious crime;

[B. is a defendant in a pending covered criminal case;

C. has an outstanding criminal warrant in the state of New York or another

jurisdiction in the United States;

D. is identified as a known gang member in the database of the national crime information center or any similar or successor database maintained by the United States;] or

B[E]. is identified as a possible match in the terrorist screening database.

[ii. The search conducted pursuant to subparagraph I of this paragraph indicates, or the department has been informed by federal immigration authorities, that such individual:

A. has an outstanding warrant of removal issue pursuant to 8 C.F.R. 241.2; or

B. is or has previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.]

2. Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to paragraphs one or two of this subdivision.

§ 3. Subdivisions e and f of section 9-131 of the administrative code of the city of New York, as amended by local law number 22 for the year 2013, are amended to read as follows:

e. No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, or any official or employee thereof.

f. Reporting. No later than September 30, [2012] 2015 and no later than September thirtieth of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding twelve month period:

1. the total number of detainees lodged with the department, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing the detainees, including, but not limited to, that federal immigration authorities:

i. had reason to believe that the individuals in the department's custody are subject to removal from the United States;

ii. initiated removal proceedings and served a notice to appear or other charging document on individuals in the department's custody;

iii. served a warrant of arrest for removal proceedings on individuals in the department's custody; or

iv. obtained orders of deportation or removal from the United States for individuals in the department's custody;

2. the number of individuals held pursuant to civil immigration detainees beyond the time when such individual would otherwise be released from the department's custody, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing the detainees, including, but not limited to, that federal immigration authorities:

i. had reason to believe that the individuals in the department's custody are subject to removal from the United States;

ii. initiated removal proceedings and served a notice to appear or other charging document on individuals in the department's custody;

iii. served a warrant of arrest for removal proceedings on individuals in the department's custody; or

iv. obtained orders of deportation or removal from the United States for individuals in the department's custody;

3. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees;

4. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had at least one [felony] conviction on a serious or violent crime;

[5. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had at least one misdemeanor conviction but no felony convictions;

6. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions;

7. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees subsequent to the dismissal of the criminal case that brought the individual into the department's custody;

8. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and had an outstanding warrant of removal issued pursuant to 8 C.F.R. 241.2; or had previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.

9. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were identified as known gang members in the database of the national crime information center or a successor database maintained by the United States;]

[10]5. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no [misdemeanor or felony] convictions for a serious or violent crime and were identified as possible matches in the terrorist screening database;

[11. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were identified as both possible matches in the terrorist screening database and known gang members in the database of the national crime information center or a successor database maintained by the United States;

12. the number of individuals transferred to the custody of federal immigration



authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were defendants in a pending criminal case;

13. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were charged with a felony or felonies in a pending covered criminal case;

14. the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no misdemeanor or felony convictions and were charged solely with a misdemeanor or misdemeanors in a pending covered criminal case;]

[15]6. the amount of state criminal alien assistance funding requested and received from the federal government;

[16]7. the number of individuals for whom civil immigration detainees were not honored pursuant to subdivision b of this section; and

[17]8. the number of individuals held pursuant to civil immigration detainees beyond the time when such individuals would otherwise have been released from the department's custody who were not transferred to the custody of federal immigration authorities either because of the expiration of the forty-eight-hour hold period provided in 8 C.F.R. 287.7 or because federal immigration authorities disavowed an intention to assume custody.

§ 4. Section 9-131 of the administrative code of the city of New York, as amended by local law number 22 for the year 2013, is amended by adding a new subdivision h to read as follows:

*h. Use of city land or facilities by federal immigration authorities and access to individuals in custody. 1. Department personnel shall not expend time while on duty or department resources of any kind disclosing information that belongs to the department and is available to them only in their official capacity, in response to federal immigration inquiries or in communicating with federal immigration authorities regarding any individual's incarceration status, release dates, or court appearance dates, unless such response or communication;*

*(i) relates to a person convicted of a violent or serious crime or identified as a possible match in the terrorist screening database;*

*(ii) is unrelated to the enforcement of civil immigration laws; or*

*(iii) is otherwise required by law.*

*2. Federal immigration authorities shall not be permitted to maintain an office or quarters on land over which the department exercises jurisdiction, for the purpose of investigating possible violations of civil immigration law; provided, however, that the mayor may, by executive order, authorize federal immigration authorities to maintain an office or quarters on such land for purposes unrelated to the enforcement of civil immigration laws.*

§5. Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered.

§6. Sections 1,2, 3 and 5 of this local law shall take effect 30 days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

§7. Section 4 of this local law shall take effect 90 days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

Referred to the Committee on Immigration.

Int. No. 487

By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Menchaca, Espinal, Arroyo, Chin, Constantinides, Johnson, Lander, Levine, Richards, Rose, Rodriguez and Reynoso.

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

*Be it enacted by the Council as follows:*

Section 1. Section 14-154 of chapter 1 of title 14 of the administrative code of the city of New York as added by local law 21 of 2013 is amended to read as follows:

§14-154. Persons not to be detained. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Civil immigration detainee" shall mean a detainee issued pursuant to 8 C.F.R. 287.7 or any similar federal or successor request for detention of an individual suspected of violating civil immigration laws.

2. "Convicted of a [covered] violent or serious crime" shall mean a [final] judgment [of guilt] pursuant to section 1.20(15) of the criminal procedure law entered on a [covered] violent or serious crime, [including a conditional discharge pursuant to section 410.10 of the criminal procedure law or a comparable provision of federal law or the law of another state] or a conviction under federal law or the law of another state that would constitute a "predicate felony conviction" pursuant to section 70.06(1)(b)(i) of the penal law provided that such conviction was for the equivalent of a violent or serious crime. A person shall not be considered convicted of a [covered] violent or serious crime if that person:

i. was adjudicated as a youthful offender, pursuant to article seven hundred

twenty of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, or a juvenile delinquent, as defined by subdivision one of section 301.2 of the family court act, or a comparable status pursuant to federal law or the law of another state; or

ii. [has never had a final judgment of guilt entered against him or her on a felony and] has not had a final judgment of guilt entered against him or her on a violent or serious [misdemeanor that is a covered] crime for at least [ten] five years prior to the date of the instant arrest provided that any period of time during which an individual was incarcerated for a serious or violent crime, between the time of the commission of such serious or violent crime and the instant arrest, shall be excluded in calculating such five year period, and further provided that for purposes of paragraph two of subdivision b of this section a person shall be considered convicted of a violent or serious crime if a final judgment of guilt has ever been entered against him or her for a violent or serious crime.

3. "Judicial warrant" shall mean a warrant of arrest based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution for violation of civil immigration laws.

[3]4. "[Covered] Violent or serious crime" shall mean a [misdemeanor or felony charge brought in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, provided, however, that a charge brought pursuant to section 230.00 of the penal law, section 240.37 of the penal law, except when such charge relates to the patronizing of a prostitute, or subdivision one or subparagraph (i) or (iv) of paragraph (a) of subdivision two of section five hundred eleven of the vehicle and traffic law, or a comparable provision of federal law or the law of another state, shall not be deemed a covered crime.] crime defined in any of the following sections of the penal law, as well as the attempt to commit any such crime as defined in section 110 of the penal law other than those classified as E felonies: 100.10, 100.13, 105.15, 105.17, 115.05, 115.08, 120.01, 120.02, 120.03, 120.04, 120.04-a (4), 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, 120.13, 120.18, 120.25, 120.55, 120.60, 120.70, 121.12, 121.13, 125.10, 125.11, 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 125.40, 125.45, 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.90, 130.95, 130.96, 135.10, 135.20, 135.25, 135.50, 140.25, 140.30, 150.15, 150.20, 160.05, 160.10, 160.15, 195.17, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.41, 220.43, 220.44, 220.48, 220.77, 230.19, 230.32, 230.33, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 265.01-B, 265.03, 265.04, 265.09, 265.11, 265.12, 265.13, 265.14, 265.16, 265.19, 405.18, 460.22, 470.21, 470.22, 470.23, 470.24, 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50, 490.55, or a crime defined in section 600 of the Vehicle and Traffic Law, provided that such crime constitutes a felony, or any crime codified by the legislature subsequent to the enactment of this section that the department of correction, in consultation with the department, by rule determines to be a felony involving violence, force, firearms, terrorism, or endangerment or abuse of vulnerable individuals. The commissioner shall submit any proposed additions to the crimes set forth in this paragraph to the speaker of the council at least sixty days prior to publishing such proposed rule.

[4. "Covered criminal case" shall mean a case in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States, where any felony charge, or a misdemeanor charge pursuant to any of the following provisions, or a comparable provision of federal law or the law of another state, is pending:

A. section 120.00 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law;

B. article one hundred thirty of the penal law;

C. section 265.01 of the penal law, provided that such charge relates to possession of a firearm, rifle, shotgun, bullet or ammunition;

D. section 215.50 of the penal law, unless the defendant is ordered by the court to be released for failure to replace the misdemeanor complaint with an information pursuant to section 170.70 of the criminal procedure law; or

E. article thirty-one of the vehicle and traffic law.]

5. "Federal immigration authorities" shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act.

[6. (i) "Pending covered criminal case" shall mean a covered criminal case where judgment has not been entered.

(ii) Notwithstanding anything to the contrary in subparagraph i of this paragraph, any person who is a defendant in more than one case where judgment has not been entered and where a covered crime is charged, shall be deemed to be a defendant in a pending covered criminal case.

(iii) Any person whose case is disposed of with an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

(iv) Any person who has been sentenced to conditional discharge pursuant to section 410.10 of the criminal procedure law, or a comparable provision of federal law or the law of another state, shall not be deemed to be a defendant in a pending

covered criminal case, or a case in which a covered crime is charged for purposes of subparagraph ii of this paragraph.

(v) Any person who, if convicted, must be found by the court to be a youthful offender, pursuant to paragraph (b) of subdivision one of section 720.20 of the criminal procedure law, or a comparable status pursuant to federal law or the law of another state, shall not be deemed to be a defendant in a pending covered criminal case.]

[7]6. "Terrorist screening database" shall mean the United States terrorist watch list or any similar or successor list maintained by the United States.

b. Prohibition on honoring a civil immigration detainee. 1. The department [shall not honor a civil immigration detainee by:

(i) holding a person beyond the time when such person would otherwise be released from the department's custody, except for such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or

(ii) notifying federal immigration authorities of such person's release.

2. Paragraph one of this subdivision shall not apply under any of the following circumstances:]

*may only honor a civil immigration detainee by holding an individual beyond the time when such individual would otherwise be released from the department's custody, except for such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or by notifying federal immigration authorities of such individual's release, if:*

*i. federal immigration authorities present the department with a judicial warrant for the detention of the individual who is the subject of such civil immigration detainee at the time such civil immigration detainee is presented and;*

(i) A]ii.a search, conducted at or about the time when such person would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court, that such person:

A. has been convicted of a [covered] *serious or violent* crime;

[B. is a defendant in a pending covered criminal case;

C. has an outstanding criminal warrant in the state of New York or another jurisdiction in the United States;

D. is identified as a known gang member in the database of the national crime information center or any similar or successor database maintained by the United States;] or

[E]B. is identified as a possible match in the terrorist screening database.

(ii) The search conducted pursuant to subparagraph i of this paragraph indicates, or the department has been informed by federal immigration authorities, that such person:

A. has an outstanding warrant of removal issued pursuant to 8 C.F.R. 241.2; or

B. is or has previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.]

2. *Notwithstanding paragraph 1 of this subdivision the department may honor a civil immigration detainee by holding an individual for up to forty-eight hours, excluding Saturdays, Sundays and holidays, beyond the time when such individual would otherwise be released from the department's custody if a search, conducted at or about the time when such individual would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court, that such individual:*

*A. has been convicted of a serious or violent crime, or is identified as a possible match in the terrorist screening database, and*

*B. has previously been deported.*

3. Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to paragraphs one or two of this subdivision.

c. No conferral of authority. Nothing in this section shall be construed to confer any authority on any entity to hold persons on civil immigration detainees beyond the authority, if any, that existed prior to the enactment of this section.

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

e. No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, or any official or employee thereof.

f. Reporting. No later than September 30, [2013] 2015, and no later than September thirtieth of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding twelve month period:

1. the number of civil immigration detainees received from federal immigration authorities;

2. the number of persons held pursuant to civil immigration detainees beyond the time when such person would otherwise be released from the department's custody;

3. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainees; and

4. the number of persons for whom civil immigration detainees were not honored pursuant to subdivision b of this section.

g. For the purpose of this section, any reference to a statute, rule, or regulation shall be deemed to include any successor provision.

§2. Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered.

§3. This local law shall take effect 30 days after it shall have become a law, except that the commissioner shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

Referred to the Committee on Immigration.

Res. No. 426

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation eliminating the sunset provisions related to income threshold increases for the senior citizen rent increase exemption and disability rent increase exemption programs.**

By Council Members Cohen, Rosenthal, Arroyo, Cabrera, Chin, Eugene, Gentile, Gibson, Johnson, Koo, Lander, Levine, Palma, Richards, Rose, Wills, Rodriguez, Koslowiz and Levin.

**Whereas**, New York State law authorizes the City of New York to provide certain senior citizens and persons with disabilities rent increase exemption benefits that help these individuals remain in affordable housing; and

**Whereas**, In 1970, New York City instituted the senior citizen rent increase exemption (SCRIE) program to shield low-income seniors from rising housing costs by offering landlords a property tax abatement in exchange for freezing the rent of eligible senior tenants; 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 a maximum amount authorized by State law, reside in a rent controlled or rent stabilized apartment, rent regulated hotel, or an apartment owned by a Mitchell-Lama development, and spend more than one-third of their monthly income on rent; and

**Whereas**, Under the disability rent increase exemption (DRIE) program, individuals that receive State or federal disability related assistance are eligible to be exempted from future rent increases if they have a total household income that does not exceed a maximum amount authorized by State law, reside in a rent controlled or rent stabilized apartment, rent regulated hotel, or an apartment owned by a Mitchell-Lama development, and spend more than one-third of their monthly income on rent; and

**Whereas**, As of 2014, the SCRIE and DRIE programs combined provide rent exemption benefits to approximately 53,000 households in New York City; and

**Whereas**, New York State's 2014-2014 Executive Budget contained an authorization for localities in the State to adopt A Local Law to increase the maximum income level qualifying for SCRIE from \$29,000 to \$50,000 for a period of two years beginning July 1, 2014; and

**Whereas**, In July 2014, the State Legislature and the Governor authorized an increase of the DRIE income threshold from \$20,412 for a single-person household or \$29,484 for households comprised of two or more people to \$50,000 for all households, in order to mirror the SCRIE income threshold increase; and

**Whereas**, The Council adopted and the City enacted legislation implementing the income threshold increase for both SCRIE and DRIE; and

**Whereas**, The authorizing State legislation increasing the income threshold increases for SCRIE and DRIE contain provisions that automatically repeal such increases on July 1, 2016; and

**Whereas**, The repeal of the income threshold increases would cause thousands of households in New York City to lose their SCRIE and DRIE benefits, threatening their ability to remain in their homes while paying affordable rents; and

**Whereas**, The elimination of these sunset provisions would provide stability to many of New York's most vulnerable residents; 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 eliminating the sunset provisions related to income threshold increases for the senior citizen rent increase exemption and disability rent increase exemption programs.

Referred to the Committee on Aging.

Int. No. 488

By Council Members Constantinides, Arroyo, Cabrera, Johnson, Koo, Lander, Palma and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of flavored electronic cigarettes.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions c and d of section 17-713 of the administrative code of the city of New York are amended to read as follows:

c. "Component part" means any element of a tobacco product or electronic

cigarette, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

d. "Constituent" means any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product or *electronic cigarette* during the processing, manufacture or packing of the tobacco product or *electronic cigarette*. Such term shall include a smoke constituent.

§2. Section 17-713 of the administrative code of the city of New York is amended by adding new subdivisions k and l to read as follows:

k. "*Electronic cigarette*" means an electronic device that delivers vapor for inhalation. *Electronic cigarette* shall include any refill, cartridge, and any other component of an *electronic cigarette*. *Electronic cigarette* shall not include any product approved by the food and drug administration for sale as a drug or medical device.

l. "*Flavored electronic cigarette*" means any electronic cigarette or any component part thereof that contains a constituent that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of an *electronic cigarette*, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such *electronic cigarette*, that such *electronic cigarette* has or produces a characterizing flavor shall constitute presumptive evidence that the *electronic cigarette* is a *flavored electronic cigarette*.

§3. Section 17-715 of the administrative code of the city of New York is amended to read as follows:

§ 17-715 Sale of flavored tobacco products and *flavored electronic cigarettes* prohibited. a. It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product or *flavored electronic cigarette* except in a tobacco bar.

b. There shall be a presumption that a retail dealer in possession of four or more flavored tobacco products, which shall include individual tobacco products or *electronic cigarettes*, packages of tobacco products or *electronic cigarettes*, or any combination thereof, possesses such tobacco products or *electronic cigarettes* with intent to sell or offer for sale.

§4. This local law shall take effect ninety days after its enactment into law, provided that the commissioner shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Res. No. 427

**Resolution urging Congress to pass and President Obama to sign S. 2692/H.R. 5354, also known as the Campus Accountability and Safety Act.**

By Council Members Crowley, Barron, Constantinides, Cumbo, Mealy, Gibson, Cohen, Arroyo, Eugene, Gentile, Koo, Lander, Palma, Richards, Rose, Wills, Chin, Rosenthal, Vacca, Williams and Koslowitz.

**Whereas**, Sexual assault on college campuses across the country has increased over the past decade; and

**Whereas**, According to a 2013 United States Department of Education report on school crime and safety, the number of reported sexual assault incidents on college campuses increased by 52 percent, from 2,200 in 2001 to 3,300 in 2011; and

**Whereas**, The federal government has taken steps to safeguard students at higher education institutions and increase compliance through several pieces of legislation, including Title IX and The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and

**Whereas**, To strengthen such laws, President Barack Obama signed into law the Violence Against Women Reauthorization Act of 2013, or "VAWA 2013," which includes a provision that imposes more stringent requirements for higher education institutions, such as reporting sexual assault, student discipline, and training for students and campus employees on sexual violence; and

**Whereas**, However, each college has its own set of guidelines for handling sexual assault and several advocacy organizations are concerned that such guidelines may not be adequately enforced and, further, may not meet federal standards; and

**Whereas**, The impact of failing to implement proper sexual assault procedures and policies on college campuses has been illustrated by several reported high-profile incidents in recent years; and

**Whereas**, In July 2014, Senator Claire McCaskill released a report titled *Sexual Violence on Campus: How too many institutions of higher education are failing to protect students*, which surveyed 440 colleges and universities in the United States to determine how schools handle rapes and sexual assaults on their campuses, specifically, how crimes are reported and investigated, how students are notified about services, and to gauge the effectiveness of current federal oversight and enforcement under federal law; and

**Whereas**, Senator McCaskill's report found that more than 40 percent of schools have not conducted a single investigation of a sexual assault in the past five years; and

**Whereas**, The report also found that approximately 30 percent of schools provide no sexual assault training to students, and approximately 20 percent do not provide such training to faculty and staff; and

**Whereas**, Furthermore, Senator McCaskill's report showed that law enforcement officials at 30 percent of the institutions surveyed receive no training on

how to respond to reports of sexual violence, and 73 percent of the institutions have no protocols on how the institution and law enforcement work together to respond to such violence; and

**Whereas**, In addition, the report found that 33 percent of schools failed to provide basic training to individuals adjudicating claims in campus judicial proceedings; and

**Whereas**, To hold institutions of higher learning more accountable for how they respond to sexual assault incidents on campus, Senator McCaskill and Representative Carolyn Maloney introduced S.2692/H.R.5354, also known as the "Campus Accountability and Safety Act"; and

**Whereas**, The Campus Accountability and Safety Act would establish new campus resources and support services for student survivors of sexual assault, would ensure minimum training standards for on-campus personnel, requires that the United States Department of Education publish names of all schools with pending investigations, final resolutions and voluntary resolution agreements related to Title IX; and

**Whereas**, This piece of legislation would also require that all schools use one uniform process for campus disciplinary proceedings and work collaboratively with law enforcement; and

**Whereas**, Non-compliance could result in a penalty of up to one percent of the institution's operating budget, and penalties for violating the Clery Act would increase to up to \$150,000 per violation from the current penalty of \$35,000; and

**Whereas**, Senator Kristen Gillibrand, a co-sponsor of Campus Accountability and Safety Act, stated on her website that "the current federal requirements actually incentivize non-reporting, underreporting and non-compliance with the standards under Title IX and the Clery Act"; and

**Whereas**, Senator Gillibrand also stated on her website that "there is very little cooperation on the part of universities with local law enforcement, and, furthermore, students are not provided with adequate information about their rights and options in the event of a sexual assault"; and

**Whereas**, The passage of the Campus Accountability and Safety Act is vital to reducing sexual violence on college campuses, to ensuring that institutions of higher education adhere to proper sexual assault procedures, and most importantly, to guaranteeing a safe and secure learning environment for all students; now, therefore, be it

**Resolved**, That the Council of the City of New York urges Congress to pass and President Obama to sign S. 2692/H.R. 5354, also known as the Campus Accountability and Safety Act.

Referred to the Committee on Women's Issues.

Int. No. 489

By Council Members Ferreras, Kallos, Gentile, Koo and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to notices of violation.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-136 to read as follows:

§ 11-136. *Notices of violations returnable to the environmental control board.*  
1. No later than May first of each year, the department of finance shall submit a report to the council on the outstanding debt for base penalties, default penalties, and default judgments issued for notices of violations returnable to the environmental control board and referred to the department for collection for the previous calendar year, and base penalties, default penalties, and default judgments issued for notices of violations returnable to the environmental control board and referred to the department for collection that remain in full force and effect, pursuant to subparagraph (i) of paragraph (1) of subdivision d of section 1049-a of the charter of the city of New York. Such report shall include: (a) the number of notices of violations received by the department of finance from the environmental control board; (b) the total amount of such violations; (c) the total amount of violations that require corrective action by the respondent; (d) age of such outstanding debt; and (e) the total amount of interest of such debt. The information provided in paragraphs (a) through (e) of this subdivision shall be disaggregated by the agency in which the notice of violation originated.

2. For purposes of this section, the following terms shall have the specified meanings: (a) "Base penalty" means, with respect to any notice of violation returnable to the environmental control board, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after a hearing, pursuant to the environmental control board penalty schedule, without regard to reductions of penalty in cases of mitigation or involving stipulations.

(b) "Default judgment" means a judgment of the environmental control board, pursuant to subparagraph (d) of paragraph (1) of subdivision d of section 1049-a of the charter of the city of New York, determining a respondent's liability based upon that respondent's failure to plead within the time allowed by the rules of the environmental control board or failure to appear before the environmental control board on a designated hearing date or on a subsequent date following an adjournment.

(c) “Default penalty” means a penalty imposed by the environmental control board, pursuant to section 1049-a of the charter of the city of New York, in the maximum amount prescribed by law for the violation charged.

(d) “Respondent” means a person or entity named as the subject of a notice of violation returnable to, or a judgment issued by, the environmental control board, or such other person or entity who asserts legal responsibility for the liability of the person or entity named in the notice or the judgment.

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Preconsidered Res. No. 428

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

By Council Members Ferreras, Palma and Koo.

**Whereas**, On June 26, 2014 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

**Whereas**, On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 and 2015 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 and Fiscal 2015 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding and funding pursuant to a certain initiative; now therefore be it

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Youth Build Project Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 10; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative – Community-Based Programs Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 11; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Initiative – Job Readiness Programs in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 12; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 13; and be it further

**Resolved**, That the City Council approves the change in the designation of a certain organization, specifically an EIN change, receiving funding pursuant to the HIV/AIDS Faith Based Initiative funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 14; and be it further

**Resolved**, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for the Boroughwide Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 15; and be it further

**Resolved**, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving youth funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 16.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 428 printed in these Minutes).

Res. No. 429

**Resolution recognizing October as Domestic Violence Awareness Month in the City of New York.**

By Council Members Gibson, Cumbo, Cohen, Arroyo, Chin, Constantinides, Eugene, Gentile, Johnson, King, Koo, Lander, Palma, Richards, Rose, Rodriguez, Vallone, Menchaca, Koslowitz, Crowley, Kallos, Cabrera, Barron, Miller, Levin, Van Bramer, Dickens and Ulrich.

**Whereas**, Domestic violence (DV) is often described as a pattern of abusive behavior that is used by one intimate partner to gain or maintain power and control over another intimate partner; and

**Whereas**, Other terms for domestic violence include intimate partner violence (IPV), battering, relationship abuse, spousal abuse, or family violence; and

**Whereas**, Domestic violence affects families from all socioeconomic backgrounds regardless of age, race, ethnicity, education, marital status or sexual orientation; and

**Whereas**, Sanctuary for Families, a New York based service provider and advocate for survivors of domestic violence, sex trafficking, and related forms of gender violence, points out that “domestic violence is intended to harm the physical and/or mental well-being of the victim and can be psychological, physical, economic or sexual in nature;” and

**Whereas**, According to the United States Department of Justice Bureau of Justice Statistics (BOJ), in 2003–12, domestic violence accounted for 21% of all violent crime; and

**Whereas**, The Centers for Disease Control and Prevention (CDC) indicates that on average, 20 people per minute are victims of physical violence by an intimate partner in the United States; and

**Whereas**, According to the CDC, approximately 9% of high school students report being hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend in the 12 months before surveyed; and

**Whereas**, Additionally, BOJ findings state that females (76%) experienced more domestic violence victimizations than males (24%); and

**Whereas**, Domestic violence service provider Safe Horizon’s website states that women ages 20 to 24 are at greatest risk of becoming victims of domestic violence; and

**Whereas**, Furthermore, women are more likely to be killed by an intimate partner than men; and

**Whereas**, Nationally, the battering of women by husbands, ex-husbands and lovers is the largest cause of injury to women and 31% percent of all women murdered are killed by husbands, ex-husbands or lovers; and

**Whereas**, Each year, millions of children experience domestic violence and these children are more likely to exhibit behavioral and physical health problems including depression, anxiety and violence among peers; and

**Whereas**, According to the New York City Mayor’s Office to Combat Domestic Violence (MOCDV), between 2001 and 2012, there were 864 domestic violence homicides in New York City; and

**Whereas**, MOCDV reports that there were 62 family related homicides in 2013; and

**Whereas**, Of these, 16 victims were killed in the Bronx, 26 victims were killed in Brooklyn, 5 victims were killed in Manhattan, 13 victims were killed in Queens and 2 victims were killed in Staten Island; and

**Whereas**, 74% of these cases had no known prior police contact and 86% of these cases had no current order of protection; and

**Whereas**, Statistics provided by the New York City Police Department and Safe Horizon show that police responded to 280,531 domestic violence incidents in 2013, an average of over 765 per day; and

**Whereas**, Domestic violence is an insidious crime that affects the health of individuals, families and entire communities; and

**Whereas**, According to the National Network to End Domestic Violence, “domestic violence thrives when we are silent but if we take a stand and work together, we can end domestic violence;” and

**Whereas, Whereas**, Despite great gains in education and services provided, domestic violence continues to shatter the lives of many and New York City should make the effort to take a stand, raise awareness and work together to help eradicate it; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes October as

Domestic Violence Awareness Month in the City of New York.

Referred to the Committee on Women's Issues.

Int. No. 490

By Council Members Greenfield, Gentile, Koo and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to the removal of snow and ice from sidewalks.**

*Be it enacted by the Council as follows:*

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

d. Whenever any owner, lessee, tenant, occupant, or other person having charge of any building or lot of ground, abutting upon any street or public place where the sidewalk is paved, shall fail to comply with the provisions of this section, the commissioner [may] *shall* cause such removal to be made, *after the issuance of a notice of violation.*

§2. Subdivision h of section 16-123 of the administrative code of the city of New York is amended to read as follows:

h. Any person violating the provisions of subdivisions (a) or (b) of this section shall be liable and responsible for a civil penalty of not less than ten dollars nor more than [one] *two* hundred fifty dollars for the first violation, except that for a second violation of subdivision (a) or (b) within any twelve-month period such person shall be liable for a civil penalty of not less than [one] *two* hundred fifty dollars nor more than [two] *three* hundred fifty dollars and for a third or subsequent violation of subdivision (a) or (b) within any twelve-month period such person shall be liable for a civil penalty of not less than [two] *three* hundred fifty dollars nor more than [three] *four* hundred fifty dollars.

§3. Subdivision j of section 16-123 of the administrative code of the city of New York is amended to read as follows:

j. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of the environmental control board, he or she shall become liable for additional penalties. The additional penalties shall not exceed [three] *four* hundred fifty dollars for each violation.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 491

By Council Members Johnson, Chin, Cohen, Constantinides, Garodnick, Koo, Lander, Levine, Palma, Richards, Rodriguez, Koslowitz, Levin, Torres, Reynoso and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to amending sex designation on birth records.**

*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 17-167.1 to read as follows:

**§ 17-167.1 Sex designation on birth records.** a. *The department shall make a new birth record when an applicant submits an application and supporting documentation pursuant to this subdivision and subdivision b of this section requesting the correction of sex designation to the applicant's birth record. Such application shall be made in a form or manner to be provided or approved by the department. If the department requests information, documentation or a copy of an acceptable current signed photographic identification, the department may not take into account the sex designation listed on such identification in reviewing such application.*

b. *An application made pursuant to subdivision a of this section shall be accompanied by supporting documentation that is an affirmation from a physician licensed to practice medicine in the United States, or an affidavit from a United States licensed: doctoral level psychologist (Ph.D. or Psy.D.) in clinical or counseling psychology, licensed clinical social worker, licensed master social worker, physician assistant, nurse practitioner, marriage and family therapist, mental health counselor or midwife. Such affirmation or affidavit shall include the professional's license number and a declaration affirming or attesting under penalty of perjury that:*

1. *the professional is a licensed professional in good standing in the jurisdiction in the United States in which he or she is licensed;*

2. *based on (i) the professional's knowledge of the applicant gained in the attesting professional's professional capacity, (ii) information and belief the attesting professional acquired based on that knowledge of the applicant, and (iii) the applicant's statements to the attesting professional, the sex designation on the applicant's current birth record does not match or align with the applicant's affirmed sex or gender identity; and*

3. *in the professional's professional opinion, and in keeping with contemporary expert standards regarding gender identity, the applicant's requested correction of sex designation of male or female more accurately reflects the applicant's sex.*

§ 2. This local law shall take effect one hundred twenty days after it shall have become a law, provided that the commissioner of the department of health and mental hygiene shall take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law, prior to such effective date.

Referred to the Committee on Health.

Int. No. 492

By Council Members Johnson, Chin, Cohen, Constantinides, Koo, Lander, Levine, Palma, Rodriguez, Reynoso, Levin, Torres and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting and an advisory board on gender marker change requirement.**

*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 17-167.2 to read as follows:

**§ 17-167.2 Report and advisory board on gender marker change requirement.**

a. *There shall be an advisory board to advise the commissioner concerning matters related to the effectiveness and implementation of the gender marker change requirement as provided for in section 17-167.1 of this chapter and the health code of the city of New York.*

b. *Such advisory board shall consist of seven members as follows:*

1. *Four members shall be appointed by the commissioner, provided that one such member shall be a senior staff person in the department working on transgender and/or lesbian, gay, bisexual and transgender issues, one such member shall be an individual affiliated with a not-for-profit organization that advocates for transgender people or which provides direct services to transgender individuals, one such member shall be an individual working for or on behalf of a legal organization that advocates for transgender people, and one such member shall be an individual licensed in one of the professions listed in subdivision b of section 17-167.1 of this chapter.*

2. *Three members shall be appointed By The Speaker of the council, provided that one such member shall be an individual affiliated with a not-for-profit organization that advocates for transgender people or which provides direct services to transgender individuals, one such member shall be an individual working for or on behalf of a legal organization that advocates for transgender people, and one such member shall be an individual licensed in one of the professions listed in subdivision b of section 17-167.1 of this chapter.*

3. *The commissioner, or his or her designee, shall be an ex officio member of the advisory board.*

c. *At the invitation of the department, other individuals may participate in the discussions of such advisory board.*

d. *Each member, other than the member serving in an ex officio capacity, shall serve for a term of two years, to commence upon the first meeting of the advisory board. 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.*

e. *No member of the advisory board, other than the senior staff person in the department working on transgender and/or lesbian, gay, bisexual and transgender issues or the member serving in an ex officio capacity, shall be removed 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 often than every three months.*

g. *Members of the advisory board shall elect by majority vote one such member to serve as chairperson and one such member to serve as vice-chairperson.*

h. *The agendas for the first four meetings of the advisory board shall include, but not be limited to:*

1. *an assessment of the department's gender marker change requirement as provided for in section 17-167.2 of this chapter and the health code of the city of New York, including evaluation of transgender people's access to professionals for the purpose of receiving an affirmation or affidavit pursuant to subdivision b of section 17-167.1 of this chapter, utilization of the gender marker change requirement among the transgender community, the number of applicants who have sought a new birth certificate in accordance with the new requirement, processing time of applications made pursuant to subdivision a of section 17-167.1 of this chapter, and the gender marker change requirement's impact on transgender people's access to health care and health services, governmental services and the reduction, if any, in discrimination against transgender people; and*

2. *specific recommendations for changes and/or improvements, if any, to the gender marker change requirement, including, but not limited to, best practices among policies for gender marker changes, and actions taken by the department in response to such recommendations.*

i. *At least one meeting of the advisory board held prior to issuance of the report pursuant to subdivision j of this section shall be open to the public, provided however that such meeting is no sooner than three months prior to the date of the issuance of such report. The department shall notify the public as to the time, place and subject of such meeting.*

j. On March 1, 2017 the advisory board shall submit a report to the mayor, the commissioner, and the speaker of the council. Such report shall include, but not be limited to:

1. an assessment of the department's gender marker change requirement as provided for in section 17-167.1 of this chapter and the health code of the city of New York, including but not limited to an evaluation of transgender people's access to professionals for the purpose of receiving an affirmation or affidavit pursuant to subdivision b of section 17-167.1 of this chapter, utilization of the gender marker change requirement among the transgender community, the number of applicants who have sought a new birth certificate pursuant to the new requirement, processing time of applications made pursuant to subdivision a of section 17-167.1 of this chapter, and the gender marker change requirement's impact on transgender people's access to health care and health services, governmental services and the reduction, if any, in discrimination against transgender people; and

2. specific recommendations for changes and/or improvements, if any, to the gender marker change requirement, including, but not limited to, best practices among policies for gender marker changes, and actions taken by the department in response to such recommendations.

§ 2. This local law shall take effect immediately upon enactment into law, provided that

(i) the commissioner of the department of health and mental hygiene shall take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law, prior to such effective date; and

(ii) this local law shall expire, be deemed repealed, and cease to be of force and effect after December 31, 2018.

Referred to the Committee on Health.

Int. No. 493

By Council Members Kallos, Cabrera, Constantinides, Gentile, Johnson, Levine, Palma, Richards, Rose, Rodriguez, Lander and Levin.

**A Local Law to amend the New York city charter, in relation to expanding agency based voter registration to additional city agencies.**

*Be it enacted by the Council as follows:*

Section 1. The text of section 1057-a of the New York city charter prior to subdivision one is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, *the board of standards and appeals, the business integrity commission, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the conflicts of interest board, the department of small business services, the department of the aging, the department of buildings, the department of citywide administrative services, the department of city planning, the department of consumer affairs, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, [and] the department of youth and community development, the fire department, the human resources administration, the landmarks preservation commission, the office of administrative trials and hearings, the office of emergency management, the office of immigrant affairs, and the police department.* Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies [may] shall provide assistance to applicants in completing voter registration forms, if so requested. Such agencies [may] shall also[, in their discretion,] receive and transmit the completed application form from any applicants who [wish] request to have such form transmitted to the board of elections for the city of New York.

§2. Paragraph c of subdivision 3 of section 1057-a of the New York city charter is amended to read as follows:

c. transmit any completed forms collected [in their discretion] by such agency to the board of elections of the city of New York within two weeks of the receipt of such completed forms at the participating agency. If a completed form is [accepted] collected within five days before the last day for registration to vote in a citywide election, such completed form shall be transmitted by the participating agency to the board of elections of the city of New York not later than five days after the date of acceptance.

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

Referred to the Committee on Governmental Operations.

Res. No. 430

**Resolution calling on the New York State Legislature to pass and the Governor to sign, legislation to repeal the Criminal Procedure Law Article 240 and replace it with a law mandating early, open, and automatic pre-trial discovery.**

By Council Members King, Cabrera, Constantinides, Cornegy, Dickens, Gibson, Johnson, Koo, Lander, Palma, Reynoso, Rose, Wills, Cumbo and Levin.

**Whereas**, Pursuant to New York State Criminal Procedure Law section 240, New York City currently does not provide for mandatory early or open pre-trial disclosure of evidence, witness lists, and police reports; and

**Whereas**, Pursuant to New York State Criminal Procedure law Section 240, the current discovery procedures prevent an innocent until proven guilty individual from crucial access to the evidence in their case, denying the right to a full defense in criminal matters with life-altering consequences; and

**Whereas**, Many other jurisdictions enjoy as a matter of practice the prosecution's full disclosure of witnesses' names, addresses, complete statements, and police reports early in the case; and

**Whereas**, The current Criminal Procedure Law section 240 prevents a defense attorney from zealously defending his/her client due to the attorney's inability to fully assess their client's legal options and thoroughly advise their clients about the strength or weakness of opposing counsel's case; and

**Whereas**, Because significant discovery from the prosecution occurs belatedly, the accused has no access to critical police reports, which systematically block innocent or over-charged defendants from meaningfully investigating their case, therefore denying justice by preventing the defense from locating and using exculpatory evidence as well as preventing the defense from formulating a proper strategy of defense prior to trial; and

**Whereas**, Long-standing committees of legal experts and practitioners have repeatedly urged the New York State Legislature to fundamentally revise, modernize, and make more fair New York State's restrictive criminal discovery rules; and

**Whereas**, Fundamental fairness dictates that an innocent until proven guilty defendant should be provided with basic discovery well in advance of trial, such as police reports from the investigation of the case, the names and contact information of the witnesses, and those witnesses' prior testimony, statements, let alone the type of discovery available to civil litigants, such as depositions; and

**Whereas**, Due to delays in producing discovery materials under the existing law, indigent defendants many times choose a plea bargain instead of languishing in prison custody awaiting trial, which in New York City can last numerous years; and

**Whereas**, The existing discovery laws hamper the defendant's ability to make critical decisions about whether to plea bargain or proceed to trial and adequately prepare a defense, which forces defense attorneys to turn to other systems to obtain pre-trial information, such as subpoenas duces tecum, bills of particulars, pretrial hearings, voluntary disclosure forms, and informal incomplete discovery from the prosecutor, methods which are not always effective; and

**Whereas**, A broader fully early, open, and automatic discovery system will eliminate the cruelties and the inequities in the availability of information between the prosecution and the defense, thus providing for more equal justice, and less surprise at time of trial; and

**Whereas**, In the severely overcrowded court system, particularly in the five boroughs of the largest city in the United States, the current demand system under which defendants must seek discovery by filing endless written demands requiring further court time in unnecessary hearings makes justice in New York City extremely inefficient, often resulting in a colossal waste of time and money; and

**Whereas**, If the prosecution and defense are required to immediately trade vital information after arraignment, each side will be able to receive a better overview of the adversary's case and decide whether to plea bargain or proceed to trial; and

**Whereas**, The ability of the parties to make these decisions will result in faster resolution of the case, less court time, less wasted paper, less pre-trial detention of the indigent defendant, and more money for the tax-paying public and community; and

**Whereas**, The Legal Aid Society has written a proposed Criminal Procedure Law Article 245 which mandates early, open, and automatic pre-trial discovery in criminal cases, substantially improving upon the current Article 240; 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, legislation to repeal the Criminal Procedure Law Article 240 and replace it with a law mandating early, open, and automatic pre-trial discovery.

Referred to the Committee on Courts and Legal Services.

Int. No. 494

By Council Members Lancman, Vallone, Constantinides, Palma, Koslowitz, Levin and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to discrimination against persons accompanied by a police dog.**

*Be it enacted by the Council as follows:*

## Section 1. Legislative findings.

New York City police officers in the K-9 unit are required to live with their police dogs and are expected to accompany them at all times. The Council finds that some landlords and property owners discriminate against New York City police officers who are accompanied by their police work dogs by considering the dogs pets rather than working animals. Accordingly, it is necessary to amend the City's Human Rights Law to protect police officers in the K-9 unit from such housing and public accommodations discrimination.

§2. Section 8-101 of chapter one of title eight of the administrative code of the city of New York is amended to read as follows:

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, 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, *whether a person is accompanied by a police dog*, 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.

§3. 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 "police dog" shall mean any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and being used for police work purposes.*

§4. Paragraph a of subdivision 4 of section 8-107 of chapter one of title eight of the administrative code of the city of New York is amended to read as follows:

a. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation, because of the actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status, *or because such person is accompanied by a police dog*, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, or, directly or indirectly, to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place or provider shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status, *or because such person is accompanied by a police dog*, or that the patronage or custom of any person belonging to, purporting to be, or perceived to be, of any particular race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, [or] alienage or citizenship status, *or because such person is accompanied by a police dog*, is unwelcome, objectionable or not acceptable, desired or solicited.

§5. Subparagraphs 1, 2 and 3 of paragraph a of subdivision 5 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) To refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any person or group of persons such a housing accommodation or an interest therein because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons[.], *or because such person or group of persons is accompanied by a police dog*.

(2) To discriminate against any person because of such person's actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or because of any lawful source of income of such person, or because children are, may be or would be residing with such person, *or because such person is accompanied by a police dog*, in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith.

(3) 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 the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, *or because a*

*person is accompanied by a police dog*, or any intent to make such limitation, specification or discrimination.

§6. Subparagraphs 1, 2 and 3 of paragraph c of subdivision 5 of section 8-107 of chapter one of title eight of the administrative code of the city of New York, are amended as follows:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space or an interest therein to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space or an interest therein to any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons, *or because such person or group of persons is accompanied by a police dog*, or to represent that any housing accommodation, land or commercial space or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or an interest therein or any facilities of any housing accommodation, land or commercial space or an interest therein from any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons[,], *or because such person or group of persons is accompanied by a police dog*.

(2) 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 the purchase, rental or lease of any housing accommodation, land or commercial space or an interest therein or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or to whether children are, may be or would be residing with a person, *or because a person is accompanied by a police dog*, or any intent to make such limitation, specification or discrimination.

(3) To induce or attempt to induce any person to sell or rent any housing accommodation, land or commercial space or an interest therein by representations, explicit or implicit, regarding the entry or prospective entry into the neighborhood or area of a person or persons of any race, creed, color, gender, age, disability, sexual orientation, marital status, partnership status, national origin, alienage or citizenship status, or a person or persons with any lawful source of income, or a person or persons with whom children are, may be or would be residing[.], *or a person or persons who is, are, may be or would be accompanied by a police dog*.

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

Referred to the Committee on Civil Rights.

Int. No. 495

By Council Members Levin, Reynoso, Palma, Arroyo, Miller, King, Levine, Chin, Richards, Rosenthal, Torres, Rodriguez, Cumbo, Mendez, Eugene, Dickens, Cabrera, Gibson, Cornegy, Johnson, Lander, Constantinides and Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts.**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-F to read as follows:

**CHAPTER 4-F - REDUCED PERMITTED CAPACITY AT SOLID WASTE TRANSFER STATIONS**

16-490 - Definitions

16-491 - Preliminary Reduction of Unused Permitted Capacity

16-492 - Reduction of Overall Permitted Capacity

16-493 - Allocating Reductions of Permitted Capacity

16-494 - Emergency Waiver

16-495 - Overconcentrated Districts

16-496 - Reporting

16-497 - Notification

§ 16-490 Definitions. When used in this chapter, terms defined in subdivision a of section 16-130 shall have the meanings given therein and the following terms shall have the following meanings:

"Designated community districts" shall mean community district 1 in the borough of Brooklyn, community districts 1 and 2 in the borough of the Bronx, and community district 12 in the borough of Queens, as identified on the effective date of this section in the map of community districts established pursuant to section 2702 of the New York city charter;

“Emergency” shall mean the same as “emergency conditions and potential incidents” described in subdivision a of section 497 of the New York city charter regardless of whether a multi-agency response is needed;

“Exempted day” shall mean each of the following days: January second; the day after the third Monday in January; February thirteenth; the day after the third Monday in February; the day after the last Monday in May; July fifth; the day after the first Monday in September; the day after the second Monday in October; the Wednesday following the first Monday in November; November twelfth; the day after the fourth Thursday in November; and December twenty-sixth;

“Operational date” shall mean, for a designated community district, the first date on which a marine transfer station operated by the department and located in the same borough as such district begins accepting residential waste from the department. For Bronx community districts 1 and 2, such term shall mean the date on which the first marine transfer station operated by the department and located in the city begins accepting residential waste from the department; and

“Overconcentrated district” shall mean a community district that contains five percent or more of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations and fill material operations, including transfer stations operated by or on behalf of the department.

§ 16-491 Preliminary reduction of unused permitted capacity. a. By January 1, 2016, the commissioner shall do the following for each designated community district other than Bronx community districts 1 and 2:

1. Reduce the total daily permitted capacity for putrescible solid waste transfer stations in such district to 125 percent of the average daily amount of putrescible solid waste delivered to such district for the 3 calendar years preceding the effective date of this section; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such district; provided further that, for waste transfer stations that commenced operations or increased capacity during such three-year period, the average daily amount of putrescible solid waste delivered to such station shall be measured from the date on which such operations commenced or permitted capacity increased; and

2. Reduce the total quarterly permitted capacity for non-putrescible solid waste transfer stations in such district to 125 percent of the average quarterly amount of non-putrescible solid waste delivered to such district for the 3 calendar years preceding the effective date of this section; provided that the commissioner shall not increase the permitted capacity of any non-putrescible solid waste transfer station in such district; provided further that, for waste transfer stations that commenced operations or increased capacity during such three-year period, the average quarterly amount of non-putrescible solid waste delivered to such station shall be measured from the date on which such operations commenced or permitted capacity increased.

b. By January 1, 2016, the commissioner shall do the following for Bronx community districts 1 and 2:

1. Reduce the total daily permitted capacity for putrescible solid waste transfer stations in such districts, collectively, to 125 percent of the average daily amount of putrescible solid waste delivered to such districts for the 3 calendar years preceding the effective date of this section; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such districts; provided further that, for waste transfer stations that commenced operations or increased capacity during such three-year period, the average daily amount of putrescible solid waste delivered to such station shall be measured from the date on which such operations commenced or permitted capacity increased; and

2. Reduce the total quarterly permitted capacity for non-putrescible solid waste transfer stations in such districts, collectively, to 125 percent of the average quarterly amount of non-putrescible solid waste delivered to such districts for the 3 calendar years preceding the effective date of this section; provided that the commissioner shall not increase the permitted capacity of any non-putrescible solid waste transfer station in such districts; provided further that, for waste transfer stations that commenced operations or increased capacity during such three-year period, the average quarterly amount of non-putrescible solid waste delivered to such station shall be measured from the date on which such operations commenced or permitted capacity increased.

c. Any reductions in permitted capacity required pursuant to this section for a designated community district shall be implemented at the time that the next solid waste transfer station permit is issued or renewed for a solid waste transfer station in such district.

d. On exempted days occurring after the date that reductions under this section are implemented for a designated community district, putrescible solid waste transfer stations in such designated community district may process waste in an amount equivalent to such transfer station’s permitted capacity prior to the reductions required by this section and section 16-492. Any such processed waste shall not apply towards the average putrescible solid waste delivered to such transfer station for the purposes of this section or section 16-492.

§ 16-492 Reduction of overall permitted capacity. a. By January 1, 2017 or the relevant operational date, whichever is later, the commissioner shall do the following for each designated community district other than Bronx community districts 1 and 2:

1. Reduce the total daily permitted capacity for putrescible solid waste transfer stations in such district to 18 percent less than the average daily amount of putrescible solid waste delivered to such district for the year preceding the later of January 1, 2017 or the relevant operational date; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such district; and

2. Reduce the total quarterly permitted capacity for non-putrescible solid waste transfer stations in such district to 18 percent less than the average quarterly

amount of non-putrescible solid waste delivered to such district for the year preceding the later of January 1, 2017 or the relevant operational date; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such district.

b. By January 1, 2017 or the relevant operational date, whichever is later, the commissioner shall do the following for Bronx community districts 1 and 2:

1. Reduce the total daily permitted capacity for putrescible solid waste transfer stations in such districts, collectively, to 18 percent less than the average daily amount of putrescible solid waste delivered to such designated community district for the year preceding the later of January 1, 2017 or the relevant operational date; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such districts; and

2. Reduce the total quarterly permitted capacity for non-putrescible solid waste transfer stations in such districts, collectively, to 18 percent less than the average quarterly amount of non-putrescible solid waste delivered to such designated community district for the year preceding the later of January 1, 2017 or the relevant operational date; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such districts.

c. Any reductions in permitted capacity required pursuant to this section for a designated community district shall be implemented at the time that the next solid waste transfer station permit is issued or renewed for a solid waste transfer station in such designated community district.

§ 16-493 Allocating reductions of permitted capacity. Where the commissioner is required to reduce the total permitted capacity for putrescible or non-putrescible solid waste transfer stations within a designated community district pursuant to section 16-491 or 16-492, the commissioner shall consider the following factors, at a minimum, when allocating such reductions to particular transfer stations within such district:

a. The number and type of operating violations issued to each transfer station since the effective date of this local law and in the two years preceding such date;

b. The amount of vehicular traffic generated by each transfer station relative to the amount of waste handled, including whether and to what extent waste handled is imported or exported by barge or rail;

c. The proximity of each transfer station to sensitive receptors, including residential uses, parks, hospitals, schools, community centers, places of worship, libraries and other community or health care facilities;

d. The availability and usage of space for the idling of trucks on-site or off-street at each transfer station, and the adequacy of such space to handle levels of truck traffic generated at such transfer station;

e. Whether and to what extent non-putrescible solid waste operations for each transfer station occur within an enclosed facility;

f. Whether and to what extent each transfer station accepts source-separated organic material for composting or anaerobic digestion or source-separated metal, glass, plastic, paper or cardboard for recycling;

g. The extent to which each transfer station’s operations occur at night or on weekends;

h. Whether the waste handled by each transfer station is putrescible; and

i. Any violations or findings of hazardous workplace conditions or worker injuries or fatalities issued by the federal occupational safety and health administration to each transfer station.

§ 16-494 Emergency waiver. In the event of an emergency, the commissioner may temporarily waive the reductions to permitted capacity required by this chapter.

§ 16-495 Overconcentrated districts. a. After December 31, 2015, the commissioner shall not increase permitted capacity for any putrescible and non-putrescible solid waste transfer stations or fill material operations in an overconcentrated district or increase permitted capacity for any community district which would result in an overconcentrated district.

b. This section shall not preclude the commissioner from applying to increase the capacity of waste permitted by the state department of environmental conservation at marine transfer stations operated by the department.

§ 16-496 Reporting. On January 1, 2016 and annually thereafter, except as otherwise provided, the commissioner shall report to the mayor and the council all department actions taken pursuant to this chapter. Such report shall include the following information:

a. An index of each permitted solid waste transfer station and for each such station, organized by community district:

1. The community district in which such transfer station is located;

2. The type of material permitted for acceptance at such transfer station;

3. The permitted capacity of such transfer station;

4. The average amount of waste accepted daily at such transfer station for each quarter of the previous calendar year;

5. Any change to such transfer station’s permitted capacity required during the previous calendar year; and

6. Any change to such transfer station’s permitted capacity implemented during the previous year;

b. The feasibility and impact of attracting commercial waste to marine transfer stations through options such as lowered tip fees;

c. The feasibility of reducing truck traffic traveling through residential neighborhoods by means other than reductions to permitted capacity for transfer stations;

d. A list of transfer stations located outside of the city where waste generated in the city is delivered and the amount of waste delivered to each such transfer station for each quarter of the previous calendar year; and



*e. The average cost per ton to deliver putrescible and non-putrescible waste, respectively, to solid waste transfer stations located in the city.*

*16-497 Notification. At the end of each quarter, the commissioner shall notify the mayor and the council if the amount of waste delivered to solid waste transfer stations located within any community district is in excess of ninety percent of the total permitted capacity for putrescible or non-putrescible solid waste transfer stations in such community district and such notification shall include the percentage of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations and fill material operations, including transfer stations operated by or on behalf of the department, in such community district for the quarter and the percentage of the total citywide putrescible and non-putrescible solid waste delivered to such community district for the quarter.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 496

By Council Members Matteo, Ignizio, Cabrera, Constantinides, Gentile, Koo, Palma, Rose, Treyger, Dromm, Wills, Lancman, Rodriguez, Vacca, Koslowitz, Levin and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting damage to houses of religious worship.**

*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 prohibited.

*a. Definitions. For the purposes of this section the term “house of religious worship” shall mean (i) a church, temple, synagogue, mosque, or other building primarily used for religious services; or (ii) a convent, monastery, rectory, parsonage, or any other building used as the permanent dwelling of a group of people devoted to religious life.*

*b. Prohibition. Any person who wilfully and without authority breaks, defaces or otherwise damages any 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 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. In addition, any person violating this section shall 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.

Res. No. 431

**Resolution calling upon the New York City Police Department to implement increased street safety-related training for all officers.**

By Council Members Menchaca, Chin, Gibson, Lander, Rose, Rodriguez and Levin.

**Whereas**, Each year hundreds of people die and thousands are injured in traffic crashes in New York City; and

**Whereas**, The City’s Vision Zero initiative aims to eliminate traffic fatalities from the City’s streets; and

**Whereas**, The Council has passed a number of street safety-related pieces of legislation as part of the Vision Zero campaign; and

**Whereas**, The success of Vision Zero will rely largely on effective enforcement by the New York City Police Department (NYPD); and

**Whereas**, Historically, traffic collisions have been treated as an inevitable part of life in a big city by society in general and by the NYPD in particular; and

**Whereas**, Lax speeding enforcement and insufficient crash investigations are just two areas where the NYPD has been criticized in the past for a lack of focus on traffic safety; and

**Whereas**, As Vision Zero continues to be implemented throughout the City, a culture of respect for the seriousness and importance of traffic-related enforcement and investigations needs to be instilled in every NYPD officer; and

**Whereas**, All NYPD officers should also be afforded the opportunity to enhance their knowledge and skills related to street safety, including receiving instruction about the leading causes of collisions, properly and respectfully dealing with victims and victims’ families, and the unique challenges of collision investigations; and

**Whereas**, The NYPD should work with the Department of Transportation to enhance street safety-related training for all current and future personnel; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Police Department to implement increased street safety-related training for all officers.

Referred to the Committee on Public Safety.

Int. No. 497

By Council Members Rosenthal and Levin.

**A Local Law to amend the administrative code of the city of New York and the New York City Charter, in relation to the interest rate and discount rate recommendations provided by the New York City Banking Commission.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 11-224.1 of the administrative code of the city of New York, as amended by local law number 66 for the year 2008, is amended to read as follows:

(e) Council adopted rates. By May [twenty-fifth] *seventh* of each year, the banking commission shall send a written recommendation to the council of a proposed interest rate to be charged for nonpayment of taxes on real property. *Such recommendation shall include a report detailing the factors considered when determining the recommendation, how each factor was weighed, and the rationale for the use of such factors. Such report shall also include (a) the total tax collected from all properties from the three previous fiscal years, disaggregated by fiscal year; (b) the total number of real property for which an installment of tax due and payable is not paid by the due dates provided in subdivisions two and three of section 1519-a of the New York city charter from the last three fiscal years, disaggregated by fiscal year; (c) the number of delinquent taxpayers for the three previous fiscal years, disaggregated by fiscal year, and the estimated number of delinquent taxpayers for the succeeding fiscal year; (d) the delinquency rate of such delinquent taxpayers in such fiscal years; (e) the total amount of delinquent debt accrued by such delinquent taxpayers in such fiscal years; (f) the average amount of delinquent debt accrued by such delinquent taxpayers in such fiscal years; (g) the total amount of accrued interest on such delinquent debt in such fiscal years; (h) the average amount of accrued interest for such delinquent debt in such fiscal years; (i) the net interest earned by the city in the in such fiscal years; and (j) any other information deemed relevant by the commission. The information provided in paragraphs (a) through (j) of this subdivision shall be disaggregated by owners of real property with an assessed value of over two hundred fifty thousand dollars and owners of real property with an assessed value of two hundred fifty thousand dollars or less. The information contained in the report required by this subdivision shall be in a searchable, and readable format, sortable by council district, real property tax class, and real property tax sub class. The commission shall consider the prevailing interest rates charged for commercial loans extended to prime borrowers by commercial banks operating in the city and:*

(i) for real property with an assessed value of two hundred fifty thousand dollars or less, shall propose a rate at least equal to such prevailing prime rate; (ii) for real property with an assessed value of over two hundred fifty thousand dollars, shall propose a rate of at least six percent per annum greater than such prevailing prime rate.

The council may by resolution adopt interest rates to be applicable to the aforementioned properties and may specify in such resolution the date that such rates will take effect.

§ 2. Subdivisions c of section 11-312 of the administrative code of the city of New York, as amended by local law number 62 for the year 2005, is amended to read as follows:

c. No later than the [twenty-fifth] *seventh* day of May in each year, the banking commission shall transmit a written recommendation to the council of a proposed interest rate to be charged for nonpayment of water rents. In making such recommendations the commission shall consider the prevailing interest rates charged for commercial loans extended to prime borrowers by commercial banks operating in the city and shall propose a rate of at least six per centum per annum greater than such rates. *Such recommendation shall include a report detailing the factors considered when determining the recommendation, how each factor was weighed, and the rationale for the use of such factors. Such report shall also include (a) the total amount of water rents collected from all properties from the three previous fiscal years, disaggregated by fiscal year; (b) the total number of real property for which water rent is due and payable is not paid by the due date from the last three fiscal years, disaggregated by fiscal year; (c) the number of owners of real property for which water rent is due and payable is not paid by the due date for the three previous fiscal years, disaggregated by fiscal year, and the estimated number of number of owners of real property for which water rent is due and payable is not paid by the due date for the succeeding fiscal year; (d) the delinquency rate of such delinquent owners in such fiscal years; (e) the total amount of delinquent debt accrued by such delinquent owners in such fiscal years; (f) the average amount of delinquent debt accrued by such delinquent owners in such fiscal years; (g) the total amount of accrued interest on such delinquent debt in such fiscal years; (h) the average amount of accrued interest for such delinquent debt in such fiscal years; (i) the net interest earned by the city in such fiscal years; and (j) any other information*

deemed relevant by the commission. The information provided in paragraphs (a) through (j) of this subdivision shall be disaggregated by owners of real property with an assessed value of over two hundred fifty thousand dollars and owners of real property with an assessed value of two hundred fifty thousand dollars or less. The information contained in the report required by this subdivision shall be in a searchable, and readable format, sortable by council district, real property tax class, and real property tax sub class. The council may by resolution adopt an interest rate to be charged for nonpayment of water rents pursuant to section 11-224 of the code and, for nonpayment of water rents that become due and payable on or after July first, two thousand five, pursuant to section 11-224.1 of the code, and may specify in such resolution the date on which such interest rate is to take effect.

§ 3. Subdivision e of section 11-313 of the administrative code of the city of New York, as amended by local law number 62 for the year 2005, is amended to read as follows:

e. No later than the [twenty-fifth] seventh day of May in each year, the banking commission shall transmit a written recommendation to the council of a proposed interest rate to be charged for nonpayment of sewer rents. In making such recommendations the commission shall consider the prevailing interest rates charged for commercial loans extended to prime borrowers by commercial banks operating in the city and shall propose a rate of at least six per centum per annum greater than such rates. Such recommendation shall include a report detailing the factors considered when determining the recommendation, how each factor was weighed, and the rationale for the use of such factors. Such report shall also include (a) the total amount of sewer rents collected from all properties from the three previous fiscal years, disaggregated by fiscal year; (b) the total number of real property for which sewer rent is due and payable is not paid by the due date from the last three fiscal years, disaggregated by fiscal year; (c) the number of owners of real property for which sewer rent is due and payable is not paid by the due date for the three previous fiscal years, disaggregated by fiscal year, and the estimated number of number of owners of real property for which sewer rent is due and payable is not paid by the due date for the succeeding fiscal year; (d) the delinquency rate of such delinquent owners in such fiscal years; (e) the total amount of delinquent debt accrued by such delinquent owners in such fiscal years; (f) the average amount of delinquent debt accrued by such delinquent owners in such fiscal years; (g) the total amount of accrued interest on such delinquent debt in such fiscal years; (h) the average amount of accrued interest for such delinquent debt in such fiscal years; (i) the net interest earned by the city in such fiscal years; and (j) any other information deemed relevant by the commission. The information provided in paragraphs (a) through (j) of this subdivision shall be disaggregated by owners of real property with an assessed value of over two hundred fifty thousand dollars and owners of real property with an assessed value of two hundred fifty thousand dollars or less. The information contained in the report required by this subdivision shall be in a searchable, and readable format, sortable by council district, real property tax class, and real property tax sub class. The council may by resolution adopt an interest rate to be charged for nonpayment of sewer rents pursuant to section 11-224 of the code and, for nonpayment of sewer rents that become due and payable on or after July first, two thousand five, pursuant to section 11-224.1 of the code, and may specify in such resolution the date on which such interest rate is to take effect.

§ 4. Paragraphs b, c and d of subdivision 7 of section 1519-a of the New York city charter are amended to read as follows:

(b) Determination of discount percentage. In the event that the commission provides a written recommendation to the council of a proposed discount percentage for the ensuing fiscal year, such recommendation shall be provided to the council no later than the seventh day of May preceding the ensuing fiscal year. [Not later than the twenty-fifth day of May in each year, the banking commission shall send a written recommendation to the council of a proposed discount percentage for the ensuing fiscal year.] Such recommendation shall include a report detailing the

research and analytical methods used by the commission to provide the recommendation on the discount percentage; factors considered when determining the recommendation, including the City's cash flow; how each factor was weighed; and the rationale for the use of such factors. Such report shall also include (i) the total number of semi-annual payers from in the three previous fiscal years, and the estimated total number of semi-annual payers in the ensuing fiscal year, disaggregated by fiscal year; (ii) the total number of quarterly payers in the last three fiscal years, and the estimated total number of quarterly payers in the ensuing fiscal year disaggregated by fiscal year; (iii) the total amount of real property taxes collected from such tax payers in the last three fiscal years, and the estimated amount of real property taxes collected from such taxpayers in the ensuing fiscal year, disaggregated by fiscal year; (iv) the total amount of real property taxes owed by such early taxpayers without the discount percentage; (v) the average amount of real property taxes paid by such early semi-annual and quarterly taxpayers with the discount percentage; (vi) the average amount of the discount percentage received for such early semi-annual and quarterly taxpayers; (vii) the net cost of the discount percentage to the city in the three previous fiscal years, and the estimated net cost for the next ensuing fiscal year; (viii) the annual savings for semi-annual and quarterly taxpayers with the discount percentage in the three previous fiscal years, and the ensuing fiscal year; (ix) the foregone interest income on foregone taxes for semi-annual and quarterly taxpayers with the discount percentage in the three previous fiscal years, and the estimated foregone interest income on foregone taxes for semi-annual and quarterly taxpayers with the discount percentage for the ensuing fiscal year; and (x) any other information deemed relevant by the commission. Information specified in subparagraphs (v) through (x) of this paragraph shall also be provided for discount percentages in the amount of zero, one half of one percent, one percent, one and one-half percent, and two percent. The information contained in the report required by this subdivision shall be in a

searchable, and readable format, sortable by council district, real property tax class, and real property tax sub class.

(c) No earlier than the seventh day of May of each year, [The] the council may adopt by resolution a discount percentage, [on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter.] and may specify in such resolution the date that such discount percentage will take effect. In the event the council adopts a discount percentage without a recommendation by the commission, the resolution by which the discount percentage is adopted shall contain the

research and analytical methods used by the council when determining the discount percentage; factors considered when determining the discount percentage, including the City's cash flow; how each factor was weighed; and the rationale for the use of such factors.

(d) If the council does not adopt a discount percentage prior to the date that the statement of account or other similar bill or statement is prepared, [a] the discount percentage [of one and one-half percent] shall be zero [shall be used to determine the discount provided] where a discount is allowed for payments made on or before the last day that the installment due July first could be paid without interest, and this percentage shall continue to apply until the council adopts a discount percentage pursuant to paragraph (c) of this subdivision.

§ 5. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 498

By Council Members Rosenthal, Kallos, Constantinides and Wills.

**A Local Law to amend the administrative code of the city of New York, in relation to conflicts of interest in city contracts.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-140 to read as follows:

§ 6-140 Conflicts of interest in city contracts. a. As used in this section, the following terms have the following meanings.

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

2. "Contractor" means any individual, sole proprietorship, partnership, joint venture or corporation that enters into a contract with an agency, an elected official or the council.

3. "Covered contract" means any agreement between a contractor and an agency, an elected official or the council that by itself or when aggregated with all contracts awarded to such contractor by any contracting agency during the immediately preceding twelve months has a value of ten million dollars or more.

b. The city chief procurement officer shall establish standards and procedures to be used by contractors for determining the existence of any conflict of interest, as set forth in chapter 68 of the New York city charter, that may exist between a city employee and the contractor or a subcontractor or independent contractor of the contractor.

c. Every contractor that enters into a covered contract shall certify when entering such contract that the contractor has complied with the standards and procedures established pursuant to this section, and that no conflict of interest exists.

§ 2. This local law shall take effect 120 days after its enactment, provided that it shall apply only to contract solicitations occurring after its effective date, and provided further that the city chief procurement officer may take any actions necessary for the implementation of this local law before its effective date.

Referred to the Committee on Contracts.

Int. No. 499

By Council Members Rosenthal, Levine, Johnson and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to restrictions on motor vehicle traffic on the central park loop drive.**

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. One New York City's greatest assets is our extensive system of parks. The City is home to more than 1,700 parks, playgrounds, and recreational facilities comprising over 29,000 acres. Each day, thousands of New Yorkers and tourists walk, run, bicycle, play, and relax in our parks. Central Park alone attracts approximately 40 million visitors annually. Parks provide a safe, serene, and beautiful escape from the often hectic pace of urban city living.

According to research compiled by Transportation Alternatives, traffic volume in Central Park is at an all-time low and shrinks significantly in the summer, while recreational demand skyrockets. Further studies show that the impact of closing the Central Park loop on traffic adjacent to the park would be minimal and traffic may

even decrease. Eliminating vehicle traffic from the Central Park loop during the summer would enhance the benefits Central Park offers while decreasing the chance a visitor would be injured by a motor vehicle.

§ 2. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-132.1 to read as follows:

§ 19-132.1 *Restrictions on the central park loop drive.* a. *The central park loop drive shall be closed to motor vehicle traffic between June 24, 2015 and September 25, 2015.*

b. *Vehicles operated by or on behalf of the department of parks and recreation, the police department, and the fire department and emergency service vehicles are exempt from the restrictions set forth in subdivision a of this section.*

c. *The commissioner may issue waivers for motor vehicles otherwise prohibited from traveling on the central park loop drive in accordance with subdivision a of this section that are operated by or on behalf of individuals or organizations participating in events that have been authorized by the department of parks and recreation and to motor vehicles operated by vendors authorized to operate in the park.*

d. *The prohibition set forth in subdivision a of this section shall not be construed to prohibit motor vehicle traffic on any of the transverse roads in central park.*

e. *The commissioner shall conduct a traffic study of central park and the surrounding area for the purpose of determining the effects, if any, of the closing of the loop drive. The study shall examine such factors as motor vehicle traffic volume, disruptions of pedestrian traffic flow, environmental factors identified in consultation with the department of environmental protection, and such other factors deemed necessary by the commissioner. Such study shall be submitted to the mayor and the council and posted on the department's official website no later than December 31, 2015.*

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

Referred to the Committee on Transportation.

Res. No. 432

**Resolution calling upon the New York City Department of Education to offer gluten-free meal options for students at all New York City public schools.**

By Council Members Treyger, Arroyo, Chin, Constantinides, Dromm, Koo, Levin and Ulrich.

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

**Whereas**, Accordingly, the DOE is responsible for protecting the health and safety of all students in its charge; and

**Whereas**, DOE's Office of School Food, known as "SchoolFood," has taken a number of steps to improve the health and nutrition of school meals and to expand access to more students in recent years; and

**Whereas**, SchoolFood also offers a number of different menus, including hot and cold lunch menus, vegetarian lunch menus, and Special Needs lunch menus to accommodate the needs of medically certified students with disabilities; and

**Whereas**, The needs of some students, however, are not adequately met by SchoolFood menu options at present; and

**Whereas**, In particular, dietary needs of students afflicted with celiac disease are not currently addressed by SchoolFood; and

**Whereas**, According to the Celiac Disease Foundation (CDF), it is estimated that as many as 1 in 100 Americans, or about 1% of the population, is affected by celiac disease, which could mean as many as 11,000 students in City public schools; and

**Whereas**, Celiac disease is a hereditary autoimmune disorder where the ingestion of gluten (a protein found in wheat, rye and barley) leads to damage in the small intestine; and

**Whereas**, Celiac disease can develop at any age after people start eating foods or ingesting medicines that contain gluten; and

**Whereas**, According to CDF, left untreated, celiac disease can lead to additional serious health problems, including other autoimmune disorders like Type I diabetes and multiple sclerosis (MS), dermatitis herpetiformis (an itchy skin rash), anemia, osteoporosis, infertility and miscarriage, neurological conditions like epilepsy and migraines, short stature, and intestinal cancers; and

**Whereas**, Currently, the only treatment for celiac disease is lifelong adherence to a strict gluten-free diet; and

**Whereas**, A gluten-free diet excludes foods made with grains such as wheat, barley, rye and triticale (a cross between wheat and rye), as well as those processed or mixed with gluten-containing grains, additives or preservatives; and

**Whereas**, Many gluten-free food options are widely available at present, including bread, cereal and other foods made with corn, rice, soy or other gluten-free grain; and

**Whereas**, To safeguard the health of students affected by celiac disease, a wide variety of gluten-free menu options should be offered to students at all grade levels in all 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 offer gluten-free meal options for students at all New York City public schools.

Referred to the Committee on Education.

Res. No. 433

**Resolution calling upon the United States Congress to enact and the President to sign S.313/H.R.647, the Achieving a Better Life Experience (ABLE) Act of 2013, which would amend the Internal Revenue Code of 1986 to provide for the favorable tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.**

By Council Members Treyger, Gentile, King, Koo, Rose, Koslowitz and Levin.

**Whereas**, The Achieving a Better Life Experience (ABLE) Act has been under consideration in Congress since 2006, and would establish ABLE Accounts, into which contributions could be made to pay for qualified disability expenses of the account's beneficiary; and

**Whereas**, Under the proposed legislation, eligibility would extend to any individual who is receiving supplemental security income benefits or disability benefits under Title II of the Social Security Act, who "has a medically determinable physical or mental impairment, which results in marked and severe functional limitations" or who is blind; and

**Whereas**, According to the National Disability Institute (NDI), the proposed ABLE legislation is designed to encourage and assist individuals with disabilities and their families to set funds aside in a tax-advantaged savings account that allows the funds to be withdrawn to cover costs of health care, housing, transportation, and the purchase of technology and lifelong education; and

**Whereas**, Because the funds would supplement benefits provided through Medicaid, Social Security and private insurance, family members of those with significant disabilities would have a means to provide for extra costs associated with every day activities and community participation; and

**Whereas**, Rep. Cathy McMorris Rodgers (R-WA), whose son has Down Syndrome, testified in July at the hearing held by the Senate Finance Subcommittee on Taxation and IRS Oversight that "Our outdated laws encourage women and men with disabilities to resign themselves to a life of dependency by spending down their assets rather than saving them for future expenses...Unless families have the resources to hire an attorney to create a special trust or some other complicated savings vehicle, there is no other option to establish financial security without risking access to critical government programs for individuals. And that's just not fair", and

**Whereas**, Dr. Johnette Hartnett, NDI's Director of Strategic Partnerships, has said that "in these challenging economic times, the ABLE Act is modernizing disability policy and is the right response to the extra costs of living a life with a disability, related to education, health care and independent living", and

**Whereas**, According to a 2006 Harvard School of Public Health (HSPH) study, "it can cost about \$3.2 million to take care of an autistic person over his or her lifetime" and "providing care for adults with autism is often far more expensive than for children, yet there are fewer resources", and

**Whereas**, The HSPH further informs that "as more and more of our children with autism age to adulthood, our hands remain tied in planning for their future...[and] the need for new resources to provide them with necessary care and services is imperative", and

**Whereas**, The Muscular Dystrophy Association also supports the ABLE Act because it would help pay for the costs of education, housing, transportation, employment support, health and wellness, assistive technology, personal care attendant support, miscellaneous expenses, and other approved expenses; and

**Whereas**, According to Down Syndrome Daily, "the ABLE Act provides individuals with disabilities the same types of flexible savings tools that all other Americans have through college savings accounts, health savings accounts, and individual retirement accounts. The legislation also contains Medicaid fraud protection against abuse and a Medicaid pay-back provision when the beneficiary passes away. It will eliminate barriers to work and saving by preventing dollars saved through ABLE accounts from counting against an individual's eligibility for any federal benefits program"; and

**Whereas**, Other supporters of the ABLE Act include, The American Association of People with Disabilities, Autism Self-Advocacy Network, Autism Speaks, Easter Seals, Epilepsy Foundation, Muscular Dystrophy Association, National Association of State Directors of Developmental Disability Services, National Down Syndrome Society, National Fragile X Foundation, National Multiple Sclerosis Society, The Disability Opportunity Fund, The National Center for Learning Disabilities, The National Council on Independent Living, United Cerebral Palsy, United Spinal Association, World Institute on Disability and the Cerebral Palsy Associations of New York State; and

**Whereas**, According to a 2011 Center for Independence of the Disabled-New York report entitled "Disability Matters", nearly 900,000 people in New York City have a disability related to their cognition or their ability to hear, see, walk, or live independently, many of whom would likely qualify to establish an ABLE Act Account; and

**Whereas**, As reported on disabilityscoop.com, "This is really the most popular piece of legislation in Congress right now", according to Sara Weir, vice president of advocacy at the National Down Syndrome Society, who indicated that the bill has 366 co-sponsors in the House and 74 in the Senate; and

**Whereas**, Passage of the ABLE Act of 2013 would ensure that more individuals with disabilities, including those in New York City, can access necessary care and services; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to enact and the President to sign S.313/H.R.647, the Achieving a Better

Life Experience (ABLE) Act of 2013, which would amend the Internal Revenue Code of 1986 to provide for the favorable tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

Int. No. 500

By Council Members Vallone, Gibson, Constantinides, Koo, Vacca, Koslowitz, Espinal, Maisel and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to provide the public with 9-1-1 information cards.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-155, to read as follows:

§14-155. Information cards for 9-1-1 calls.

a. The department shall create a 9-1-1 information card, in a form and manner prescribed by the commissioner in conjunction with the commissioner of the fire department of the city of New York. Such information card shall provide individuals with necessary information relating to the 9-1-1 emergency call process and shall include, but not be limited to, a description of the typical questions a 9-1-1 operator may ask a caller in various emergency situations, including fires.

b. The 9-1-1 information card created pursuant to this section shall be updated as necessary and shall be mailed, by the department or any agency designated by the department, to every household within the city of New York on an annual basis.

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

Referred to the Committee on Public Safety.

Int. No. 501

By Council Members Williams, Arroyo, Chin, Eugene, Gibson, Koo, Lander, Rose and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for tenants with disabilities who are subject to eviction, ejectment or foreclosure proceedings.**

*Be it enacted by the Council as follows:*

Section 1. Title 27 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:

**CHAPTER 4**

**PROVISION OF LEGAL SERVICES IN EVICTION, EJECTMENT AND FORECLOSURE PROCEEDINGS.**

§ 27-4001 Definitions.

§ 27-4002 Civil justice coordinator.

§ 27-4003 Designation of eligible organizations.

§ 27-4004 Method of assigning legal counsel.

§ 27-4005 Compensation.

§ 27-4001 Definitions. For purposes of this chapter the following terms shall have the following meanings:

"Covered proceeding" means any action or special proceeding to evict an eligible individual, including those seeking possession for the non-payment of rent or holdover, or proceedings for ejectment or foreclosure.

"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 is a disabled person as defined in subdivision m of section 17-306 of this code.

"Designated organization" means an organization or association that is identified and designated by the civil justice coordinator pursuant to section 27-4003 of this chapter.

"Legal counsel" means a lawyer or lawyers licensed to practice law in New York state.

§ 27-4002 Civil justice coordinator. The commissioner of housing preservation and development shall appoint a civil justice coordinator who shall be responsible for establishing and implementing a program for the provision of legal services for eligible individuals with respect to covered proceedings.

§ 27-4003 Designation of organizations. a. The civil justice coordinator shall

- i. identify one or more organizations eligible to provide legal counsel in accordance with the provisions of this chapter, and/or

- ii. develop a plan in conjunction with the New York city bar association whereby the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service.

- b. The commissioner of housing preservation and development 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.

§ 27-4004 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. a 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 to maintain a list of such organizations that will represent such individual.

§ 27-4005 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 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.

Res. No. 434

**Resolution calling on the Offices of the United States Attorney General to establish protocols to investigate and determine whether their intervention is appropriate whenever local law enforcement officials are accused of committing a homicide or a violent act.**

By Council Members Wills, King, Rodriguez, Mendez, Rosenthal, Barron, Koslowitz, Cabrera and Levin.

**Whereas**, New Yorkers rely on the members of the New York City Police Department ("NYPD") and other local law enforcement personnel to keep them safe on a daily basis; and

**Whereas**, New Yorkers rely on the District Attorney's ("DA's") offices to prosecute those charged with committing crimes within the City, including crimes of violence; and

**Whereas**, By and large the NYPD and other members of local law enforcement do an excellent job in keeping New Yorkers safe, as do the DA's in bringing those to justice who seek to harm them, or in fact harm them; and

**Whereas**, As is evidenced by the death of Eric Garner in New York City and Michael Brown in Ferguson, Missouri, respectively, incidents in which local law enforcement officials allegedly commit a homicide or a violent act quickly receive national attention and are of national concern; and

**Whereas**, Having the Offices of the United States Attorney establish protocols to investigate and determine whether their intervention is appropriate when a local law enforcement official is accused of committing a homicide or a violent act helps promote and safeguard the public's faith in the criminal justice system and ensures that the full weight of the federal government and its resources are made available in the quest for justice; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Offices of the United States Attorney General to establish protocols to investigate and determine whether their intervention is appropriate whenever local law enforcement officials are accused of committing a homicide or a violent act.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 124

By Council Members Ferreras:

**Renewal Housing Development Fund Company, Block 3174, Lot 24, Block 3276, Lot 36, Block 3283, Lot 37, Block 3293, Lot 135, Block 3300, Lots 27, 23 and 11, Bronx, Community District No. 7, Council Districts No. 14 and 15.**

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

Preconsidered L.U. No. 125

By Council Members Ferreras:

**Presbyterian HDFC of Queens, Block 1900, Lot 161; Block 1932, Lot 9; and the intervening demapped parcel Queens, Community District No.4, Council District No. 21.**

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

L.U. No. 126

By Council Member Greenfield:

**Application No. C 140323(A) ZSQ an application submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for special permits pursuant to Zoning Resolution: (i) Section 74-743(a)(1) to allow distribution of floor area without regard for zoning lot lines; (ii) Section 74-743(a)(2) to modify requirements of Section 23-711 (Standard minimum distance between buildings), Section 23-47 (Minimum required rear yards), and Section 23-85 (Inner court regulations); and (iii) Section 74-743(a)(6) to modify requirements of Section 23-86 (Minimum distance between legally required windows and walls or lot lines), to facilitate a mixed-use large scale general development on the Halletts Point Peninsula, Borough of Queens, Community District 1, Council District 22. This application is subject to the 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. 127

By Council Member Greenfield:

**Application No. C 140324(A) ZSQ submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the Section 62-836 of the Zoning Resolution to modify requirements of Section 62-340 (Height and Setback Regulations On Waterfront Blocks), to facilitate a mixed-use large scale general development on the Halletts Point Peninsula, Borough of Queens, Community District 1, Council District 22. This application is subject to the 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. 128

By Council Member Greenfield:

**Application No. C 140322 ZMQ submitted by 2030 Astoria Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a, changing an M1-1 to an R7-3 with C2-4 overlay, changing an R6 to an R7A with C2-4 overlay, and changing an R6 to an R6B District, to facilitate a mixed-use large scale general development on the Halletts Point Peninsula, Borough of Queens, Community District 1, Council District 22.**

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

L.U. No. 129

By Council Member Greenfield:

**Application No. N 140329(A) ZRQ an application submitted by 2030 Astoria Developers, LLC pursuant to Section 201 of the New York City Charter,**

**for an amendment of the Zoning Resolution of the City of New York, modifying Article II Chapter 3 and Appendix F, relating to Inclusionary Housing, to facilitate a mixed-use large scale general development on the Halletts Point Peninsula, in the Borough of Queens, Community District 1.**

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

L.U. No. 130

By Council Member Greenfield:

**Application No. N 140325 ZAQ submitted by 2030 Astoria Developers, LLC for the grant of an authorization pursuant to Sections 62-822(a) of the Zoning Resolution to modify the requirements of Section 62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) in connection with a mixed-use large scale general development on the Halletts Point Peninsula, Borough of Queens, Community District 1, Council District 22. This application is subject to review of the Council only if called up by a vote of the Council pursuant to 62-822(a) of the NYC Zoning Resolution.**

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

L.U. No. 131

By Council Member Greenfield:

**Application No. C 130384 MMQ submitted by 2030 Astoria Developers LLC pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map to (a) establish 4<sup>th</sup> Street between 26<sup>th</sup> Avenue to the edge of a proposed waterfront esplanade and (b) to eliminate 8<sup>th</sup> Street from 27<sup>th</sup> Avenue to the U.S. Pierhead and Bulkhead line, including authorization for any acquisition or disposition of real property related thereto, in the Borough of Queens, Community District 1, Council District 22. This application is subject to the 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. 132

By Council Member Greenfield:

**Application No. 20155018 HKK (N 150068 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Ridgewood Lodge No. 710, Free and Accepted Masons, 1054 Bushwick Avenue, a/k/a 1122 Gates Avenue, (Designation List 473/LP-2541), Borough of Brooklyn, Community Board 4, Council District 34.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 133

By Council Member Greenfield:

**Application No. 20155113 HAM by the New York City Department of Housing Preservation and Development for approval of a tax exemption, pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the properties located at 3603 Broadway (Block 2095, Lot 31) and 3605 Broadway (Block 2095, Lot 32), Borough of Manhattan, Community Board 9, Council District 7. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.**

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

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

**ANNOUNCEMENTS:**

**Wednesday, October 8, 2014**

★ *Note Amended Resolution*  
Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the  
Committee on **JUVENILE JUSTICE**... ..10:00 A.M.

Oversight - Examining the Treatment of Adolescents in New York City Jails and Reviewing the United States Department of Justice's Report on Violence at Rikers Island

★ Proposed Res 378-A - By Council Members Dromm, Crowley, Arroyo, Barron, Chin, Gibson, Johnson, Miller and Rodriguez - Resolution calling on the New York State Legislature to pass and the Governor to sign A.3668-A, which would raise the age of adult criminal responsibility from sixteen to eighteen years of age.

Council Chambers – City Hall ..... Elizabeth Crowley, Chairperson  
 ..... Fernando Cabrera, Chairperson

★ *Deferred*

~~Committee on SANITATION AND SOLID WASTE MANAGEMENT.....1:00 P.M.~~

~~Int 209 – By Council Members Lander, Chin, the Public Advocate (Ms. James), Richards, Koo, Levin, Crowley, Dromm, Levine, Johnson, Van Bramer, Cohen, Constantinides, Rosenthal, Vallone, Menchaca, Kallos, Rodriguez, Cumbo, Miller and Torres – A Local Law to amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.~~

~~Council Chambers – City Hall ..... Antonio Reynoso, Chairperson~~

**Tuesday, October 14, 2014**

★ *Note Deferred and Added Topic*

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

Int 489 - By Council Members Ferreras and Kallos - A Local Law to amend the administrative code of the city of New York, in relation to notices of violation.

~~Oversight – Outstanding Environmental Control Board Judgments~~

Committee Room – City Hall.....Julissa Ferreras, Chairperson

★ *Deferred*

~~Committee on HIGHER EDUCATION.....10:00 A.M.~~

~~Agenda to be announced~~

~~Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Inez Barron, Chairperson~~

Committee on PUBLIC HOUSING .....10:00 A.M.

Oversight – Evaluation of the Victim of Domestic Violence Need-Based Preference Category and Support and Services for Victims of Domestic Violence in NYCHA Developments

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Ritchie Torres, Chairperson

Committee on FIRE AND CRIMINAL JUSTICE SERVICES jointly with the Committee on PUBLIC SAFETY .....10:00 A.M.

Oversight – Examining New York City's Emergency Planning & Preparedness for Terrorist Attacks

Council Chambers – City Hall ..... Elizabeth Crowley, Chairperson

..... Vanessa L. Gibson, Chairperson

Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS ..... 1:00 P.M.

Res 405 - By The Speaker (Council Member Mark-Viverito) and Council Members Cohen, Chin, Cumbo, Dickens, Eugene, Koo, Palma and Koslowitz - Resolution calling upon Congress to pass and the President to sign H.R. 1217 and S. 568 to establish the Smithsonian American Latino Museum and designate the Arts and Industries Building as its future location in Washington, D.C.

Committee Room – City Hall ..... James Van Bramer, Chairperson

**Wednesday, October 15, 2014**

★ *Note Time Change*

Committee on IMMIGRATION ..... ★ 10:00 A.M.

Int 486 - By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Menchaca and Espinal - A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of correction.

Int 487 - By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Menchaca and Espinal - A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the police department.

Council Chambers – City Hall ..... Carlos Menchaca, Chairperson

Committee on PARKS AND RECREATION .....10:00 A.M.

Tour: ..... North and South Brother Islands

Location: ..... Barretto Point Park

Barretto Street and Viele Avenue in the Bronx

Details Attached.....Mark Levine, Chairperson

★ *Deferred*

~~Committee on AGING.....10:00 A.M.~~

~~Agenda to be announced~~

~~Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Margaret Chin, Chairperson~~

**Monday, October 20, 2014**

★ *Note Location Change*

Subcommittee on ZONING & FRANCHISES.....9:30 A.M.

See Land Use Calendar

★ Council Chambers – City Hall.....Mark Weprin, Chairperson

★ *Note Topic and Committee Additions*

Committee on WOMEN'S ISSUES jointly with the

Committee on GENERAL WELFARE and

★ Committee on COURTS AND LEGAL SERVICES.....10:00 A.M.

Oversight – Coordination of Services for Victims of Domestic Violence

Res 104 - By Council Members Cabrera, Barron, Chin, Eugene, Ferreras, Gibson, Levine, Palma, Rose, Williams, Rosenthal and Mendez - Resolution calling upon the New York State Unified Court System to require the Integrated Domestic Violence Courts in New York City to issue regular reports on batterer intervention programs.

Proposed Res 161-A - By Council Members Espinal, Arroyo, Cabrera, Chin, Constantinides, Deutsch, Ferreras, Gibson, Koo, Levine, Mendez, Reynoso, Rose, Williams and Gentile - Resolution in calling upon the New York State Legislature to pass and the Governor to sign A.7964-B/S.5032-B, which would require wireless telephone companies that offer shared or family plans to allow victims of domestic violence to be released from the account without penalty in instances of domestic violence.

★ Res 429 - By Council Members Gibson and Cumbo - Resolution recognizing October as Domestic Violence Awareness Month in the City of New York.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Laurie Cumbo, Chairperson

..... Stephen Levin, Chairperson

..... ★ Rory Lancman, Chairperson

★ *Note Location Change*

Subcommittee on LANDMARKS, PUBLIC SITING

& MARITIME USES .....11:00 A.M.

See Land Use Calendar

★ Committee Room – City Hall ..... Peter Koo, Chairperson

★ *Note Location Change*

Subcommittee on PLANNING, DISPOSITIONS

& CONCESSIONS..... 1:00 P.M.

See Land Use Calendar

★ Committee Room – City Hall ..... Inez Dickens, Chairperson

**Tuesday, October 21, 2014**

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 – City Hall.....David G. Greenfield, Chairperson

★ *Note Topic Addition*

Committee on WATERFRONTS ..... 1:00 P.M.

Oversight – An Examining of the City's Clean Waterfront Plan

Committee Room – 250 Broadway, 14<sup>th</sup> Floor .....Deborah Rose, Chairperson

**Wednesday, October 22, 2014**

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.

..... Agenda – 1:30 p.m.

**MEMORANDUM**

Wednesday, October 1, 2014

**TO: ALL COUNCIL MEMBERS****RE: TOUR BY THE COMMITTEES ON PARKS AND RECREATION**  
Please be advised that all Council Members are invited to attend a tour to:

**North and South Brother Islands  
Barretto Point Park  
Barretto Street and Viele Avenue in the Bronx**

The tour will be on **Wednesday, October 15, 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 Patrick Mulvihill at 212-788 9108.

Hon. Mark Levine, Chairperson  
Committee on Parks and Recreation

Hon. Melissa Mark-Viverito  
Speaker of the Council

Shortly before the meeting was adjourned, the Speaker (Council Member Mark-Viverito) yielded the floor to a jazz band of esteemed musicians seated in the Council Chambers balcony. The balcony jazz band performed “When You’re Smiling” for all those assembled in celebration of the passage by the Council of voice-vote item Res No. 207-A at this Stated Meeting.

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, October 22, 2014.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor’s Local Law Note: Int Nos. 48-A, 104-A, 129-A, 137-A, 187-A, 371-A, and 472-A were signed into law by the Mayor on September 30, 2014 as, respectively, Local Laws Nos. 45, 46, 47, 48, 49, 50, and 51 of 2014. Int No. 474 was signed into law by the Mayor on October 10, 2014 as Local Law No. 52 of 2014 (Int Nos. 48-A, 104-A, 137-A, and 187-A had been adopted by the Council at the September 10, 2014 Stated Meeting while Int Nos. 129-A, 371-A, 472-A, and 474 were adopted by the Council at the September 23, 2014 Stated Meeting).*

