

# THE COUNCIL

STATED MEETING OF

WEDNESDAY, OCTOBER 22, 2014

## THE COUNCIL

### *Minutes of the Proceedings for the STATED MEETING*

*of*

Wednesday, October 22, 2014, 1:55 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
Inez D. Barron	David G. Greenfield	I. Daneek Miller
Fernando Cabrera	Vincent M. Ignizio	Antonio Reynoso
Margaret S. Chin	Corey D. Johnson	Donovan J. Richards
Andrew Cohen	Ben Kallos	Ydanis A. Rodriguez
Costa G. Constantinides	Andy L. King	Deborah L. Rose
Robert E. Cornegy, Jr.	Peter A. Koo	Helen K. Rosenthal
Elizabeth S. Crowley	Rory I. Lancman	Ritchie J. Torres
Laurie A. Cumbo	Bradford S. Lander	Mark Treyger
Chaim M. Deutsch	Stephen T. Levin	Eric A. Ulrich
Inez E. Dickens	Mark Levine	James Vacca
Daniel Dromm	Alan N. Maisel	Paul A. Vallone
Rafael L. Espinal, Jr.	Steven Matteo	James G. Van Bramer
Mathieu Eugene	Darlene Mealy	Mark S. Weprin
Daniel R. Garodnick	Carlos Menchaca	Jumaane D. Williams
Vincent J. Gentile		

Absent: Council Members Ferreras, Koslowitz (Excused on Medical Leave), Palma (Excused on Medical Leave) and Wills.

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

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

*There were 47 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. David K. Brawley, Pastor, St. Paul Community Baptist Church, 859 Hendrix Street, Brooklyn, N.Y. 11207.

To the Speaker; our Public Advocate,  
I'm delighted to be here today; let us pray together.  
God of all creation, we take this moment  
to acknowledge your presence in this assembly.  
We thank you for the opportunity to gather together this day

and to reason together on behalf of this city.

We are admonished over and over again

to pray for leaders who have the charge over us;

to pray for those who maintain the peace of this city

for which we find ourselves.

So we gather in your name, humbly seeking your leadership,

your will and your wisdom as we discharge our duties

as representatives of your people this day, today and every day.

Give us the ability to selflessly serve

in the stead of all New Yorkers,

our seniors who have built a great legacy in this, our city

and our youth, who right now sit in school

being prepared to become better citizens of our world;

being a servant and a servant leader is a serious job oh God.

Let not our individual voices speak today,

but our global voice as representatives of those

who have given this body permission to serve

and the expectation that we will do our best

to ensure better quality of life for them

as the people who make this great city what it is.

We ask that you would guide and direct

our Speaker, the Council and this meeting

so that it is full of wisdom, productivity

and that we all speak and act in respect for one another.

Help us today to accomplish our goals

while displaying your character.

In the spirit of God we pray and give thanks.

Amen and amen.

Council Member Barron moved to spread the Invocation in full upon the Record. Council Member Williams also joined in on the spreading of the Invocation.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) recognized the following special guests: Minority Leader of the Turin City Council in Italy, Fabrizio Ricca, as well as his Chief of Staff, Matteo Becutti. The Speaker (Mark-Viverito) welcomed and thanked them both.

### ADOPTION OF MINUTES

On behalf of Council Member Menchaca, the Public Advocate (Ms. James) moved that the Minutes of the Stated Meeting of September 23, 2014 be adopted as printed.

### COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-154

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Ally Car Service LLC., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

September 29, 2014

The Honorable Speaker Melissa Mark-Viverito

Attention: Mr. Gary Altman

Council of the City of New York

250 Broadway, 15<sup>th</sup> Floor

New York, New York 10007

Re: Taxi & Limousine Commission  
For-Hire Vehicle Base License approvals

Dear Speaker Mark-Viverito:

Please be advised that on September 18, 2014 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

<b>NEW (8):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Ally Car Service LLC	B02756	39
Gee Car Service Inc.	B02777	22
Hershey's Car & Limo Inc.	B02743	44
In'tegrite I.I.R. Transportation Services, LLC	B02781	12
New Adam Express Car & Limo Corp	B02768	39
New App Car & Limo Inc	B02782	07
New Sky Line, LLC	B02779	12
Vismar Radio Dispatch Inc.	B02760	17
<b>RENEWALS (19):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
7 Ocean Express Inc.	B00559	48
77 Express Car & Limo Service, Inc.	B02423	43
806 Service LLC/d.b.a.: 18th Avenue Private Car Service Inc	B00481	47
A B C Shuttle Service Corporation/d.b.a.: ABC Car Services	B02162	28
Bee-Bee Car & Limo Corp.	B00856	42
Belle Rock Of Beach Channel Inc.	B01546	32
Boulevard Operating Inc.	B00369	29
Flushing Limo Transp Corp.	B01711	19
Guadalupana Car Limo, Inc.	B02138	47
Liberty Car Service Inc.	B00095	34
Mazin Car & Limo Svc., Llc	B02050	28
Morenita Express Car Service Inc.	B02463	38
Ola Car Service Inc.	B02396	38
Ridge Transportation Corp.	B00475	43
Rose 'N' Dale C/S Inc	B01391	31
Rosedale Base Car Service Corp./d.b.a.: Danny's Car Service	B01731	31
Ryder Management Inc./d.b.a.: City & Ride Car Service	B00593	47
T-D Maintenance/d.b.a.: Four Ones Car Service	B00009	30
Towncar Transportation, Inc./d.b.a.: New Topacio Car Service	B01675	34
<b>CHANGE OF LOCATION (3):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Bangla Car & Limo. Service Inc.	B02183	26
Broad Dyckman C/S Inc.	B01083	10
Jerusalem Car Com. Inc.	B01608	44

The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms.

Angelique Meola, Business Licensing Unit, at businessunit@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,

Christopher Tormey  
Director of Applicant Licensing  
Licensing & Standards Division  
Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-155

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Gee Car Service Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-156

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Hershey's Car & Limo Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-157

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license In'tegrite I.I.R. Transportation Services, LLC., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-158

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license New Adam Express Car & Limo Corp., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-159

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license New App Car & Limo Inc., Council District 7, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-160

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license New Sky Line, LLC., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-161

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Vismar Radio Dispatch Inc., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-162

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 7 Ocean Express Inc., Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-163

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 77 Express Car & Limo Service, Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-164

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 806 Service LLC., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-165

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license A B C Shuttle Service Corporation., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-166

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bee-Bee Car & Limo Corp., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-167

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Belle Rock Of Beach Channel Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-168

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Boulevard Operating Inc., Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-169

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Flushing Limo Transp Corp., Council District 19, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-170

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Guadalupana Car Limo, Inc., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-171

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Liberty Car Service Inc., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-172

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Mazin Car & Limo Svc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-173

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Morenita Express Car Service Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-174

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ola Car Service Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-175

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ridge Transportation Corp., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-176

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Rose 'N' Dale C/S Inc., Council District 31, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-177

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Rosedale Base Car Service Corp., Council District 31, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-178

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ryder Management Inc., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-179

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license T-D Maintenance., Council District 30, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-180

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Towncar Transportation, Inc., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-181

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a change of location base station license

Bangla Car & Limo. Service Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-182

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a change of location base station license Broad Dyckman C/S Inc., Council District 10, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-183

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a change of location base station license Jerusalem Car Com. Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-154 printed in this Communication from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

#### LAND USE CALL UPS

M-184

By Council Member Arroyo:

Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure (ULURP) application no. C 140388 PCX be subject to Council review.

Coupled on Call – Up Vote

M-185

By Council Member Johnson:

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 461 West 23<sup>rd</sup> Street, Borough of Manhattan, Community Board No. 4, Application no. 20155064 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-186

By Council Member Mealy:

Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure (ULURP) application no. C 140360 PSK be subject to Council review.

Coupled on Call – Up Vote

M-187

By Council Member Mendez:

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 311 Second Avenue, Borough of Manhattan, Community Board No. 6, Application no. 20155034 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

### LAND USE CALL UP VOTE

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

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – 47.

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

### REPORTS OF THE STANDING COMMITTEES

#### Report of the Committee on Education

Report for Int. No. 403-A

**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding guidance counselors and social workers in schools.**

The Committee on Education, to which the annexed amended proposed local law was referred on June 26, 2014 (Minutes, page 2795), respectfully

### REPORTS:

#### INTRODUCTION

On Monday October 20, 2014, the City Council's Committee on Education, chaired by Council Member Daniel Dromm, considered Proposed Introduction No. 403-A, a Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Education to report information regarding guidance counselors and social workers in schools. A hearing was previously held on September 29, 2014 and amendments were made to reflect information and recommendations gathered at that time. The Introduction was passed by a vote of 15-0.

#### BACKGROUND

According to the Department of Education (DOE), services provided by school counselors in New York City public schools are guided by the standards of the American School Counselor Association (ASCA) and address the three domains of the ASCA model: academic success, personal-social development, and post-secondary planning.<sup>1</sup> Despite a growing awareness of the importance and effectiveness of guidance services by leaders at the City, State and national levels, serious obstacles remain to the goal of providing access to high-quality comprehensive counseling programs for all students at all schools. Impediments include the volume of responsibilities and tasks required of school counselors, an insufficient number of counselors leading to overly large caseloads, as well as limited time, training, support and supervision for counselors.

One of the main concerns regarding guidance counselor services is the high student-to-counselor ratios, which research shows to negatively affect student outcomes.<sup>2</sup> According to a 2012 report by the New York City Comptroller's Office, more than 50% of students in City high schools have a student-to-counselor ratio greater than 250:1, ASCA's suggested limit.<sup>3</sup> A particular area of concern is the lack of counselors to assist students with college preparation. Some charge that there are too few guidance counselors dedicated to college advisement resulting in high caseloads that prevent students from getting the individual attention necessary to assist with such things as college applications and financial aid.<sup>4</sup> Although a few schools use an "advisory" model where teachers and other staff members are each assigned to meet with a smaller group, typically 10-15 students, on an ongoing basis and can assist with some college advisory tasks, this model does not appear to be in widespread use. Results from a 2005 survey of high school youth show that 66% of

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

<sup>1</sup> DOE website, "Guidance and School Counseling," accessed on 9/25/14 at <http://schools.nyc.gov/StudentSupport/GuidanceandCounseling/default.htm>.

<sup>2</sup> Carey, J.C., & Harrington, K. M. *Nebraska school counseling evaluation report and Utah school counseling evaluation report*, Amherst, MA: Center for School Counseling Outcome Research and Evaluation, 2010, accessed on 9/25/14 at <http://www.umass.edu/schoolcounseling/uploads/Research-Brief-8.2.pdf>.

<sup>3</sup> Office of the New York City Comptroller, *The Power of Guidance: Giving High School Students the College Counseling They Need*, October 04, 2012.

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

students in large schools and 50% in small schools said they were never, rarely, or only sometimes able to get help at school when they had questions about college.<sup>5</sup>

Anecdotal reports from school counselors often cite time constraints as one of the chief impediments to providing adequate guidance services to students. In addition to other tasks, school counselors work with special education students on development of their Individualized Education Plans (IEP) and, when the IEP specifies that the student needs counseling, the counselor must provide such "mandated counseling" before providing any services for general education students.<sup>6</sup> Additionally, school counselor responsibilities include administrative activities and paperwork, including processing admissions documents, reviewing student transcripts and mailing graduation requirements to parents. Counselors also are responsible for verifying credits earned for summer, extended day, and night classes, and planning for transfer students, over-the-counter students, and those returning from suspensions and the juvenile court system.<sup>7</sup> High school counselors must maintain DOE "Graduation Requirements Binders" to track student progress, and track and record absences, lateness, and cutting, and then follow up on truant students with phone calls or letters home, all of which detracts from the time available for direct services to students.<sup>8</sup> Time is an even bigger constraint for the many counselors who are forced to split their time among two or more schools.

At the September 29, 2014, hearing of the Committee on Education, the DOE testified that the City school system included 3,100 guidance counselors and 1,400 social workers.<sup>9</sup> The DOE, however, could not provide the number of guidance counselors and social workers in individual schools, or the counselor to student ratio.<sup>10</sup> Recently, the DOE established the Office of Guidance and School Counseling, which supports the work of guidance counselors and social workers.<sup>11</sup> Since the formation of the new Office, over 250 new counselors have been hired across the system.<sup>12</sup> Despite the DOE's recent emphasis on school guidance counselors and social workers, several students testified before the Committee that it is common for students to only meet with their counselors twice a semester in order to set up and correct their academic schedules, and often only students with disciplinary issues are able to meet with the counselors.<sup>13</sup> However, additional students testified that their schools had an abundance of counselors that provided close and regular assistance,<sup>14</sup> emphasizing the discrepancy across the system.

#### ANALYSIS

Int. No. 403-A would require the Department of Education (DOE) to submit to the Council and post on the DOE's website an annual report each December 15th regarding guidance counselors and social workers for the current school year. The proposed bill would require DOE to report: (i) the number of full and part-time guidance counselors and social workers in each school, (ii) the guidance counselor and social worker to student ratio in each school, (iii) whether the guidance counselor or social worker is providing counseling assistance to more than one school, (iv) the number of guidance counselors and social workers who provide counseling services as mandated by an individualized education program, (v) the number of staff in each school who received professional development or training in postsecondary planning as of the prior school year, and (vi) the number of licensed and certified bilingual guidance counselors and social workers in each school. The bill would also include the number of guidance counselors and social workers in the absent teacher reserve pool for grades seven through twelve, and information regarding any guidance memorandums issued by the department regarding college preparedness. The bill would require the report to also include demographic information for students in each school, including, but not limited to race, ethnicity, English language learner status, special education status, and the percentage of students eligible for free and reduced price lunch.

After the first hearing, the bill was amended to include social workers as a distinct category, because social workers have a different license than guidance counselors, but provide similar serves to students. The bill was also amended to add provisions requiring reporting on the number of staff in each school who have received college readiness training and the number of bilingual certified guidance counselors and social workers.

**(The following is the text of the Fiscal Impact Statement for Int. No. 403-A:)**

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

<sup>5</sup> Garvey, John, "Are New York City's Public Schools Preparing Students for Success in College?" *Annenberg Institute for School Reform at Brown University*, September 2009, accessed at <http://annenberginstitute.org/publication/are-new-york-citys-public-schools-preparing-students-success-college>.

<sup>6</sup> Office of the New York City Comptroller, *The Power of Guidance: Giving High School Students the College Counseling They Need*, October 04, 2012.

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

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

<sup>9</sup> Testimony Lois Herrera, Senior Executive Director, Office of Guidance and School Counseling, Department of Education, before the Committee on Education, New York City Council (Sept. 29, 2014).

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

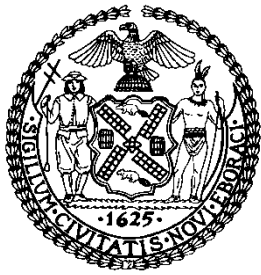
<sup>11</sup> *Id.*

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

<sup>13</sup> *Id.*

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





**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO. 403-A**  
**COMMITTEE: Education**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding guidance counselors and social workers in schools.

**SPONSORS:** Council Members Reynoso, Dickens, Koo, Rose, Rodriguez, Menchaca, Mendez, Constantinides, Kallos, Gentile, Chin, Cohen, Levin, Deutsch, Gibson, Torres, Eugene, and Espinal.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 403-A would require the Department of Education (DOE) to submit to the Council and post on the DOE’s website an annual report each February 15<sup>th</sup> regarding guidance counselors and social workers for the current school year. The proposed bill would require DOE to report: (1) the number of full and part-time guidance counselors and social workers in each school; (2) the guidance counselor and social worker to student ratio in each school; (3) whether the guidance counselor or social worker is providing counseling assistance to more than one school; (4) the number of guidance counselors and social workers who provide counseling services as mandated by an IEP as of December 15 of the current school year; (5) the number of staff in each school who received professional development or training in postsecondary planning as of the prior school year; and (6) the number of licensed and certified bilingual guidance counselors and social workers in each school. Proposed Int. No. 403 would also require the annual reports to include the number of guidance counselors and social workers in the absent teacher reserve pool for grades seven through twelve, and information regarding any guidance memorandums issued by the department regarding college preparedness. The proposed bill would also require the reports to include demographic information for students in each school, including, but not limited to race, ethnicity, English language learner status, special education status, and the percentage of students eligible for free and reduced price lunch pursuant to guidelines promulgated by the United States department of agriculture.

**Effective Date:** This local law would take effect immediately after its enactment into law

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

**FISCAL IMPACT STATEMENT:**

	Effective FY15	F Y16	Full Fiscal Impact FY15
<b>Revenues (+)</b>	\$0	\$ 0	\$0
<b>Expenditures (-)</b>	\$0	\$ 0	\$0
<b>Net</b>	\$0	\$ 0	\$0

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

**IMPACT ON EXPENDITURES:** This legislation would have no impact on expenditures because the DOE will collect and report the data with existing resources.

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

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

**ESTIMATE PREPARED BY:** Madina Nizamitdin, Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Regina Poreda Ryan, Deputy Director, Finance Division  
 Tanisha Edwards, Chief Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced on June 26, 2014 as Intro. 403 and referred to the Committee on Education. The Committee on Education held a hearing on Intro. 403 on September 29, 2014 and the legislation was laid over. An amended version of the legislation, Proposed Intro. 403-A, will be considered by the Committee on Education on October 20, 2014, and upon successful vote of the Committee, Proposed Intro. 403-A will be submitted to the Full Council for a vote on October 22, 2014.

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

**(The following is the text of Int. No. 403-A:)**

Int. No. 403-A

By Council Members Reynoso, Dickens, Koo, Rose, Rodriguez, Menchaca, Mendez, Constantinides, Kallos, Gentile, Chin, Cohen, Levin, Deutsch, Gibson, Torres, Eugene, Espinal, Barron, Williams, Levine, Maisel, Treyger, Dromm, Lander, Van Bramer, Crowley and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding guidance counselors and social workers in schools.**

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

*Chapter 3. Reporting on Guidance Counselors and Social Workers*

§ 21-952 Annual reporting on guidance counselors and social workers. a. For the purposes of this section, the following terms shall have the following meanings:

1. “Guidance counselor” means any personnel, licensed and certified by New York state as a school counselor, hired to provide individual or group counseling assistance to students in the elementary, middle, or high school grades, within the city school district of the city of New York.

2. “Social worker” means any personnel, licensed and certified by New York state as a school social worker, hired to provide individual or group counseling assistance to students in the elementary, middle, or high school grades, within the city school district of the city of New York.

3. “Individualized education program (IEP)” means a written statement, developed, reviewed and revised in accordance with section 200.4 of title 8 of the compilation of codes, rules, and regulations of the state of New York, provided to meet the unique educational needs of a student with a disability.

b. Not later than February 15, 2015, and annually thereafter, the department shall submit to the council and post on the department’s website a report of information regarding guidance counselors and social workers for the current school year. Such report shall include, but not be limited to: (i) the number of full and part-time guidance counselors and social workers in each school, (ii) the guidance counselor and social worker to student ratio in each school, (iii) whether the guidance counselor or social worker is providing counseling assistance to more than one school, (iv) the number of guidance counselors and social workers who provide counseling services as mandated by an IEP as of December 15 of the current school year, (v) the number of staff in each school who received professional development or training in postsecondary planning as of the prior school year, and (vi) the number of licensed and certified bilingual guidance counselors and social workers in each school. Such report shall also include the number of guidance counselors and social workers in the absent teacher reserve pool for grades seven through twelve, and information regarding any guidance memorandums issued by the department regarding college preparedness. Such report shall include demographic information for students in each school, including, but not limited to race, ethnicity, English language learner status, special education status, and the percentage of students eligible for free and reduced price lunch pursuant to guidelines promulgated by the United States department of agriculture.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

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

DANIEL DROMM, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, JUMAANE D. WILLIAMS, ANDY L. KING, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, MARK TREYGER; Committee on Education, October 20, 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 Finance**

Report for Int. No. 438

**Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to the establishment of the West Shore business improvement district.**

The Committee on Finance, to which the annexed proposed local law was referred on August 21, 2014 (Minutes, page 3111), respectfully

**REPORTS:**

**ANALYSIS:**

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts.

Business Improvement Districts (“BIDs”) are specifically defined areas of designated properties. They use the City’s real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BID’s additional services would be in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by Chapter 4 of Title 25 of the Administrative Code, the City Council adopted Resolution 381, which set the hearing date for the BID’s District Plan and its enacting legislation for Wednesday, September 10, 2014.

Prior to the Council’s action, the Community Board for the district in which the proposed BID is located -- Community Board 2 of Staten Island -- voted to approve the Plan on May 20, 2014. The City Planning Commission (“CPC”) reviewed the Plan and held a public hearing on the Plan on June 11, 2014. The CPC approved a resolution on July 9, 2014 (Calendar No. 7), which certified the CPC’s unqualified approval of the Plan.

Resolution 381, approved by the Finance Committee and adopted by the Council on August 21, 2014, set the date for the hearing and directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record not less than 10 nor more than 30 days before this Public Hearing and the West Shore Business Improvement District Steering Committee was directed to mail the Resolution or its summary to each owner of real property within the BID, to such other persons as are registered with the City to receive tax bills for property within the BID and to occupants of each building within the BID, also not less than 10 nor more than 30 days before the public hearing.

The public hearing to consider both the plan itself and the enacting legislation, according to the provisions of the law, is to be closed without a vote. The Committee then must wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after the public hearing serves as an objection period. Any property owner may, during this time period, formally object to the BID’s District Plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such plan.

When the Committee considers the legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the district's boundaries benefit from the establishment of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the district included within the district?; and
4. Is the establishment of the district in the best interests of the public?;

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

This local law takes effect after all requirements contained in chapter four of title 25 are complied with.

**SEPTEMBER 10, 2014 HEARING**

On September 10, 2014, as set forth in Resolution 381, the Finance Committee held a public hearing to consider Intro. No. 438 that would establish the West Shore BID. Representatives of the Department of Small Business Services and the West Shore BID Steering Committee testified in support of the BID’s establishment. As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the District Plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

**WEST SHORE BID DETAILS**

The proposed West Shore BID (hereinafter the “District”) is located in the borough of Staten Island and is generally bounded by Bloomfield Avenue to the north, the Arthur Kill to the west, Meredith Avenue to the south, and the West Shore Expressway to the east. The District is located within manufacturing and commercial zones, with a portion of the land being publicly owned by the City or State of New York including some designated wetlands.

The District represents 72 tax lots and is located in Staten Island Community Board 2. Of the 72 tax lots, 52 are privately-owned and 20 are publicly-owned. Located on the 52 privately-owned tax lots are 42 businesses, including 25 industrial or transportation businesses, 13 commercial businesses, and 1 not-for-profit business.

The District will be managed by the West Shore BID Management Association, Inc. Services to be provided within the District include: sanitation and maintenance (to address illegal dumping and abandoned cars and to maintain various medians); district-wide improvements (including wayfinding and streetscape improvements, such as signage); security services (such as night and weekend security patrols); and administrative and advocacy services.

Sanitation and Maintenance	\$24,000
District-wide Improvements	\$6,000
Security Services	\$17,420
General & Administrative Expenses and Advocate Salary	\$63,000

The budget for the first year of operation is \$110,420. All properties within the District devoted in whole or in part to industrial or commercial uses and/or vacant but developable properties will be assessed at a base contribution of \$1,000 per parcel and then further assessed at a contribution based on the property’s assessed value and lot size. The average annual assessment will be approximately \$2,200, the median annual assessment will be approximately \$1,400, and no assessment may be more than \$8,000. Not-for-profit owned property devoted wholly to public or not-for-profit use and publicly-owned property are exempt from assessment. Residential properties, of which there are none in the District, and wetland parcels, will be assessed \$1 per year.

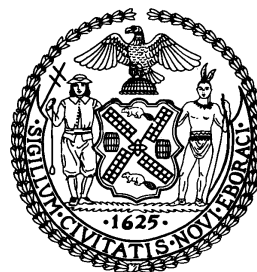
**OCTOBER 22, 2014 HEARING**

The objection period for the establishment of the BID closed on October 14, 2014 at 5:00 p.m. According to the City Clerk, out of the 27 property owners located in the proposed BID, none filed an objection to the establishment of the BID.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, at today’s hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined on page 3 of this report, then the legislation can be adopted, and the BID will be established.

**(For text of the BID Plan, please refer to the Office of the City Clerk at 141 Worth Street, Executive Offices (1st Floor), New York, N.Y. 10013)**

*The following is the text of the Fiscal Impact Statement for Int. No. 438:*



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

**INTRO. NO: 438  
COMMITTEE: Finance**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the West Shore business improvement district. **Sponsor:** By Council Members Ferreras, Matteo, Gentile and Ignizio (by request of the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would amend Chapter 5 of title 25 of the administrative code of the city of New York by adding a new section 25-485 to establish a business improvement district (“BID”) in the borough of Staten Island to be known as the West Shore Business Improvement District (the “District”).

**EFFECTIVE DATE:** This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York, which requires that the New York State Comptroller conduct a review to determine that the relevant tax and debt limitations will not be exceeded by the establishment of the District.

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 (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES AND EXPENDITURES:** This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the administrative code of the city of New York, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The West Shore BID will be funded through a self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2015 will be \$110,420. This amount will cover the BID's expenses, as proposed by its first year budget. Subsequent budgets will be determined on a yearly basis with a maximum annual expenditure thereafter to operate the BID of \$1,104,200.

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

**SOURCE OF INFORMATION:** NYC Council Finance Division  
Department of Small Business Services

**ESTIMATE PREPARED BY:** Rebecca Chasan, Assistant Counsel, Finance Division

**ESTIMATE REVIEWED BY:** Tanisha Edwards, Chief Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 438 by the Council on August 21, 2014 and referred to the Committee on Finance. A hearing was held by the Committee on September 10, 2014 and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 438 will be considered again by the Committee on Finance on October 22, 2014 and, upon a successful vote by the Committee, Intro. No. 438 will be submitted to the full Council for a vote on October 22, 2014.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 438:)**

Int. No. 438

By Council Members Ferreras, Matteo, Gentile and Ignizio (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the West Shore business improvement district.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-486 to read as follows:

§ 25-486 *West Shore business improvement district.* a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Staten Island, the West Shore business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the West Shore business improvement district is based.*

c. *The district plan shall not be amended except in accordance with chapter four of this title.*

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, October 22, 2014. *Other Council Members Attending: Matteo*

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 Res. No. 450

**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 preconsidered resolution was referred on October 22, 2014, 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 22, 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 amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget and local 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.

This resolution sets forth the new designation and the 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 changes in the designation of a certain organization 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; amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget, as described in Chart 13; and amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as described in Chart 14.

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 the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the changes in the designation of a certain organization, specifically a name change, receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget.



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 Adult Literacy Initiative in accordance with the Fiscal 2015 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 5 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 6 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 7 sets forth the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 8 sets forth the new designation and 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 9 sets forth the changes in the designation of a certain organization, specifically a name change, receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Discretionary Childcare Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 11 sets forth the new designation of a certain organization receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 12 sets forth the changes in the designation of a certain organization, specifically the addition of a fiscal conduit, receiving funding pursuant to the Anti-Gun Initiative – Community-Based Programs in accordance with the Fiscal 2015 Budget.

Chart 13 amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget.

Chart 14 amends the description for the Description/Scope of Services for certain organizations receiving local 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 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. 450:)**

Res. No. 450

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

By Council Members Ferreras 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 the 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 changes in the designation of a certain organization 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 Adult Literacy 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 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 5; 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 6; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) 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 and 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 8; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Worker Cooperative Business Development 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 Discretionary Childcare 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 new designation of a certain organization receiving funding pursuant to the Stabilizing NYC 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 changes in the designation of a certain organization receiving funding pursuant to Anti-Gun Violence Initiative – Community-Based 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 description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 14.

**ATTACHMENT:**

CHART 2: Aging Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Consult/Sponsoring Organization	Fiscal Consult EIN
Roseenthal	Dora-Lincoln House Outreach	13-3665207	DFTA	\$5,000.00	125	003		
	Lincoln House Outreach, Inc.	13-3665207	DFTA	\$5,000.00	125	003		

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

CHART 1: Local Initiatives - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Consult/Sponsoring Organization	Fiscal Consult EIN
Tragler	New York City Housing Authority - Unity Towers TA Coney	13-6400434	NYCHA	\$2,000.00	088	002		
	New York City Housing Authority - Unity Towers TA Coney Island 1	13-6400434	NYCHA	\$2,000.00	098	002		
Comery	81st Precinct Community Council	80-0901280	DYCD	\$5,000.00	260	312		
Comery	81st Precinct Community Council	80-0901280	DYCD	\$5,000.00	260	315		
Ulrich	Department of Sanitation **	31-1501393	DYCD	\$3,000.00	260	005		
Ulrich	Department of Sanitation **	13-6400434	DSNY	\$3,000.00	827	109		
Vilona	St. Mark's Athletic Association	11-1646313	DFTA	\$3,500.00	125	003		
Vilona	Church of St. Mark's Leisure Club	11-1646313	DFTA	\$3,500.00	125	003		
Vilona	St. Mark's Athletic Association	11-1646313	DFTA	\$3,500.00	125	003		
Eugene	Friends of Brooklyn Community Board 9, Inc. **	45-3110977	DSBS	\$2,000.00	801	002		
Eugene	Friends of Brooklyn Community Board 9, Inc. **	45-3110977	DSBS	\$2,000.00	801	005		
Eugene	Friends of Brooklyn Community Board 9, Inc. **	45-3110977	DSBS	\$2,000.00	801	002		

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

CHART 3: Youth Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Consult/Sponsoring Organization	Fiscal Consult EIN
Ulrich	St. Cecilia Catholic Academy	11-2202386	DYCD	\$3,000.00	260	312		
Ulrich	St. Cecilia Catholic Academy	11-2202386	DYCD	\$3,000.00	260	312		
Vilona	St. Agnes Academic High School	11-2164059	DYCD	\$3,000.00	260	312		
Vilona	St. Agnes Academic High School	11-2164059	DYCD	\$3,000.00	260	312		
Vilona	Ally Pond Environmental Center, Inc.	11-2405486	DYCD	\$4,000.00	260	312		
Vilona	New York Junior Tennis League, Inc.	23-7442296	DYCD	\$6,000.00	260	312		

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

CHART 4: Adult Literacy Initiative - Fiscal 2015

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A
Bronx Delegation	Department of Youth and Community Development **	13-6400434	DYCD	\$147,000.00	260	005
Bronx Delegation	BronxWorks, Inc.	13-3254484	DYCD	\$10,000.00	260	005
Bronx Delegation	Fordham Bedford Community Services - Children's Services	13-3805049	DYCD	\$20,000.00	260	005
Bronx Delegation	Kingsbridge Heights Community Center, Inc.	13-2813809	DYCD	\$20,000.00	260	005
Bronx Delegation	Mercy Center	13-3865634	DYCD	\$20,000.00	260	005
Bronx Delegation	Moshulu-Montefiore Community Center, Inc.	13-3622107	DYCD	\$20,000.00	260	005
Bronx Delegation	Phillis Community Development Corporation	13-2707665	DYCD	\$20,000.00	260	005
Bronx Delegation	South Bronx Overall Economic Development Corporation	13-2736022	DYCD	\$17,000.00	260	005
Bronx Delegation	New York Public Library **	13-6400434	NYPL	\$20,000.00	037	006
Manhattan Delegation	African Services Committee	13-3749744	DYCD	\$1,486.00	260	005
Manhattan Delegation	Chicatown Manpower Project, Inc.	13-2755214	DYCD	\$1,487.00	260	005
Manhattan Delegation	College of Mount Saint Vincent	13-1740445	DYCD	\$11,869.00	260	005
Manhattan Delegation	Forums Society, Inc. - The	13-2645436	DYCD	\$1,486.00	260	005
Manhattan Delegation	Inwood Community Services	13-3087407	DYCD	\$1,486.00	260	005
Manhattan Delegation	Little Sisters of the Assumption Family Health Service, Inc.	13-2687881	DYCD	\$11,869.00	260	005
Manhattan Delegation	Union Settlement Association, Inc.	13-1632550	DYCD	\$14,961.00	260	005
Manhattan Delegation	Urban Justice Center	13-3442022	DYCD	\$1,486.00	260	005
Manhattan Delegation	Young Men's and Young Women's Hebrew Association of Washington Heights and Inwood	13-1635308	DYCD	\$1,486.00	260	005

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

CHART 5: Cultural After-School Adventure (CASA) - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Richards	Queens Botanical Garden Society, Inc. - Public School 253	11-1635083	DCLA	(\$20,000.00)	126	003
Richards	Merquis Studios, Ltd. - Public School 253Q	13-3047206	DCLA	\$20,000.00	126	003
Valione	Conrad Poppenhusen Association - Public School 79 Francis Lewis	11-1635524	DCLA	(\$20,000.00)	128	003
Valione	Conrad Poppenhusen Association - Public School 29	11-1635524	DCLA	\$20,000.00	128	003
Arroyo	Society of the Educational Arts, Inc. (SEA) - South Bronx Charter School for the Internat	11-3210593	DCLA	(\$20,000.00)	128	003
Arroyo	Renaissance - EMS - South Bronx Charter School for the International Cultures and the A	13-4122438	DCLA	\$20,000.00	128	003
Barron	Men Upl - Van Sicken Community School **	03-0553092	DYCD	(\$20,000.00)	260	312
Barron	Men Upl - Van Sicken Community School **	03-0553092	DYCD	\$20,000.00	260	312
Barron	Men Upl - PS 166 **	03-0553092	DYCD	(\$20,000.00)	260	312
Barron	Men Upl - PS 166 **	03-0553092	DYCD	\$20,000.00	260	312
Gibson	Woodforest Center for Human Development - PS 126 **	13-3184179	DCLA	(\$20,000.00)	128	003
Gibson	Woodforest Center for Human Development - PS 126 **	13-3184179	DYCD	\$20,000.00	260	312
Greenfield	Jewish Children's Museum - Beth Jacob of Boro Park **	13-3796344	DCLA	(\$20,000.00)	128	003
Greenfield	Jewish Children's Museum - Beth Jacob of Boro Park **	13-3796344	DYCD	\$20,000.00	260	312
Greenfield	Jewish Children's Museum - Mesores Bais Yaakov **	13-3796344	DCLA	(\$20,000.00)	128	003
Greenfield	Jewish Children's Museum - Mesores Bais Yaakov **	13-3796344	DYCD	\$20,000.00	260	312
Cabrera	Education Through Music, Inc.	13-3613210	DYCD	(\$20,000.00)	126	003
Cabrera	Brooklyn Conservatory of Music	11-1524246	DCLA	\$20,000.00	126	003

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

CHART 6: Food Pantries - Fiscal 2015

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Manhattan Delegation	Department of Youth and Community Development	13-5400434	DYCD	(\$47,520.00)	260	005
Manhattan Delegation	West Side Center for Community Life	71-0908184	DYCD	\$11,880.00	260	005
Manhattan Delegation	Food Bank for New York City, The	13-3179546	DYCD	\$11,880.00	260	005
Manhattan Delegation	Park Avenue Synagogue	13-1860028	DYCD	\$23,760.00	260	005 *

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

CHART 7: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Crowley	Mayor's Office of Criminal Justice	13-6400434	MOCCJ	(\$73,333.00)	098	002
Crowley	Sanctuary for Families, Inc.	13-3183719	MOCCJ	\$35,833.00	098	002
Crowley	Day One New York, Inc.	06-1103000	MOCCJ	\$7,500.00	098	002
Crowley	New Destiny Housing Corporation	13-3776488	MOCCJ	\$25,000.00	098	002
Crowley	Dominican Women's Development Center	13-3583865	MOCCJ	\$5,000.00	098	002

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

CHART 8: NYC Cleanup Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Rodriguez	Centro Altagracia de Fa Y Justicia	16-1765323	DYCD	(\$30,827.00)	260	005
Rodriguez	Northern Manhattan Coalition For Immigrants Rights	13-3255591	DYCD	\$30,827.00	260	005 *

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

CHART 10: Discretionary Child Care Initiative - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agcy #	U/A	*
Parkside Early Childhood Development Center	11-2248037	ACS	(\$95,000.00)	068	004	
Catholic Charities Neighborhood Services, Inc.	11-2047151	ACS	\$85,000.00	068	004	

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

CHART 9: Worker Cooperative Business Development Initiative - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agcy #	U/A	*
Center for Family Life	11-2777086	DSBS	(\$139,650.00)	801	002	
SCO Family of Services-Center For Family Life	11-2777086	DSBS	\$139,650.00	801	002	

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

CHART 12: Anti-Gun Violence Initiative - Community-Based Programs - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit EIN	*
Georgias Making Astronomical Community Changes, Inc.	45-3359451	DOHMH	(\$250,000.00)	810	114		
Georgias Making Astronomical Community Changes, Inc.	45-3359451	DOHMH	\$250,000.00	810	114	Public Health Solutions	13-666201

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

CHART 11: Stabilizing NYC Initiative - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agcy #	U/A	*
Department of Housing Preservation and Development	13-6400434	HPD	(\$1,000,000.00)	806	009	
Urban Justice Center	13-3442022	HPD	\$1,000,000.00	806	009	

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



CHART 13: Purpose of Funds Changes - Fiscal 2015

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Conroy	814 Precinct Community Council	80-0901780	DYCD	(\$5,000.00)	To provide annual event consisting of entertainment and services to youth members of the community.
Local	Conroy	814 Precinct Community Council	80-0901780	DYCD	\$5,000.00	To provide annual events consisting of entertainment and services to youth and other members of the community.
New York Academy of Medicine - Age Friendly NYC		New York Academy of Medicine	13-1659874	DFTA	(\$40,000.00)	This allocation will create an Aging Improvement District in one new Council District and will support the current Aging Improvement District in Council District 8.
New York Academy of Medicine - Age Friendly NYC		New York Academy of Medicine	13-1659874	DFTA	\$40,000.00	This action supports the creation of aging improvement districts in ten neighborhoods.
Local	Speaker	New York Restoration Project	13-3660056	DYCD	(\$100,000.00)	Seeking to provide free community garden needs for GHS for outdoor space, the City Children Institute education series and Garden Groves outdoor concerts. The goal will reach at-risk youth through out-of-school-time programs like Naturemania, Nature University Summer Camp, Youth Environmental Service Days, camps, and our 8th Annual Garden Project (NYRTP's Garden Growing program offers hands-on garden education for K-5 students enrolled in NYC Department of Education schools. Participating students and their teachers walk to nearby NYRTP community gardens for a hands-on learning experience. The program includes a variety of activities including urban agriculture, horticulture, plant anatomy, nutrition, and composting - while providing students with the kind of hands-on environmental education that could not be accomplished in a classroom.
Local	Speaker	New York Restoration Project	13-3660056	DYCD	\$100,000.00	Seeking to provide free community garden needs for GHS for outdoor space, the City Children Institute education series and Garden Groves outdoor concerts. The goal will reach at-risk youth through out-of-school-time programs like Naturemania, Nature University Summer Camp, Youth Environmental Service Days, camps, and our 8th Annual Garden Project (NYRTP's Garden Growing program offers hands-on garden education for K-5 students enrolled in NYC Department of Education schools. Participating students and their teachers walk to nearby NYRTP community gardens for a hands-on learning experience. The program includes a variety of activities including urban agriculture, horticulture, plant anatomy, nutrition, and composting - while providing students with the kind of hands-on environmental education that could not be accomplished in a classroom.
Hepatitis BC		African Services Committee	13-3749744	DOHMH	(\$40,410.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		After Hours Project, Inc.	33-1007778	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		AIDS Center of Queens County, Inc.	11-2637964	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Belmont Hospital (Health and Hospital Corporation)	13-6400434	DOHMH	(\$90,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.

\* Indicates pending completion of pre-qualification review.

CHART 13: Purpose of Funds Changes - Fiscal 2015 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Hepatitis BC		BOOMHealth (d.b.a. CtrWide Harm Reduction Program, Inc.)	13-4008117	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		BOOMHealth (d.b.a. CtrWide Harm Reduction Program, Inc.)	13-4008117	DOHMH	(\$53,880.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Cherie B. Wang Community Health Center	13-2739694	DOHMH	(\$40,410.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Community Health Action of Staten Island	13-3556132	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Community Healthcare Network, Inc.	13-3033068	DOHMH	(\$53,880.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Empire Liver Foundation	46-2121959	DOHMH	(\$139,190.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Family Services Network of New York	11-2592851	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Fund for Public Health	050539199	DOHMH	(\$54,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.

\* Indicates pending completion of pre-qualification review.

CHART 13: Purpose of Funds Changes - Fiscal 2015 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Hepatitis BC		Positive Health Project	13-3843035	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Praxis Housing Initiatives, Inc.	13-3832229	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Public Health Solutions	13-5668201	DOHMH	(\$16,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Safe Horizon, Inc. (Shekewok)	13-2948970	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		St. Ann's Corner of Harm Reduction	13-3724029	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Voices of Community Activists & Leaders (VOCAL-NY)	13-4944386	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Washington Heights Corner Project	20-8672016	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		African Services Committee	13-3749744	DOHMH	\$40,410.00	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.

\* Indicates pending completion of pre-qualification review.

CHART 13: Purpose of Funds Changes - Fiscal 2015 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Hepatitis BC		Harlem United Community AIDS Center, Inc.	13-3461696	DOHMH	(\$5,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Harlem United Community AIDS Center, Inc.	13-3461696	DOHMH	(\$53,880.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Harm Reduction Coalition	94-3204959	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Housing Works, Inc.	13-3594089	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Korean Community Services	23-7348899	DOHMH	(\$40,410.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Lower East Side Harm Reduction Center, Inc.	13-3727641	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		Montefiore Comprehensive Health Care Center	13-1740114	DOHMH	(\$53,880.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.
Hepatitis BC		New York Harm Reduction Educators, Inc.	13-3876499	DOHMH	(\$9,000.00)	This initiative will fund the training of local health providers to test for Hepatitis B and C; to fund outreach and screening by DOHMH and local CBOs to encourage testing for Hepatitis B or C. Hepatitis B & C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver cancer.

\* Indicates pending completion of pre-qualification review.





CHART 13: Purpose of Funds Changes - Fiscal 2015 (continued)

Source	Member	Organization	EN Number	Agency	Amount	New Purpose of Funds
Hepatitis B/C		Voices of Community Activists & Leaders (VOCAL-NY)	13-4984385	DOHMH	\$8,000.00	This initiative will fund the training of local health providers to test for Hepatitis B and C; Hepatitis B and C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver disease. The Department of Public Health of New York (DPHNY) will administer the contracts to a number of organizations.
Hepatitis B/C		Washington Heights Corner Project	20-8672015	DOHMH	\$8,000.00	This initiative will fund the training of local health providers to test for Hepatitis B and C; Hepatitis B and C are potentially fatal diseases widespread in NYC that are usually asymptomatic until a person is suddenly diagnosed with advanced liver disease. The Department of Public Health of New York (DPHNY) will administer the contracts to a number of organizations.

\* Indicates pending completion of pre-qualification review.

CHART 14: Purpose of Funds Changes - Fiscal 2014

Source	Member	Organization	EN Number	Agency	Amount	New Purpose of Funds
Local	Speaker	Missa The Board, New York	11-5344389	DYCD	\$75,000.00	To support the English Economic Literacy Program which combines high-quality English instruction, financial literacy education, job training placement to help immigrants gain skills in the U.S. with citizenship education with holistic educational, cultural and career support.
Local	Speaker	Missa The Board New York	11-5344389	DYCD	\$76,000.00	To provide a safe, positive environment for the teens and young people of our community - a place that is needed in our community. Funding will be used to extend the program to other parts of the city.
Local	Miller	Lutheran Church of Our Savior	11-5885842	DYCD	(\$3,000.00)	Funds will be used to offset the expenses of our CrossWalk Youth program - an after-school program for at-risk youth. The program includes a variety of activities including: tutoring, art, music, and sports. The program also includes support for specific activities, special event fees for adult volunteer staff, or the cost of venue, food, entrance fees, etc. for service projects so that youth would not pay for these activities.
Local	Miller	Lutheran Church of Our Savior	11-5885842	DYCD	\$3,500.00	Funds will be used to offset the expenses of our CrossWalk Youth program - an after-school program for at-risk youth. The program includes a variety of activities including: tutoring, art, music, and sports. The program also includes support for specific activities, special event fees for adult volunteer staff, or the cost of venue, food, entrance fees, etc. for service projects so that youth would not pay for these activities.
Local	Speaker	Thirteen	13-1945148	DYCD	(\$25,000.00)	Funds will be used to offset the expenses of our CrossWalk Youth program - an after-school program for at-risk youth. The program includes a variety of activities including: tutoring, art, music, and sports. The program also includes support for specific activities, special event fees for adult volunteer staff, or the cost of venue, food, entrance fees, etc. for service projects so that youth would not pay for these activities.
Local	Speaker	Thirteen	13-1945148	DYCD	\$25,000.00	Funds will be used to offset the expenses of our CrossWalk Youth program - an after-school program for at-risk youth. The program includes a variety of activities including: tutoring, art, music, and sports. The program also includes support for specific activities, special event fees for adult volunteer staff, or the cost of venue, food, entrance fees, etc. for service projects so that youth would not pay for these activities.

\* 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, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, October 22, 2014. *Other Council Members Attending: Matteo*

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 Immigration

Report for Int. No. 486-A

**Report of the Committee on Immigration 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 persons not to be detained by the department of correction.**

The Committee on Immigration, to which the annexed amended proposed local law was referred on October 7, 2014 (Minutes, page 3582), respectfully

REPORTS:

I. INTRODUCTION

On October 20, 2014, the Committee on Immigration, chaired by Council Member Carlos Menchaca, will vote on Proposed Introductory Bill Number 487-A (“Int. No. 487-A”), 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, and Proposed Introductory Bill Number 486-A (“Int. No. 486-A”), 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. The Committee previously held a hearing on Int. No. 487 and Into No. 486 on October 15, 2014.

II. BACKGROUND

There are nearly 40 million immigrants living in the United States, more than half of which may be subject to deportation<sup>1</sup> simply because of their immigration status.<sup>2</sup> Over the past five years, amplified deportation efforts by the federal government have led to an increase in the number of immigrants being deported from the United States. Since 2009, Immigration and Customs Enforcement (“ICE”), a division of the Department of Homeland Security (“DHS”), has been responsible for the most deportations in the nation’s history, removing approximately 400,000 immigrants each year.<sup>3</sup> The negative impacts of the Criminal Alien Program (“CAP”), through which ICE cooperates with law enforcement to identify incarcerated individuals who may be subject to deportation, and the Secure Communities program, which facilitates the rapid identification of arrested individuals in New York City who may be subject to deportation, have been well documented. The programs have resulted in the deportation of countless New Yorkers who pose no threat to public safety, many of whom have lived in the City for years, built families, work and pay taxes. Further, the fear of deportation due to cooperation between City agencies and ICE negatively affects community policing, and the willingness of immigrant crime victims and immigrant witnesses to report crimes.

Honoring the thousands of detainer requests launched by ICE has also resulted in a financial burden for the city of New York. DOC’s estimated marginal cost to house an inmate is about \$76 per day.<sup>4</sup> Individuals subject to ICE detainers are often in DOC’s custody for an average of 73 days longer than individuals without a detainer.<sup>5</sup> According to DOC, between October 1, 2013 and September 30<sup>th</sup>, 2014, pursuant to ICE detainers, 2,045 individuals were held beyond the time when such individuals would otherwise be released<sup>6</sup>, adding up to approximately \$11.3 million in additional expenses for the City<sup>7</sup>.

Other City agencies also experienced a significant financial burden as a result of ICE detainers. During 2014, New York City had 11,760 children in its foster care system.<sup>8</sup> Nationally, approximately 1.25% of all children in the foster care system have entered the system because a parent was either detained or deported by ICE<sup>9</sup>, translating into approximately 147 children with deported parents in New York City’s foster care system. On average the City spends \$36,000 yearly caring for each child its foster care system,<sup>10</sup> thus, spending approximately \$5.3 million dollars in 2014 caring for the 147 children in the system as a result of the detainer or deportation of a parent. Public welfare agencies have also felt the financial impact of detainers, as approximately 50% of families that have lost a bread-winner to deportation end up relying on public benefits, such as Supplemental Nutrition Program, Supplemental Nutrition Program for Women and Temporary Assistance for Needy Families.<sup>11</sup>

Honoring ICE detainers costs New York City approximately \$17 million dollars per year.<sup>12</sup> This amount accounts for expenses incurred by the City for incarcerating an individual and the cost to the Foster Care system, but does not account for the cost the City incurs in providing social services to the affected families, or the costs incurred by private businesses or the local economy.<sup>13</sup>

The Council has a history of addressing the unfortunate outcomes of CAP and Secure Communities through oversight and the passage of legislation limiting local law enforcement’s cooperation with ICE. Today, the Committee will vote on two bills that will further limit such cooperation.

a. Local Law 62 of 2011

Between October 2005 and December 2010, ICE apprehended more than 34,000 New Yorkers<sup>14</sup> The high number of deportations was attributed, in part, to CAP. Under CAP, ICE is able to identify, process and remove certain individuals whom ICE terms “criminal aliens”<sup>15</sup> and who are incarcerated in federal, state and local prisons and jails throughout the United States.<sup>16</sup> CAP seeks to prevent the release of most “criminal aliens” by securing final orders of removal prior to the termination of their sentences.<sup>17</sup> CAP enforcement activity is conducted by ICE

Enforcement and Removal Operations officers and agents, who are responsible for screening inmates to identify individuals who may be subject to deportation under the program. When such individual is identified, ICE places a “detainer”<sup>18</sup> on that individual. A detainer is a request from ICE to the agency that has custody of the subject of the detainer to hold the subject for 48 hours longer than he or she would normally have been released in order to facilitate his or her removal from the United States.<sup>19</sup> Importantly, detainees are lodged for purposes of enforcing *civil* immigration laws.<sup>20</sup> Upon the implementation of CAP in New York City, the program accounted for nearly 77% of ICE’s apprehensions.<sup>21</sup>

In response to growing concern about CAP and the presence of ICE agents at the Department of Correction’s (DOC) facilities, the Council enacted Local Law 62 of 2011 (“Local Law 62”) to ensure that DOC’s cooperation with ICE was limited to facilitating the detention and removal of criminals and of others who had prior immigration violations, or who posed public safety or national security threats. Specifically, Local Law 62 established guidelines for DOC to follow in determining whether to honor immigration detainers, providing that, among other things, a detainer would not be honored on an individual who had no criminal record. Pursuant to Local Law 62, between March 9 and September 20, 2012, DOC did not honor 267 detainees, which accounted for 20% of the detainees received by DOC from ICE.<sup>22</sup>

On May 15, 2012, subsequent to the enactment of Local Law 62, ICE activated Secure Communities in New York City. ICE began the implementation of the Secure Communities program, nationwide, in 2008 with the stated goal of working with state and local law enforcement agencies to identify and remove “criminal aliens, those who pose a threat to public safety, and repeat immigration violators.”<sup>23</sup> Under Secure Communities, fingerprints of persons arrested are shared electronically with DHS to help ICE determine whether an arrestee may be deportable. Should a person be identified as unlawfully present in the United States, or otherwise be removable due to a criminal conviction, ICE may issue a detainer on the individual. At the time that DHS began implementation of Secure Communities, it did not inform states that participation was mandatory. In fact, New York State, sought to opt-out of Secure Communities on the grounds that among other things, the implementation of the program could result in a high number of immigrants without criminal records being deported, the program had significant potential to result in racial and ethnic profiling, and it failed to provide adequate auditing and oversight. In 2011, however, ICE announced that participation in Secure Communities was mandatory and that states could not “opt-out” of the program or prohibit the information-sharing, which ICE stated was at the “heart” of the program.<sup>24</sup>

#### **b. Local Laws 21 and 22**

The activation of Secure Communities in New York City resulted in detainees being lodged more quickly against deportable individuals, often while those individuals were still in the custody of the New York Police Department (NYPD). Moreover, after the implementation of Local Law 62, research by Council staff, along with advocates and legal practitioners, as well as additional guidance from ICE,<sup>25</sup> led to the conclusion that fewer detainees than originally contemplated by Local Law 62 needed to be honored. In order to address this, the Council enacted Local Law 21 and 22 of 2013.

Generally, these local laws expanded the universe of detainees that could not be honored by the NYPD and DOC by eliminating detainees lodged against those with open misdemeanor cases and those with misdemeanor convictions that were more than 10 years old.

Despite these changes, in 2013 DOC held 3,070 people past when they would otherwise have been released in order for ICE to detain them. Less than .5% of these individuals had a felony conviction, and only 27% had a misdemeanor conviction.<sup>26</sup> According to DOC, between October 1, 2013 and September 30, 2014, DOC transferred 2,061 individuals to ICE pursuant to an immigration detainer. According to NYPD, between October 1, 2013 and September 30, 2014, NYPD received 2,635 immigration detainees; three individuals were transferred to ICE; 179 detainees were not honored.<sup>27</sup>

### **III. INT. NO 487 AND INT. NO. 486**

Since the enactment of Local Laws 21 and 22, significant case law has altered the legal landscape surrounding municipalities’ cooperation with ICE—specifically with ICE detainees pursuant to Title 8 of Federal Code of Regulations (C.F.R.)<sup>28</sup>. Previously, courts held that ICE detainees were mandatory and had to be honored by local authorities.<sup>29</sup> However, in early 2014, the Third Circuit Court of Appeals held that ICE detainees do not provide mandatory instruction for local authorities.<sup>30</sup> Not only are these detainees not mandatory, but, because such detainees do not, by themselves, confer probable cause to detain an individual, courts have expressed constitutional concerns about detaining a person based on an ICE detainer without probable cause.<sup>31</sup> The Third Circuit decision has paved the way for other courts to hold that ICE detainees are not mandatory,<sup>32</sup> including one district court that reversed its earlier decision on this topic, in the wake of the Third Circuit’s decision.<sup>33</sup> Further, and not surprisingly, this case law, which is still evolving and lacks definitive appellate guidance on key issues, has led local jurisdictions, from large states such as California<sup>34</sup> to neighboring counties on Long Island, to refuse to honor ICE detainer requests entirely.<sup>35</sup> In most of these cases, the decision to refuse to honor ICE detainees has been made through either executive order or through agency policy, rather than by statute.<sup>36</sup>

Given the strong civil rights concerns, the proposed legislation would as a threshold matter, require that any ICE detainees be accompanied by a warrant issued by a federal judge. And in order to reduce the harmful impact on immigrant communities of ICE’s enforcement efforts, the legislation further provides that even in the event ICE presents a warrant, DOC and NYPD may only honor detainees

lodged against those who have been convicted of a “violent or serious” crime within the past five years or who are determined to be a possible match on the federal terrorist watch list.

At the hearing held on October 15, 2014, the Committee received testimony in support of the legislation from Nisha Agarwal, Commissioner of the Mayor’s Office of Immigrant Affairs and Maya Wiley, Counsel to the Mayor, advocates, immigration practitioners, and affected individuals. The testimony generally focused on the adverse effects suffered by immigrant New Yorkers when local law enforcement cooperates with ICE, leading to the forced separation of families and mistrust of law enforcement. For example, Commissioner Nisha Agarwal testified in support of the bills stating, “studies have shown that 70% of undocumented Latino victims of crimes are less likely to contact police if they believe the police are involved in civil immigration efforts.” She further added, “these bills [also] advance important City interests in community trust and public safety.” The Committee also heard testimony regarding the possible constitutional issues that arise when a person is detained by law enforcement for longer than they would otherwise be detained, simply because of a detainer request by ICE.

Since the hearing on Int. No. 487 and Int. No. 486, several changes have been made to the legislation.

- The definition of “judicial warrant” has been expanded to include warrants issued by federal magistrate judges.
- The exception to the warrant requirement for NYPD has been altered. In Int. No. 487, NYPD would have been permitted to honor an ICE detainer without a judicial warrant if the subject had been previously deported, and had either been convicted of a serious or violent crime or was identified in a terrorist screening database. Under Prop. Int. No. 487-A, NYPD is permitted to honor an ICE detainer without a judicial warrant if the subject is listed on a terrorist screening database, or if the subject was previously deported and has ever been convicted of a serious or violent crime.
- The definition of what information DOC may send to ICE has been slightly altered. The new definition includes that DOC may not communicate “any other information related to persons in the department’s custody” to ICE.
- The definition of “violent or serious crime” has been expanded to include a number of new crimes. The additions are as follows: 135.35 (labor trafficking), 135.65(2)(b) (coercion in the first degree), 140.17 (criminal trespass in the first degree), 150.05 (arson in the fourth degree), 150.10 (arson in the third degree), 195.07 (obstructing governmental administration in the first degree), 195.08 (obstructing governmental administration by means of a self-defense spray device), 215.11 (tampering with a witness in the third degree), 215.12 (tampering with a witness in the second degree), 215.13 (tampering with a witness in the first degree), 230.05 (patronizing a prostitute in the second degree), 230.06 (patronizing a prostitute in the first degree), 230.25(2) (promoting prostitution in the third degree), 230.30 (promoting prostitution in the second degree), 230.34 (sex trafficking), 235.22 (disseminating indecent material to minors in the first degree), 240.55 (falsely reporting an incident in the second degree), 240.06 (riot in the first degree), 255.26 (incest in the second degree), 263.30 (facilitating a sexual performance by a child with a controlled substance or alcohol), 265.02 (2-8) (criminal possession of a weapon in the third degree), 265.08 (criminal use of a firearm in the second degree), 265.17 (criminal purchase or disposal of a weapon), 265.35(2) (prohibited use of weapons), 270.30 (unlawful fleeing a police officer in a motor vehicle in the second degree), and 270.35 (unlawful fleeing a police officer in a motor vehicle in the first degree). Also added to this definition was any hate crime as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony. Finally, Int. No. 486 and 487 included only certain degrees of felony conspiracy, solicitation, and facilitation as “violent or serious.” Under Prop. Int. No. 486-A and Prop. Int. No. 487-A, any felony attempt, felony conspiracy, or felony criminal solicitation to commit a violent or serious crime, or any felony criminal facilitation of such crime, are all defined as “violent or serious.”

### **IV. PROP. INT. NO. 487-A AND PROP. INT. NO. 486-A**

#### **a. Prop. Int. No. 487-A**

If enacted, Prop. Int. No. 487-A would significantly limit the circumstances under which NYPD would honor ICE detainees. The proposed legislation would require that NYPD only honor detainees where ICE presents a judicial warrant with its detainer, and such judicial warrant would have to be issued by an Article III federal judge or a federal magistrate, and must be based on “probable cause.”<sup>37</sup> This requirement does not appear in the current law. The proposed legislation would also require that NYPD only honor an ICE detainer when it is presented with a judicial warrant if the subject is either listed on a terrorist database or has been convicted of a “violent or serious” crime. The list of “violent or serious crimes” is enumerated as the following sections of the New York State Penal Law: Penal Law: 120.01 (reckless assault of a child by a child day care provider), 120.02 (reckless assault of a child), 120.03 (vehicular assault in the second degree), 120.04 (vehicular assault in the first degree), 120.04-a (4) (aggravated vehicular assault), 120.05 (assault in the



second degree), 120.06 (gang assault in the second degree), 120.07 (gang assault in the first degree), 120.08 (assault on a peace officer, police officer, fireman or emergency medical services professional), 120.09 (assault on a judge), 120.10 (assault in the first degree), 120.11 (aggravated assault upon a police officer or a peace officer), 120.12 (aggravated assault upon a person less than eleven years old), 120.13 (menacing in the first degree), 120.18 (menacing a police officer or peace officer), 120.25 (reckless endangerment in the first degree), 120.55 (stalking in the second degree), 120.60 (stalking in the first degree), 120.70 (luring a child), 121.12 (strangulation in the second degree), 121.13 (strangulation in the first degree), 125.10 (criminally negligent homicide), 125.11 (aggravated criminally negligent homicide), 125.12 (vehicular manslaughter in the second degree), 125.13 (vehicular manslaughter in the first degree), 125.14 (aggravated vehicular homicide), 125.15 (manslaughter in the second degree), 125.20 (manslaughter in the first degree), 125.21 (aggravated manslaughter in the second degree), 125.22 (aggravated manslaughter in the first degree), 125.25 (murder in the second degree), 125.26 (aggravated murder), 125.27 (murder in the first degree), 125.40 (abortion in the second degree), 125.45 (abortion in the first degree), 130.25 (rape in the third degree), 130.30 (rape in the second degree), 130.35 (rape in the first degree), 130.40 (criminal sexual act in the third degree), 130.45 (criminal sexual act in the second degree), 130.50 (criminal sexual act in the first degree), 130.53 (persistent sexual abuse), 130.65 (sexual abuse in the first degree), 130.65-a (aggravated sexual abuse in the fourth degree), 130.66 (aggravated sexual abuse in the third degree), 130.67 (aggravated sexual abuse in the second degree), 130.70 (aggravated sexual abuse in the first degree), 130.75 (course of sexual conduct against a child in the first degree), 130.80 (course of sexual conduct against a child in the second degree), 130.85 (female genital mutilation), 130.90 (facilitating a sex offense with a controlled substance), 130.95 (predatory sexual assault), 130.96 (predatory sexual assault against a child), 135.10 (unlawful imprisonment in the first degree), 135.20 (kidnapping in the second degree), 135.25 (kidnapping in the first degree), 135.35 (labor trafficking), 135.50 (custodial interference in the first degree), 135.65(2)(b) (coercion in the first degree), 140.17 (criminal trespass in the first degree), 140.25 (burglary in the second degree), 140.30 (burglary in the first degree), 150.05 (arson in the fourth degree), 150.10 (arson in the third degree), 150.15 (arson in the second degree), 150.20 (arson in the first degree), 160.05 (robbery in the third degree), 160.10 (robbery in the second degree), 160.15 (robbery in the first degree), 195.07 (obstructing governmental administration in the first degree), 195.08 (obstructing governmental administration by means of a self-defense spray device), 195.17 (obstruction of governmental duties by means of a bomb, destructive device, explosive, or hazardous substance), 215.11 (tampering with a witness in the third degree), 215.12 (tampering with a witness in the second degree), 215.13 (tampering with a witness in the first degree), 215.15 (intimidating a victim or witness in the third degree), 215.16 (intimidating a victim or witness in the second degree), 215.17 (intimidating a victim or witness in the first degree), 215.51 (criminal contempt in the first degree), 215.52 (aggravated criminal contempt), 220.18 (criminal possession of a controlled substance in the second degree), 220.21 (criminal possession of a controlled substance in the first degree), 220.41 (criminal sale of a controlled substance in the second degree), 220.43 (criminal sale of a controlled substance in the first degree), 220.44 (criminal sale of a controlled substance in or near school grounds), 220.48 (criminal sale of a controlled substance to a child), 220.77 (operating as a major trafficker), 230.05 (patronizing a prostitute in the second degree), 230.06 (patronizing a prostitute in the first degree), 230.19 (promoting prostitution in a school zone), 230.25(2) (promoting prostitution in the third degree), 230.30 (promoting prostitution in the second degree), 230.32 (promoting prostitution in the first degree), 230.33 (compelling prostitution), 230.34 (sex trafficking), 235.22 (disseminating indecent material to minors in the first degree), 240.55 (falsely reporting an incident in the second degree), 240.06 (riot in the first degree), 240.55 (falsely reporting an incident in the second degree), 240.60 (falsely reporting an incident in the first degree), 240.61 (placing a false bomb or hazardous substance in the second degree), 240.62 (placing a false bomb or hazardous substance in the first degree), 240.63 (placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall), 240.75 (aggravated family offense), 255.26 (incest in the second degree), 255.27 (incest in the first degree), 260.25 (endangering the welfare of an incompetent or physically disabled person in the first degree), 260.32 (endangering the welfare of a vulnerable elderly person, or an incompetent or physically disabled person in the second degree), 260.34 (endangering the welfare of a vulnerable elderly person, or an incompetent or physically disabled person in the first degree), 263.05 (use of a child in a sexual performance), 263.10 (promoting an obscene sexual performance by a child), 263.11 (possessing an obscene sexual performance by a child), 263.15 (promoting a sexual performance by a child), 263.16 (possessing a sexual performance by a child), 263.30 (facilitating a sexual performance by a child with a controlled substance or alcohol), 265.01-B (criminal possession of a firearm), 265.02 (2-8) (criminal possession of a weapon in the third degree), 265.03 (criminal possession of a weapon in the second degree), 265.04 (criminal possession of a weapon in the first degree), 265.08 (criminal use of a firearm in the second degree), 265.09 (criminal use of a firearm in the first degree), 265.11 (criminal sale of a firearm in the third degree), 265.12 (criminal sale of a firearm in the second degree), 265.13 (criminal sale of a firearm in the first degree), 265.14 (criminal sale of a firearm with the aid of a minor), 265.16 (criminal sale of a firearm to a minor), 265.17 (criminal purchase or disposal of a weapon), 265.19 (aggravated criminal possession of a weapon), 265.35(2) (prohibited use of weapons), 270.30 (unlawful fleeing a police officer in a motor vehicle in the second degree), 270.35 (unlawful fleeing a police officer in a motor vehicle in the first degree), 405.18 (aggravated unpermitted use of indoor pyrotechnics in the first degree), 460.22 (aggravated enterprise corruption), 470.21 (money laundering in support of terrorism in the fourth degree), 470.22 (money laundering in support of terrorism in the second degree), 470.23 (money laundering in support of terrorism in the first degree), 470.24 (money laundering in support of terrorism in the second degree), 490.10 (soliciting or providing support for an act of terrorism in the first degree), 490.15 (soliciting or providing support for an act of terrorism in the second degree), 490.20 (making a terroristic threat), 490.25 (crime of terrorism), 490.30 (hindering prosecution of terrorism in the second degree), 490.35 (hindering prosecution of terrorism in the first degree), 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree), 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree), 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree), 490.47 (criminal use of a chemical weapon or biological weapon in third degree), 490.50 (criminal use of a chemical weapon or biological weapon in second degree), and 490.55 (criminal use of a chemical weapon or biological weapon in first degree). Also included in this list is: (i) any hate crime as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony; (ii) a felony attempt, felony conspiracy, or felony criminal solicitation to commit a violent or serious crime, or a felony criminal facilitation of such crime; and (iii) a crime defined in section 600 of the Vehicle and Traffic Law, provided that such crime constitutes a felony. This list is comprised of felony crimes only, and includes almost all crimes listed as “violent” under the New York State Penal Law § 70.02. Additionally, the list includes a number of felony “non-violent” crimes. The proposed legislation includes a provision that the attempt to commit any of the enumerated crimes also qualifies unless it was an attempt to commit an E felony, which would otherwise constitute a misdemeanor charge.<sup>38</sup> Therefore, only felony crimes appear on the “violent or serious” list of crimes.

support of terrorism in the second degree), 470.24 (money laundering in support of terrorism in the first degree), 490.10 (soliciting or providing support for an act of terrorism in the second degree), 490.15 (soliciting or providing support for an act of terrorism in the first degree), 490.20 (making a terroristic threat), 490.25 (crime of terrorism), 490.30 (hindering prosecution of terrorism in the second degree), 490.35 (hindering prosecution of terrorism in the first degree), 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree), 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree), 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree), 490.47 (criminal use of a chemical weapon or biological weapon in third degree), 490.50 (criminal use of a chemical weapon or biological weapon in second degree), and 490.55 (criminal use of a chemical weapon or biological weapon in first degree). Also included in this list is: (i) any hate crime as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony; (ii) a felony attempt, felony conspiracy, or felony criminal solicitation to commit a violent or serious crime, or a felony criminal facilitation of such crime; and (iii) a crime defined in section 600 of the Vehicle and Traffic Law, provided that such crime constitutes a felony. This list is comprised of felony crimes only, and includes almost all crimes listed as “violent” under the New York State Penal Law § 70.02. Additionally, the list includes a number of felony “non-violent” crimes. The proposed legislation includes a provision that the attempt to commit any of the enumerated crimes also qualifies unless it was an attempt to commit an E felony, which would otherwise constitute a misdemeanor charge.<sup>38</sup> Therefore, only felony crimes appear on the “violent or serious” list of crimes.

Notably, the bill contains a provision that a “violent or serious” conviction must have occurred within the last five years for purposes of honoring a detainer, excluding any incarceration that occurred as a result of that conviction. This is a significant change from the current law, which allows any felony conviction from any time period, or any misdemeanor conviction within the last ten years,<sup>39</sup> to trigger the NYPD honoring an ICE detainer. The law ensures that public safety is protected by including those recently released for violent or serious crimes, while ensuring that the NYPD does not include individuals incarcerated for misdemeanors or non-serious violent felonies.

The proposed legislation creates a minor exception to the general rule that detainees may not be honored without a judicial warrant. If the subject of the detainer was previously deported and has been convicted of a serious or violent crime, or is listed on a terrorist database, the NYPD would be authorized to hold that person for 48 hours even if ICE did not present a warrant. The term “previously deported” is not defined in the proposed legislation, but it is meant to indicate actual physical deportation, and not merely an order of deportation. The purpose of the provision is to give ICE extra time to obtain a warrant in these limited but serious circumstances. In the event that ICE does not obtain a warrant within 48 hours of lodging the detainer the detainee would therefore be released.

The proposed legislation eliminates the following circumstances under which an ICE detainer is currently honored: (i) the subject has any open criminal charge; (ii) the subject has an open criminal warrant; (iii) the subject is listed as a gang member in a national database; or (iv) the subject was convicted of a non-“violent or serious” crime.

Like the present law, the proposed legislation does not consider a youthful offender adjudication pursuant to New York Criminal Procedure Law § 720.20, or a juvenile delinquency adjudication pursuant to New York Family Court Act § 301.2, to be a serious or violent crime.

The proposed legislation contains a minor change to the definition of federal or out-of-state convictions that allow the NYPD to honor an ICE detainer. Under current law, this term is defined as “comparable provision of federal law or the law of another state.” Advocates maintain that the current definition is somewhat vague and could be difficult to interpret, especially where a foreign statute contains some, but not all, elements of a New York equivalent statute. Therefore, this section would be modified to refer to “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.” The process for determining whether a federal or out-of-state conviction under Penal Law § 70.06(1)(b)(i) is well-defined and established under a large body of case law<sup>40</sup>.

The proposed legislation would also contain a minor alteration to the definition of what constitutes an immigration detainer, including not only the current federal statute definition but also any successor or similar federal statute definition. Similarly, it includes a provision that any crime created by the legislature after the enactment of the proposed legislation that is deemed “serious or violent” by the DOC’s commissioner in consultation with the NYPD, may by rule be added to the list of “serious or violent” crimes, provided that the Council must be notified sixty days before the proposed additions take effect.

Finally, Prop. Int. No. 487-A would take effect 30 days after it shall have become law.

#### **b. Prop. Int. No. 486-A**

If enacted, Prop. Int. No. 486-A would significantly limit the circumstances under which the DOC could honor ICE detainees. The proposed legislation would require that DOC only honor detainees where ICE presents a judicial warrant with its detainer, and such judicial warrant must be issued by a federal Article III or magistrate judge, and be based on “probable cause.”<sup>41</sup> This requirement does not appear in the current law. The proposed legislation would also require that the DOC only honor an ICE detainer when it is presented with a judicial warrant, if the subject of the detainer is either listed on a terrorist database or has been convicted of a “violent or serious” crime. The list of “violent or serious crimes” is enumerated as

the following sections of the New York State Penal Law: Penal Law: 120.01 (reckless assault of a child by a child day care provider), 120.02 (reckless assault of a child), 120.03 (vehicular assault in the second degree), 120.04 (vehicular assault in the first degree), 120.04-a (4) (aggravated vehicular assault), 120.05 (assault in the second degree), 120.06 (gang assault in the second degree), 120.07 (gang assault in the first degree), 120.08 (assault on a peace officer, police officer, fireman or emergency medical services professional), 120.09 (assault on a judge), 120.10 (assault in the first degree), 120.11 (aggravated assault upon a police officer or a peace officer), 120.12 (aggravated assault upon a person less than eleven years old), 120.13 (menacing in the first degree), 120.18 (menacing a police officer or peace officer), 120.25 (reckless endangerment in the first degree), 120.55 (stalking in the second degree), 120.60 (stalking in the first degree), 120.70 (luring a child), 121.12 (strangulation in the second degree), 121.13 (strangulation in the first degree), 125.10 (criminally negligent homicide), 125.11 (aggravated criminally negligent homicide), 125.12 (vehicular manslaughter in the second degree), 125.13 (vehicular manslaughter in the first degree), 125.14 (aggravated vehicular homicide), 125.15 (manslaughter in the second degree), 125.20 (manslaughter in the first degree), 125.21 (aggravated manslaughter in the second degree), 125.22 (aggravated manslaughter in the first degree), 125.25 (murder in the second degree), 125.26 (aggravated murder), 125.27 (murder in the first degree), 125.40 (abortion in the second degree), 125.45 (abortion in the first degree), 130.25 (rape in the third degree), 130.30 (rape in the second degree), 130.35 (rape in the first degree), 130.40 (criminal sexual act in the third degree), 130.45 (criminal sexual act in the second degree), 130.50 (criminal sexual act in the first degree), 130.53 (persistent sexual abuse), 130.65 (sexual abuse in the first degree), 130.65-a (aggravated sexual abuse in the fourth degree), 130.66 (aggravated sexual abuse in the third degree), 130.67 (aggravated sexual abuse in the second degree), 130.70 (aggravated sexual abuse in the first degree), 130.75 (course of sexual conduct against a child in the first degree), 130.80 (course of sexual conduct against a child in the second degree), 130.85 (female genital mutilation), 130.90 (facilitating a sex offense with a controlled substance), 130.95 (predatory sexual assault), 130.96 (predatory sexual assault against a child), 135.10 (unlawful imprisonment in the first degree), 135.20 (kidnapping in the second degree), 135.25 (kidnapping in the first degree), 135.35 (labor trafficking), 135.50 (custodial interference in the first degree), 135.65(2)(b) (coercion in the first degree), 140.17 (criminal trespass in the first degree), 140.25 (burglary in the second degree), 140.30 (burglary in the first degree), 150.05 (arson in the fourth degree), 150.10 (arson in the third degree), 150.15 (arson in the second degree), 150.20 (arson in the first degree), 160.05 (robbery in the third degree), 160.10 (robbery in the second degree), 160.15 (robbery in the first degree), 195.07 (obstructing governmental administration in the first degree), 195.08 (obstructing governmental administration by means of a self-defense spray device), 195.17 (obstruction of governmental duties by means of a bomb, destructive device, explosive, or hazardous substance), 215.11 (tampering with a witness in the third degree), 215.12 (tampering with a witness in the second degree), 215.13 (tampering with a witness in the first degree), 215.15 (intimidating a victim or witness in the third degree), 215.16 (intimidating a victim or witness in the second degree), 215.17 (intimidating a victim or witness in the first degree), 215.51 (criminal contempt in the first degree), 215.52 (aggravated criminal contempt), 220.18 (criminal possession of a controlled substance in the second degree), 220.21 (criminal possession of a controlled substance in the first degree), 220.41 (criminal sale of a controlled substance in the second degree), 220.43 (criminal sale of a controlled substance in the first degree), 220.44 (criminal sale of a controlled substance in or near school grounds), 220.48 (criminal sale of a controlled substance to a child), 220.77 (operating as a major trafficker), 230.05 (patronizing a prostitute in the second degree), 230.06 (patronizing a prostitute in the first degree), 230.19 (promoting prostitution in a school zone), 230.25(2) (promoting prostitution in the third degree), 230.30 (promoting prostitution in the second degree), 230.32 (promoting prostitution in the first degree), 230.33 (compelling prostitution), 230.34 (sex trafficking), 235.22 (disseminating indecent material to minors in the first degree), 240.55 (falsely reporting an incident in the second degree), 240.06 (riot in the first degree), 240.55 (falsely reporting an incident in the second degree), 240.60 (falsely reporting an incident in the first degree), 240.61 (placing a false bomb or hazardous substance in the second degree), 240.62 (placing a false bomb or hazardous substance in the first degree), 240.63 (placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall), 240.75 (aggravated family offense), 255.26 (incest in the second degree), 255.27 (incest in the first degree), 260.25 (endangering the welfare of an incompetent or physically disabled person in the first degree), 260.32 (endangering the welfare of a vulnerable elderly person, or an incompetent or physically disabled person in the second degree), 260.34 (endangering the welfare of a vulnerable elderly person, or an incompetent or physically disabled person in the first degree), 263.05 (use of a child in a sexual performance), 263.10 (promoting an obscene sexual performance by a child), 263.11 (possessing an obscene sexual performance by a child), 263.15 (promoting a sexual performance by a child), 263.16 (possessing a sexual performance by a child), 263.30 (facilitating a sexual performance by a child with a controlled substance or alcohol), 265.01-B (criminal possession of a firearm), 265.02 (2-8) (criminal possession of a weapon in the third degree), 265.03 (criminal possession of a weapon in the second degree), 265.04 (criminal possession of a weapon in the first degree), 265.08 (criminal use of a firearm in the second degree), 265.09 (criminal use of a firearm in the first degree), 265.11 (criminal sale of a firearm in the third degree), 265.12 (criminal sale of a firearm in the second degree), 265.13 (criminal sale of a firearm in the first degree), 265.14 (criminal sale of a firearm with the aid of a minor), 265.16 (criminal sale of a firearm to a minor), 265.17 (criminal purchase or disposal of a weapon), 265.19 (aggravated criminal possession of a weapon), 265.35(2) (prohibited use of weapons), 270.30 (unlawful fleeing a police officer in a motor vehicle in the second degree), 270.35 (unlawful fleeing a police officer in a motor

vehicle in the first degree), 405.18 (aggravated unpermitted use of indoor pyrotechnics in the first degree), 460.22 (aggravated enterprise corruption), 470.21 (money laundering in support of terrorism in the fourth degree), 470.22 (money laundering in support of terrorism in the third degree), 470.23 (money laundering in support of terrorism in the second degree), 470.24 (money laundering in support of terrorism in the first degree), 490.10 (soliciting or providing support for an act of terrorism in the second degree), 490.15 (soliciting or providing support for an act of terrorism in the first degree), 490.20 (making a terroristic threat), 490.25 (crime of terrorism), 490.30 (hindering prosecution of terrorism in the second degree), 490.35 (hindering prosecution of terrorism in the first degree), 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree), 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree), 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree), 490.47 (criminal use of a chemical weapon or biological weapon in third degree), 490.50 (criminal use of a chemical weapon or biological weapon in second degree), and 490.55 (criminal use of a chemical weapon or biological weapon in first degree). Also included in this list is: (i) any hate crime as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony; (ii) a felony attempt, felony conspiracy, or felony criminal solicitation to commit a violent or serious crime, or a felony criminal facilitation of such crime; and (iii) a crime defined in section 600 of the Vehicle and Traffic Law, provided that such crime constitutes a felony. This list comprises only felonies, and includes almost all crimes listed as “violent” under New York State Penal Law § 70.02, as well as a number listed as “non-violent.” The proposed legislation would include a provision that the attempt to commit any of the enumerated crimes also qualifies, unless it was an attempt to commit an E felony, which would otherwise constitute a misdemeanor.<sup>42</sup> Therefore, only felonies would appear on the “violent or serious” list.

Further, the law would contain a provision that a “serious or violent” conviction must have occurred within the last five years, excluding any incarceration that occurred as a result of that conviction. This would be a significant change from the current law, which allows any felony conviction from any time period or any misdemeanor conviction within the last ten years<sup>43</sup> to trigger DOC honoring an ICE detainer. Unlike the proposed companion bill for the NYPD, Prop. Int. No. 486-A does not allow for any exception to the rule that an ICE detainer must be accompanied by a judicial warrant.

Like the current law, the proposed legislation does not consider a youthful offender adjudication pursuant to New York Criminal Procedure Law § 720.20 or a juvenile delinquency adjudication pursuant to New York Family Court Act § 301.2 to be a serious or violent crime.

The proposed legislation would contain a minor change to the definition of federal or out-of-state convictions that can trigger the DOC to honor an ICE detainer. Under Local Law 22 of 2013, this term is defined as “comparable provision of federal law or the law of another state,” and there is concern that this definition is somewhat vague and might be difficult to implement. Therefore, this section would be modified to refer to “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.” The process for determining whether a federal or out-of-state conviction under Penal Law § 70.06(1)(b)(i) is well-defined and established under a large body of case law<sup>44</sup>.

The proposed legislation also contains a minor alteration to the definition of what constitutes an immigration detainer, including not only the current federal statute definition but also any successor or similar federal statute definitions. Similarly, it would include a provision that any crime created by the state legislature after the enactment of the proposed legislation that is deemed “serious or violent” by the DOC’s commissioner in consultation with the NYPD may by rule be added to the list of “serious or violent” crimes, provided that the Council must be notified sixty days before the proposed additions take effect.

The proposed legislation would also significantly limit the extent to which DOC may allow ICE a physical presence on their facilities, and how DOC may communicate with ICE. Regarding the physical facilities, DOC may not allow ICE to maintain “offices or quarters” on DOC land for the purposes of enforcing civil immigration laws. Furthermore, DOC staff would be prohibited from communicating with ICE regarding an individual’s incarceration status, release date, court appearance date, or any other information about the individual, unless such response or communication: (i) relates to an individual who is 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. Federal law prohibits local laws from preventing communication with ICE regarding a subject’s “immigration status,”<sup>45</sup> therefore the proposed legislation would not prohibit communicating this specific information. It is not the intent of the Council that ICE be prohibited from interviewing detainees in the DOC custody but rather that they not be given any special access to detainees different from the access given to other public agencies seeking interviews.

In light of the potential changes to the circumstances under which the DOC would honor an ICE detainer, the proposed legislation also includes corresponding changes in the DOC’s annual reporting requirements regarding ICE detainees. The proposed legislation would eliminate the requirement that the DOC report on those detainees honored wherein the subject fit certain criteria which would no longer be applicable. The remaining reporting conditions would not change.

Finally, sections 1, 2, 3 and 5 of Prop. Int. No. 486-A would take effect 30 days after it becomes law. Section 4 of this local law would take effect 90 days after it shall become law.

<sup>1</sup> In this report, the terms “deportation” or “deported” are used interchangeably with the terms “removal” or “removed.”

<sup>2</sup> Center for American Progress, *The Facts on Immigration: Everything You Need to Know About Our Foreign-Born Population, Current Immigration Policy, and the Voting Power of New Americans*, (Aug 13, 2013), <http://www.americanprogress.org/issues/immigration/report/2013/04/03/59040/the-facts-on-immigration-today-3/> (last visited Oct. 7, 2014).

<sup>3</sup> U.S. Immigration and Customs Enforcement, *Immigration Enforcement Actions: 2013*, available at <http://www.ice.gov/doclib/about/offices/ero/pdf/2013-ice-immigration-removals.pdf> (last visited Oct. 7, 2014); ICE, ICE Removal Statistics, <http://www.ice.gov/removal-statistics/> (last visited Oct. 7, 2014).

<sup>4</sup> Timothy Rudd et. al., *Financing Promising Evidence-Based Programs*, MDRC (December 2013) available at: [http://www.mdrc.org/sites/default/files/Financing\\_Promising\\_evidence-Based\\_Programs\\_FR.pdf](http://www.mdrc.org/sites/default/files/Financing_Promising_evidence-Based_Programs_FR.pdf). (last visited Oct. 19, 2014).

<sup>5</sup> See Aarti Shahani, *New York City Enforcement of Immigration Detainers Preliminary Findings*, Justice Strategies (Oct. 2010) available at <http://www.justicestrategies.org/sites/default/files/publications/JusticeStrategies-DrugDeportations-PrelimFindings.pdf>. (last visited Oct. 14, 2014).

<sup>6</sup> See Department of Corrections, *Summary of Discharges of Inmates with ICE Detainers*, (2014) available at [http://www.nyc.gov/html/doc/html/about/ICE\\_report\\_101414.pdf](http://www.nyc.gov/html/doc/html/about/ICE_report_101414.pdf) (last visited on Oct. 19, 2014).

<sup>7</sup> This is the cost of detaining 2,045 individuals for an average of 73 days at a cost of \$76 per day (\$11,345,660).

<sup>8</sup> See *Mayor's Management Report FY 2014* (Sept. 2014) available at [http://www.nyc.gov/html/ops/downloads/pdf/mmr2014/2014\\_mmr.pdf](http://www.nyc.gov/html/ops/downloads/pdf/mmr2014/2014_mmr.pdf)[http://www.nyc.gov/html/ops/downloads/pdf/mmr0912/0912\\_mmr.pdf](http://www.nyc.gov/html/ops/downloads/pdf/mmr0912/0912_mmr.pdf). (last visited Oct. 14, 2014).

<sup>9</sup> See NYU School of Law Immigrant Rights Clinic, Immigrant Defense Project, & Families for Freedom, *Insecure Communities, Devastated Families: New Data on Immigrant Detention and Deportation Practices in New York City* (Jul. 23, 2012) available at <http://immigrantdefenseproject.org/wp-content/uploads/2012/07/NYC-FOIA-Report-2012-FINAL.pdf>; <http://populardemocracy.org/campaign/creating-deportation-defense> (last visited Oct. 14, 2014).

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

<sup>11</sup> See Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement* (Feb. 2010) available at [http://www.urban.org/uploadedpdf/412020\\_FacingOurFuture\\_final.pdf](http://www.urban.org/uploadedpdf/412020_FacingOurFuture_final.pdf) (last visited Oct. 14, 2014).

<sup>12</sup> This amount is a sum of the approximate cost of housing an individual in a DOC facility at ICE's request and the cost of caring for a child in the foster care system after his or her parents have been deported.

<sup>13</sup> Private businesses incur approximately \$9 million dollars in expenses as a result of unnecessary turnover when an employee is detained pursuant to an ICE detainer. See Center for Popular Democracy et al., *The New York Immigrant Family Unity Project: Good for Families, Good for Employers, and Good for all New Yorkers* (2013) available at [http://populardemocracy.org/sites/default/files/immigrant\\_family\\_unity\\_project\\_print\\_layout.pdf](http://populardemocracy.org/sites/default/files/immigrant_family_unity_project_print_layout.pdf) (last visited Oct. 14, 2014).

<sup>14</sup> NYU School of Law Immigrant Rights Clinic, Immigrant Defense Project, and Families for Freedom, *Insecure Communities, Devastated Families: New Data on Immigrant Detention and Deportation Practices in New York City*, (July 23, 2012), [http://familiesforfreedom.org/sites/default/files/resources/NYC%20FOIA%20Report%202012%20FINAL\\_1.pdf](http://familiesforfreedom.org/sites/default/files/resources/NYC%20FOIA%20Report%202012%20FINAL_1.pdf), 2 (last visited Oct. 7, 2014) [hereinafter *Insecure Communities*].

<sup>15</sup> With regard to ICE law enforcement efforts, the term “criminal alien” refers to a non-citizen convicted of a criminal offense under state or federal law.

<sup>16</sup> U.S. Immigration and Customs Enforcement, *Criminal Alien Program*, <http://www.ice.gov/criminal-alien-program/> (last visited Oct. 7, 2014).

<sup>17</sup> *Id.*

<sup>18</sup> “Any authorized immigration officer may at any time issue a[n]...Immigration Detainer-Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that [ICE] seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise [ICE], prior to the release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.”

“Temporary detention at Department request. Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.” 8 CFR §287.7(a), (d).

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

<sup>20</sup> Violation of immigration law is not a criminal matter.

<sup>21</sup> *Insecure Communities* at 2.

<sup>22</sup> *Hearing on Int. No. 982, a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained, and Int. No. 989, 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, Before the Committee on Immigration*, 63, Jan. 25, 2013 (testimony of Lewis Finkelman, First Deputy Commissioner, Department of Correction).

<sup>23</sup> U.S. Immigration and Customs Enforcement, *Secure Communities*, [http://www.ice.gov/secure\\_communities/](http://www.ice.gov/secure_communities/) (last visited Jan. 24, 2013).

<sup>24</sup> Letter from John Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement, to The Hon. Zoe Lofgren, U.S. House of Representatives (Apr. 28, 2011) (on file with Committee staff); U.S. Immigration and Customs Enforcement, *Frequently Asked Questions: Can a state or local law enforcement agency choose not to have fingerprints it submits to the FBI not checked against DHS' system?* [http://www.ice.gov/secure\\_communities/faq.htm](http://www.ice.gov/secure_communities/faq.htm) (last visited Jan. 24, 2013).

<sup>25</sup> On December 21, 2012, ICE issued a new national detainer policy to ensure that ICE's enforcement resources are dedicated to individuals whose removal promotes public safety and national security, among other things. Memorandum from John Morton, Director, U.S. Immigration and Customs Enforcement, to All Field Office Directors, All Special Agents in Charge, All Chief Counsel (Dec. 21, 2012), <http://www.ice.gov/doclib/detention-reform/pdf/detainer-policy.pdf> (last visited Jan. 24, 2013).

<sup>26</sup> See *supra* at 7.

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

<sup>28</sup> See 8 C.F.R. 287.7.

<sup>29</sup> *Galarza v. Szalczyk*, 2012 U.S. Dist. LEXIS 47023, 2012 WL 1080020, at 19 (ED Pa Mar. 30, 2012); *Davila v. N. Reg'l Joint Police Bd.*, 2013 U.S. Dist. LEXIS 150672, 2013 WL 5724939, at 12-13 (WD Pa 2013); *Rios-Quiroz v. Williamson Cnty., Tenn.*, 3-11-1168, 2012 U.S. Dist. LEXIS 128237, 2012 WL 3945354, at 4 (MD Tenn Sept. 10, 2012) (“The subsection says ‘shall maintain,’ which indicates an obligation to maintain custody. For this reason, the Court finds that the regulation is mandatory.”); *Ramirez-Mendoza v. Maury Cnty., Tenn.*, 1:12-CV-00014, 2013 U.S. Dist. LEXIS 10533, 2013 WL 298124, at \*8 (MD Tenn Jan. 25, 2013) (relying on the *Rios-Quiroz*

analysis to hold “the Defendant was not required to make an independent probable cause determination of Plaintiff's immigration status”).

<sup>30</sup> *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir. 2014).

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

<sup>32</sup> E.g., *Miranda-Olivares v. Clackamas Co.*, 2014 U.S. Dist. LEXIS 50340, 2014 WL 1414305 (D. Or. 2014).

<sup>33</sup> *Davila v. Northern Reg'l Joint Police Bd.*, 2014 U.S. Dist. LEXIS 102143, 2014 WL 3735631 (W.D. Pa. July 28, 2014), *reversing Davila v. N. Reg'l Joint Police Bd.*, 2013 U.S. Dist. LEXIS 150672, 2013 WL 5724939 (WD Pa 2013).

<sup>34</sup> <http://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-issues-bulletin-law-enforcement-federal>.

<sup>35</sup> <http://7online.com/politics/long-island-sheriffs-saying-no-to-immigrant-detentions/314121/>.

<sup>36</sup> Catholic Legal Immigration Network, *States and Localities that Limit Compliance with Ice Detainer Requests*, (2014) available at <https://cliniclegal.org/resources/articles-clinic/states-and-localities-limit-compliance-ice-detainer-requests-jan-2014> (last visited Oct. 7 2014).

<sup>37</sup> It should be noted that at present, immigration judges are neither Article I nor Article federal judges III judges, and are instead extensions of the executive branch. See <http://www.bostonglobe.com/metro/2013/07/16/federal-immigration-judges-seek-independence-from-department-justice/S27pDSkb1qx2CoWUmLLR7H/story.html>. It should also be noted that immigration judges currently have no authority to issue warrants of any kind.

<sup>38</sup> See New York Penal Law § 110.

<sup>39</sup> Again, a small number of misdemeanor convictions were excluded: (i) prostitution; (ii) loitering for the purpose of engaging in a prostitution offense; and (iii) certain subdivisions of the crime of aggravated unlicensed driving in the second degree.

<sup>40</sup> *New York v. Gonzalez*, 61 N.Y.2d (March 8, 1984).

<sup>41</sup> It should be noted that at present, immigration judges are neither Article I nor Article federal judges III judges, and are instead extensions of the executive branch. See <http://www.bostonglobe.com/metro/2013/07/16/federal-immigration-judges-seek-independence-from-department-justice/S27pDSkb1qx2CoWUmLLR7H/story.html>. It should also be noted that immigration judges currently have no authority to issue warrants of any kind.

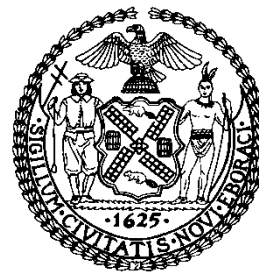
<sup>42</sup> See New York Penal Law § 110.

<sup>43</sup> Again, a small number of misdemeanor convictions were excluded: (i) prostitution; (ii) loitering for the purpose of engaging in a prostitution offense; and (iii) certain subdivisions of the crime of aggravated unlicensed driving in the second degree.

<sup>44</sup> *New York v. Gonzalez*, *supra* note 30.

<sup>45</sup> § 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub L No. 104-208, 110 Stat. 3009 (1996).

*The following is the text of the Fiscal Impact Statement for Int. No. 486-A:*



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 486-A  
COMMITTEE:  
Immigration

**TITLE:** To amend the administrative code of the city of New York, in relation to persons not to be detained by department of correction.

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

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 486-A would amend Local Law 22 of 2013 to further narrow the categories of persons for whom the Department of Correction (“DOC”) will honor detainers issued by U.S. Immigration and Customs Enforcement (“ICE”). In addition, the amendment would prohibit DOC from allowing ICE to maintain an office on Rikers Island or any other DOC property, except by executive order of the Mayor, for purposes unrelated to the enforcement of civil immigration laws. The amendment also prevents communications between DOC and ICE regarding inmates’ court dates, release dates, or other information about the inmate.

Specifically, Proposed Int. No. 486-A would amend the definitions of “convicted of a covered crime” to “convicted of a violent and serious crime.” In addition, the amendment would only include persons “convicted of a violent or serious crime” in the last five year rather than ten years as stated in Local Law 22. The term “convicted of a covered crime” in Local Law 22 is replaced by “convicted of a violent or serious crime” in Proposed Int. No. 486-A and is defined in an enumerated list of felonies.

Under this amendment, DOC would only honor immigration detainers from ICE if the detainers are: (1) accompanied by a warrant from a federal district court or magistrate judge; and (2) either the subject had been convicted of a “violent or serious crime” during the last five years (excluding any incarceration for that crime), or (3) was identified as possible match in the terrorist screening database.

**EFFECTIVE DATE:** This local law would take effect 30 days after its enactment into law, except for the provisions regarding ICE using DOC land and DOC communications with ICE, which would take effect ninety days after those provisions, become law.

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

**FISCAL IMPACT STATEMENT:**



	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY16
Revenues	\$0	\$0	\$0
Expenditures	<i>de minimis</i>	<i>de minimis</i>	<i>de minimis</i>
Net	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** Proposed Intro. 486-A would have a de minimus impact on expenditures. The proposed bill would reduce the number of inmates held by the DOC on ICE detainees and thereby eliminate some of the costs associated with housing them. According to the Department, in 2013, the Department held 2,045 inmates past their release times on ICE detainees. The DOC spent approximately \$43,000 on food and supplies for inmates held past their City release date on an ICE warrant. Accordingly, narrowing the categories of inmates detained on ICE warrants by the Department could generate approximately \$43,000 in annual savings. It is estimated that the jail population reduction associated with the proposed limitations on detention of inmates on ICE warrants would not be large enough to allow the DOC to close any housing units or reduce staffing and therefore would not produce any budgetary savings.

In order to identify inmates ineligible for detention on an ICE warrant, as defined by Proposed Intro, 486-A, the DOC can use the staff resources currently assigned to the unit within Custody Management that determines whether ICE detainees should be honored.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** NA

**SOURCE OF INFORMATION:** New York Department of Correction and the New York City Council Finance Division.

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Tanisha Edwards, Chief Counsel

**LEGISLATIVE HISTORY:** On October 7, 2014, Intro. No. 486 was introduced to the full Council and assigned to the Committee on Immigration. The Committee held a hearing and laid the legislation over on October 15, 2014. The legislation was subsequently amended. The Committee on Immigration will consider the amended legislation, Proposed Intro. No. 486-A on October 20, 2014. Upon successful vote by the Committee, the full Council will vote on Proposed Intro. No. 486-A on October 22, 2014.

**DATE PREPARED:** October 20, 2014

**(For text of Int 487-A and its respective Fiscal Impact Statement, please see the Report of the Committee on Immigration for Int No. 487-A printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of Int Nos. 486-A and 487-A.*

**(The following is the text of Int. No. 486-A:)**

Int. No. 486-A

By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Menchaca, Espinal, Arroyo, Chin, Constantinides, Eugene, Johnson, Koo, Lander, Levine, Richards, Rose, Rodriguez, Reynoso, Palma, Levin, Mendez, Cohen, Barron, Wills, Van Bramer, Crowley and Kallos.

**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 request for detention of a person suspected of violating civil immigration law.

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] A person shall not be considered convicted of a [covered] violent or serious crime if that [individual] 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] 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 the person was incarcerated for a violent or serious crime, between the time of the commission of such violent or serious crime and the instant arrest, shall be excluded in calculating such five year period and such five year period shall be extended by a period or periods equal to the time served under such incarceration.

[3. "Covered 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.

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] 3. "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] 4. "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.

5. "Judicial warrant" shall mean a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. §631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant.

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

7. "Violent or serious crime" shall mean:

i. a felony defined in any of the following sections of the penal law: 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, 135.35, 135.50, 135.65(2)(b), 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05, 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43, 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30, 230.32, 230.33, 230.34, 235.22, 240.06, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a, 265.01-b, 265.02(2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2), 270.30, 270.35, 405.16(1), 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, or 490.55;

ii. a hate crime as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony;

iii. a felony attempt, felony conspiracy, or felony criminal solicitation to commit any crime specified in subparagraph (i) of this paragraph, or a felony criminal facilitation of such specified crime;

iv. any felony set forth in section 600 of the vehicle and traffic law; or

v. 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 persons, or any crime for which a change made by the legislature requires amendment of the crimes specified in this paragraph. The commissioner of correction 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.

§ 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 a 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:

i.] may only honor a civil immigration detainer by holding a person beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in subparagraph (ii) of this paragraph, or by notifying federal immigration authorities of such person's release, if:

i. federal immigration authorities present the department with a judicial warrant for the detention of the person 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 or any other governmental entity, that such [individual] person:

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

[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 individual:

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

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

[3] 2. Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to paragraph [two] one 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] *October 15, 2015* and no later than [September thirtieth] *October fifteenth* 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 ending September thirtieth:

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

i. had reason to believe that the [individuals] *persons* 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] *persons* in the department's custody;

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

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

2. the number of [individuals] *persons* held pursuant to civil immigration detainees beyond the time when such [individual] *person* 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] *persons* 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] *persons* in the department's custody;

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

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

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

4. the number of [individuals] *persons* transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had at least one [felony] conviction for a violent or serious 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] *persons* transferred to the custody of federal immigration authorities pursuant to civil immigration detainees who had no [misdemeanor or felony] convictions for a violent or serious 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] *persons* for whom civil immigration detainees were not honored pursuant to subdivision b of this section; and

[17] 8. the number of [individuals] *persons* held pursuant to civil immigration detainees beyond the time when such [individuals] *persons* 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 persons 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 person's incarceration status, release dates, court appearance dates, or any other information related to persons in the department's custody, other than information related to a person's citizenship or immigration status, 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.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, PETER A. KOO, RAFAEL L. ESPINAL, Jr.; Committee on Immigration, October 20, 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. 487-A

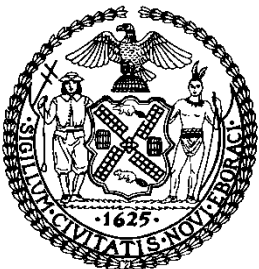
**Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the police department.**

The Committee on Immigration, to which the annexed amended proposed local law was referred on October 7, 2014 (Minutes, page 3589), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Int No. 486-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 487-A:*



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 487-A

COMMITTEE:  
Immigration

**TITLE:** To amend the administrative code of the city of New York, in relation to persons not to be detained by the police department.

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

**SUMMARY OF LEGISLATION:** Proposed Intro. 487- A would amend the administrative code of the City of New York to restrict the conditions under which the New York Police Department ("NYPD") complies with the Immigrations and Customs Enforcement Agency ("ICE") immigration detainees. Under this amendment, NYPD would only honor immigration detainees if the detainees were accompanied by a warrant from a federal judge and also if the person has been (1) convicted of a "violent or serious" crime during the last five years; or (2) was listed as a possible match on a federal terrorist database. The bill allows NYPD to honor immigration detainees without a judicial warrant if the subject of the detainer (1) has been convicted of a "violent or serious" crime and has been previously deported; or, (2) is a listed as a possible match on federal terrorist database.

**EFFECTIVE DATE:** This local law would take effect 30 days after its enactment into law.

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

#### FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY16
Revenues	\$0	\$0	\$0
Expenditures	\$0*	\$0*	\$0*
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** This legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** This legislation would have no impact on city expenditures as existing Police Department resources would be used to comply with any additional requirements created by this law.

\* Proposed Intro. 486-A will reduce the number of inmates held by the NYC Department of Corrections (DOC) on ICE detainees and thereby eliminate some of the costs associated with housing them. According to the Department, in 2013, the Department held 2,045 inmates past their release times on ICE detainees. The DOC spent approximately \$43,000 on food and supplies for inmates held past their City release date on an ICE warrant. Accordingly, narrowing the categories of inmates detained on ICE warrants by the Department could generate approximately \$43,000 in annual savings.

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

**SOURCE OF INFORMATION:** New York Police Department/New York Department of Corrections

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

**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head  
Crielien Francisco, Senior Legislative Financial Analyst  
Regina Poreda Ryan, Deputy Director  
Tanisha Edwards, Chief Council

**LEGISLATIVE HISTORY:** This legislation was introduced on October 7, 2014 as Intro. 487 and referred to the Committee on Immigration. A hearing was held by the Committee on Immigration on October 15, 2014 and the legislation was amended and laid over. The Committee will vote on the amended legislation Proposed Intro. 487-A on October 20, 2014 and, upon successful vote by the Committee, Proposed Intro. 487-A will be submitted to the full Council for a vote on October 22, 2014.

**DATE PREPARED:** October 20, 2014

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

**(The following is the text of Int. No. 487-A:)**

Int. No. 487-A

By The Speaker (Council Member Mark-Viverito) and Council Members Dromm, Menchaca, Espinal, Arroyo, Chin, Constantinides, Johnson, Lander, Levine, Richards, Rose, Rodriguez, Reynoso, Palma, Levin, Mendez, Cohen, Barron, Koo, Wills, Van Bramer, Crowley and Kallos.

**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 number 21 for the year 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 detainer" shall mean a detainer issued pursuant to 8 C.F.R. § 287.7 or any similar federal request for detention of a person suspected of violating civil immigration law.

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] 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 the person was incarcerated for a *violent or serious crime*, between the time of the commission of such *violent or serious crime* and the instant arrest, shall be excluded in calculating such five year period and such five year period shall be extended by a period or periods equal to the time served under such incarceration, 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 judgment pursuant to section 1.20(15) of the criminal procedure law has ever been entered against him or her for a *violent or serious crime*.

3. "Covered 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.

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.] 3. "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.

4. "Judicial warrant" shall mean a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. §631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant.

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

6. "Violent or serious crime" shall mean:

i. a felony defined in any of the following sections of the penal law: 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, 135.35, 135.50, 135.65(2)(b), 140.17, 140.25, 140.30, 145.12, 150.05, 150.10, 150.15, 150.20, 160.05, 160.10, 160.15, 195.07, 195.08, 195.17, 215.11, 215.12, 215.13, 215.15, 215.16, 215.17, 215.51, 215.52, 220.18, 220.21, 220.28, 220.41, 220.43, 220.44, 220.48, 220.77, 230.05, 230.06, 230.19, 230.25(2), 230.30, 230.32, 230.33, 230.34, 235.22, 240.06, 240.55, 240.60, 240.61, 240.62, 240.63, 240.75, 241.05, 255.26, 255.27, 260.25, 260.32, 260.34, 263.05, 263.10, 263.11, 263.15, 263.16, 263.30, 265.01-a, 265.01-b, 265.02 (2) through (8), 265.03, 265.04, 265.08, 265.09, 265.10, 265.11, 265.12, 265.13, 265.14, 265.16, 265.17, 265.19, 265.35(2), 270.30, 270.35, 405.16(1), 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, or 490.55;

ii. a hate crime as defined in section 485.05 of the penal law, provided such hate crime constitutes a felony;

iii. a felony attempt, felony conspiracy, or felony criminal solicitation to commit any crime specified in subparagraph (i) of this paragraph, or a felony criminal facilitation of such specified crime;

iv. any felony set forth in section 600 of the vehicle and traffic law; or

v. 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 persons, or any crime for which a change made by the legislature requires amendment of the crimes specified in this paragraph.

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

(i) A]

may only honor a civil immigration detainer by holding a person beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in subparagraph (ii) of this paragraph, or by notifying federal immigration authorities of such person's release, if:

i. federal immigration authorities present the department with a judicial warrant for the detention of the person 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 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 or any other governmental entity, that such person:

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

[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 one of this subdivision, the department may honor a civil immigration detainer by holding an person for up to forty-eight hours, excluding Saturdays, Sundays and holidays, beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in this paragraph, if 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 or any other governmental agency, that such person:

A. has been convicted of a violent or serious crime and has illegally re-entered the country after a previous removal or return, or

B. is identified as a possible match in the terrorist screening database; provided, however, that if federal immigration authorities fail to present the department with a judicial warrant for such person within the period described above, such person shall be released and the department shall not notify federal immigration authorities of such person's release.

3. Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to [paragraph] 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 detainers 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] *October 15, 2015*, and no later than [September thirtieth] *October fifteenth* 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 ending September thirtieth:

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

2. the number of persons held pursuant to civil immigration detainers 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 detainers; and

4. the number of persons for whom civil immigration detainers 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.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, PETER A. KOO, RAFAEL L. ESPINAL, Jr.; Committee on Immigration, October 20, 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 of the Committee on Land Use

Report for L.U. No. 122

**Report of the Committee on Land Use in favor of approving Application No. 20145392 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Hot Bread of 58th Street, Inc., d/b/a/ European Bakery Café for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 370 West 58th Street, Borough of Manhattan, Community District 4, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

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 - 4

20145392 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Hot Bread of 58th Street Inc., d/b/a European Bakery Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 370 West 58th Street.

#### INTENT

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

#### PUBLIC HEARING

DATE: October 20, 2014

Witnesses in Favor: One

Witnesses Against: None

#### SUBCOMMITTEE RECOMMENDATION

DATE: October 20, 2014

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

In Favor: Weprin, Gentile, Garodnick, Williams, Richards, Reynoso, Ignizio

Against: None Abstain: None

#### COMMITTEE ACTION

DATE: October 21, 2014

The Committee recommends that the Council approve the attached resolution.

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

Against: None Abstain: None

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

Res. No. 457

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 370 West 58th Street, Borough of Manhattan (20145392 TCM; L.U. No. 122).**

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 Hot Bread of 58th Street, Inc., d/b/a European Bakery Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 370 West 58th Street, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 20, 2014; and

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

**RESOLVED:**



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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, October 21, 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 of the Committee on Transportation**

Report for Int. No. 82-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 signs regarding penalties for assaulting taxi and livery drivers.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on February 26, 2014 (Minutes, page 440), respectfully

**REPORTS:**

**INTRODUCTION**

On October 21, 2014, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Int. No. 82-A, which would require that all TLC licensed taxis post a sign warning passengers about potential consequences for assaulting a taxi driver. This is the second hearing on this legislation. The first hearing was held on September 3, 2014, at which time the Committee heard testimony from the Taxi and Limousine Commission (“TLC”) and representatives from the taxi and for-hire vehicle industry. Following the first hearing, the bill was amended to cover commuter vans and wheelchair accessible van. An exemption was added for black cars and luxury limousines.

**BACKGROUND**

According to a United States Department of Labor study, taxi drivers are 20 times more likely than other workers to be murdered on the job.<sup>1</sup> In 2010, the State Legislature adopted the Taxi Driver Protection Act (“TDPA”).<sup>2</sup> The TDPA was designed to reduce assaults on taxi drivers by requiring that all yellow and for-hire taxi place a warning about potential criminal consequences for assaulting a taxi driver.

Although the TDPA received overwhelming support in the State Legislature, it was vetoed by Governor David Paterson.<sup>3</sup> Like the State bill, the proposed legislation is modeled on a similar warning that is posted in buses and subways operated by the Metropolitan Transportation Authority (“MTA”). The MTA warning states that assaulting a bus or subway employee is a “felony punishable by up to 7 years in prison.”<sup>4</sup> It should be noted that there is no additional penalty for assaulting a taxi or for-hire vehicle industry as compared to any other members of the public whose profession is not specifically mentioned in section 120.05 of the New York State Penal Law.

According to taxi worker advocates, between 2013 and 2014, seven serious assaults against taxi drivers were reported. In June 2014, a yellow taxi driver was assaulted by a passenger with a skateboard. It was reported that the driver suffered “fractured nose, facial cuts, and swelling so severe that he can’t open his left.”<sup>5</sup> In 2013, a taxi driver was assaulted with a box cutter and punched by an angry passenger.<sup>6</sup> In August 2014, two for-hire vehicle drivers were killed in the Bronx in separate incidences, increasing fears of violence among many of the City’s livery drivers.<sup>7</sup>

The proposed legislation would require that a sign be placed in a visible location inside taxis and for-hire vehicles stating the following:

**ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison**

**ANALYSIS**

Section one of Int. No. 82-A states that the local law would be known as the “Taxi and Livery Driver Protection Act.” Section two would amend chapter 5 of title 19 of the administrative code of the city of New York by adding a new section 19-543. New section 19-543 would require that every taxi, for-hire taxi owner, commuter van, or wheelchair accessible van place a sign in the rear passenger compartment. Such sign would state the following: ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The new section 19-543 would also require the Taxi and Limousine Commission to promulgate rules regarding the number of signs per vehicle, the size of such signs, the specific location

of such sign within the rear passenger compartment of the vehicle, and any penalties for failure to comply. The new section further provides the provisions of the section would not apply to black cars and luxury limousines.

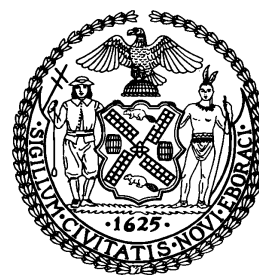
Section three of Int. No. 82-A states that the local law would take effect one hundred eighty days after it is enacted into law, and that the Taxi and Limousine Commission is required to promulgate relevant rules prior to the effective date.

**UPDATE**

On October 21, 2014, the Committee on Transportation passed Int. No. 82-A by a vote of twelve in the affirmative and zero in the negative with one abstention.

<sup>1</sup> U.S. Department of Labor, OSHA Fact Sheet: Preventing Violence Against Taxi and For-Hire Drivers (2010), available at <https://www.osha.gov/Publications/taxi-driver-violence-factsheet.pdf>.  
<sup>2</sup> See A.10058-B, 2009-2010 Regular Sess. (N.Y. 2010) and S.07022-B, 2009-2010 Regular Sess. (N.Y. 2010).  
<sup>3</sup> Kathleen Horan, *Taxi Driver Protection Act Vetoed*, WNYC News, Sept. 20, 2010, available at <http://www.wnyc.org/story/95406-taxi-driver-protection-act-vetoed/>.  
<sup>4</sup> See N.Y. Penal § 120.05 (Consol. 2014). Assault of a transit worker is defined as a Class D felony.  
<sup>5</sup> Pete Donohue, *Hate-filled taxi passenger smacks driver in the fact with skateboard after asking his nationality*, N.Y. DAILY NEWS, June 4, 2014, available at <http://www.nydailynews.com/new-york/nyc-crime/taxi-driver-smacked-face-skateboard-hate-filled-passenger-article-1.1816207>.  
<sup>6</sup> Thomas Tracy, *Man attacks, slashes cab driver after trip from Bowery to the Bronx*, N.Y. DAILY NEWS, Oct. 23, 2013, available at <http://www.nydailynews.com/new-york/cab-driver-attacked-trip-bowery-bronx-article-1.1493763>.  
<sup>7</sup> Winnie Hu and Nate Schweber, *Livery Drivers are on Edge after two killings this month in the Bronx*, N.Y. TIMES, Aug. 18, 2014, available at [http://www.nytimes.com/2014/08/19/nyregion/livery-drivers-are-on-edge-after-two-killings-this-month-in-the-bronx.html?\\_r=0](http://www.nytimes.com/2014/08/19/nyregion/livery-drivers-are-on-edge-after-two-killings-this-month-in-the-bronx.html?_r=0).

(The following is the text of the Fiscal Impact Statement for Int. No. 82-A:)



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
**LATONIA MCKINNEY, DIRECTOR**  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO: 82-A**  
**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring signs regarding penalties for assaulting taxi and livery drivers.  
**Sponsor:** By Council Members Lancman, Koo, Levine, Rose, Vacca, Rosenthal, Dromm, Richards, Weprin, Garodnick, Van Bramer and Constantinides

**SUMMARY OF LEGISLATION:** This legislation, which would be referred to as the “Taxi and Livery Driver Protection Act,” would require every owner of a taxicab, for-hire vehicle, commuter van, or wheelchair accessible van to post in a conspicuous place in the rear passenger compartment of such vehicle a sign that states: “ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The law would not apply to black cars and luxury limousines.

**EFFECTIVE DATE:** This local law would take effect 180 days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY15
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** Because the Department will use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

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

**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. 82 by the Council on February 26, 2014 and referred to the Committee on Transportation. A hearing was held by the Committee on September 3, 2014 and the legislation was laid over. Intro. No. 82 was subsequently amended, and the amended version, Proposed Intro. No. 82-A will be considered by the Committee on Transportation on October 21, 2014. Upon a successful vote by the Committee, Proposed Intro. No. 82-A will be submitted to the full Council for a vote on October 22, 2014.

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

**(The following is the text of Int. No. 82-A:)**

Int. No. 82-A

By Council Members Lancman, Koo, Levine, Rose, Vacca, Rosenthal, Dromm, Richards, Weprin, Garodnick, Van Bramer, Constantinides, Chin, Levin, Cohen, Menchaca, Barron, Miller, Lander, Vallone, Deutsch, Crowley, Kallos and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring signs regarding penalties for assaulting taxi and livery drivers.**

*Be it enacted by the Council as follows:*

Section 1. This local law shall be referred to as the "Taxi and Livery Driver Protection Act."

§ 2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-543 to read as follows:

§ 19-543 *Requirement to have signs in taxicabs and for-hire vehicles regarding penalties for assaulting drivers. Except as provided below, every owner of a taxicab, for-hire vehicle, commuter van, or wheelchair accessible van shall post in at least one conspicuous place in the rear passenger compartment of such vehicle a sign stating the following: "ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison" and shall ensure that such sign remains displayed in such vehicle. The commission shall promulgate rules, consistent with this section, including but not limited to the size of the sign, the number of signs per vehicle, the specific location within the vehicle of such signs, and the penalty for failing to post such signs. The provisions of this section shall not apply to black cars and luxury limousines.*

§ 3. This local law shall take effect 180 days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

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, ANTONIO REYNOSO; Committee on Transportation, October 21, 2014. *Other Council Members Attending: Lancman.*

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

Report for L.U. No. 115 & Res. No. 458

**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.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 10, 2014 (Minutes, page 3292) before being sent by the Council to the City Planning Commission for further review on October 7, 2014 (Minutes, page 3543), 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

#### FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on October 7, 2014. The City Planning Commission filed a letter dated October 20, 2014, with the Council on October 21, 2014, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 458

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140300 ZSM (L.U. No. 115), 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, 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 74-712(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, which in conjunction with the other related actions would facilitate the development of a new six-story commercial building (ULURP No. C 140300 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications 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; C 140302 ZSM (L.U. No. 117), a special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and/or Use Group 10A) with no limitation on floor area per establishment, as modified; 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, the City Planning Commission has made the findings required pursuant to Section 74-712(a) of the Zoning Resolution of the City of New York;

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

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 14DME001M) issued on March 10, 2014 (the "Negative Declaration") and the CEQR Technical Memorandum dated October 16, 2014 (the "Technical Memorandum");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140300 ZSM, and incorporated by reference herein, the Council approves the Decision with modifications and subject to the following conditions:

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

1. The property that is the subject of this application (C 140300 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by S9, an affiliate of Perkins Eastman Architects, PC, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-001.00	Zoning Analysis	<del>August 4, 2014</del> <b>October 22, 2014</b>
Z-100.00	Site Plan	August 18, 2014
Z-101.00	Cellar Floor Plan	<del>August 4, 2014</del> <b>October 22, 2014</b>
Z-102.00	Ground Floor Plan	<del>August 4, 2014</del> <b>October 22, 2014</b>

Z-301.00	Building Sections	<del>August 4, 2014</del> <b>October 22, 2014</b>
Z-302.00	Building Section	<del>July 15, 2014</del> <b>October 22, 2014</b>
Z303.00	Building Section	<del>August 4, 2014</del> <b>October 22, 2014</b>
Z-303.10	Building Section	<del>August 4, 2014</del> <b>October 22, 2014</b>

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operating and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution the provisions of which shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's action or failure to act in accordance with the provisions of this special permit.

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).

Report for L.U. No. 116 & Res. No. 459

**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) before being sent by the Council to the City Planning Commission for further review on October 7, 2014 (Minutes, page 3545), 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

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The Committee's proposed modifications were filed with the City Planning Commission on October 7, 2014. The City Planning Commission filed a letter dated October 20, 2014, with the Council on October 21, 2014, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 459

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140301 ZSM (L.U. No. 116), 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.**

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-

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 (ULURP No. C 140301 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 140302 ZSM (L.U. No. 117), a special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and/or Use Group 10A) with no limitation on floor area per establishment, as modified; 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**, the City Planning Commission has made the findings required pursuant to Section 74-712(b) of the Zoning Resolution of the City of New York;

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

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 14DME001M) issued on March 10, 2014 (the "Negative Declaration") and the CEQR Technical Memorandum dated October 16, 2014 (the "Technical Memorandum");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140301 ZSM, and incorporated by reference herein, the Council approves the Decision with modifications and subject to the following conditions:

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

- The property that is the subject of this application (C 140301 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by S9, an affiliate of Perkins Eastman Architects, PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis	<del>August 4, 2014</del>
<b><u>October 22, 2014</u></b>		
Z-100.00	Site Plan	August 18, 2014
Z-300.00	Building Section	<del>July 15, 2014</del> <b><u>October 22, 2014</u></b>
Z-301.00	Building Sections	<del>August 4, 2014</del>
<b><u>October 22, 2014</u></b>		
Z-302.00	Building Section	<del>July 15, 2014</del> <b><u>October 22, 2014</u></b>
Z-303.00	Building Section	<del>August 4, 2014</del>
<b><u>October 22, 2014</u></b>		
Z-303.10	Building Section	<del>August 4, 2014</del>
<b><u>October 22, 2014</u></b>		
Z-305.00	Waiver Plan Diagram	<del>August 18, 2014</del>
<b><u>October 22, 2014</u></b>		

- Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and



shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operating and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution the provisions of which shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's action or failure to act in accordance with the provisions of this special permit.

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).

Report for L.U. No. 118 & Res. No. 460

**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) before being sent by the Council to the City Planning Commission for further review on October 7, 2014 (Minutes, page 3550), 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*

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

Res. No. 460

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140299 PPM, for the disposition of one city-owned property located at 19 East Houston Street (Block 511, Lot 19), pursuant to zoning, Borough of Manhattan (L.U. No. 118).**

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 pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services, for the disposition of one city-owned property located at 19 East Houston Street (Block 511, Lot 19), which in conjunction with the other related actions would facilitate the development of a new six-story commercial building pursuant to zoning (Application No. C 140299 PPM), 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 140302 ZSM (L.U. No. 117), a special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and/or Use Group 10A) with no limitation on floor area per establishment, as modified;

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

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

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 14DME001M) issued on March 10, 2014 (the "Negative Declaration") and the CEQR Technical Memorandum dated October 16, 2014 (the "Technical Memorandum");

**RESOLVED:**

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140299 PPM, incorporated by reference herein, the Council approves the Decision for the disposition of one City-owned property

located at 19 East Houston Street (Block 511, Lot 9), pursuant to zoning, Borough of Manhattan.

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).

#### Resolution approving various persons Commissioners of Deeds

#### By the Presiding Officer –

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

#### *Approved New Applicant's Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Allan Tones	145 Nagle Avenue Bronx, N.Y. 10040	10
Lisa Ray	45 West 177th Street #1 Bronx, N.Y. 10453	14
Sol Martinez	710 Tinton Avenue #2I A Bronx, N.Y. 10455	17
Michelle DeLaCruz	64-14 Copper Avenue #1 Queens, N.Y. 11385	30
Liliana Manuel	201 Eastern Parkway #6A Brooklyn, N.Y. 11238	35
Jessenia Ferrer	135 Moffat Street #1 Brooklyn, N.Y. 11207	37
Rivka Salamon	1152 53rd Street Brooklyn, N.Y. 11219	44
Lauren Villeroel	7764 Amboy Road Staten Island, N.Y. 10307	51

#### *Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Yen H. Bui	430 East 6th Street #8J New York, N.Y. 10009	2
Theresa Smith	130 Columbia Street #12E New York, N.Y. 10002	2
Louis Bakalar	435 West 45th Street New York, N.Y. 10036	3
Lavern P. Derespino	484 West 43rd Street #39N New York, N.Y. 10036	3
Amelia Elorriaga	15 Abingdon Square #62 New York, N.Y. 10014	3
Ventura Cambrelen	211 East 89th Street 41313 New York, N.Y. 10128	5
Mojdeh Rubin	1435 Lexington Avenue #11E New York, N.Y. 10128	5
Jeannette Vargas	510 Main Street #415 New York, N.Y. 10044	5
George Engel	275 West 96th Street #34D New York, N.Y. 10025	6
Tonya Bumpars	250 West 131st Street #5A New York, N.Y. 10027	9
Griny A. Reed	1960 Park Avenue #117 New York, N.Y. 10037	9
Marian Daniel-Olin	5700 Arlington Avenue #15G Bronx, N.Y. 10471	11
Lorna Story	3265 Bainbridge Avenue #A13 Bronx, N.Y. 10467	11
Joseph K. Eady	3410 DeReimer Avenue #7D Bronx, N.Y. 10475	12
Maria Puschila	24-37 Westervelt Avenue #1 Bronx, N.Y. 10469	13
Paula Stewart	2801 Schley Avenue #4A	13

Vivian Tones	Bronx, N.Y. 10465 2808 Barkley Avenue	13
Isabel Vazquez	Bronx, N.Y. 10465 795 Pelham Parkway North #1C	13
Evelis Otero	Bronx, N.Y. 10457 451A Effingham Avenue	18
LuJuan April William	Bronx, N.Y. 10473 1965 Lafayette Avenue #5N	18
Alcira Mejia	Astoria, N.Y. 11105 21-80 38th Street #810	22
Gloria Rodriguez	Queens, N.Y. 11373 92-15 56th Avenue	25
Luke Petrinovic	Long Island City, N.Y. 11103 32-36 45th Street #2R	26
Deborah Lowe	Queens, N.Y. 11433 111-27 172nd Street	27
Jack Tennyson	Queens, N.Y. 11412 194-44 111th Road	27
Milton Warden	Jamaica, N.Y. 11434 169-18 115th Avenue	27
Peggy Adames	South Ozone Park, N.Y. 11420 123-11 115th Avenue	28
Vincent A. Brown	Queens, N.Y. 11436 137-24 132nd Avenue	28
Dolores J. Daniels	Queens, N.Y. 11434 134-19 166th Place #6D	28
Hilda McKeithen	Queens, N.Y. 11434 163-49 130th Avenue #2F	28
Adele Zukor	Queens, N.Y. 11374 85-49 67th Road	29
Lucia Amoretti	Queens, N.Y. 11414 162-30 97th Street	32
Mary A. Dunn	Brooklyn, N.Y. 11238 309 Lafayette Avenue #1C	35
Lynn Gripper	Brooklyn, N.Y. 11205 217 Carlton Avenue	35
Maggie Castillo	Brooklyn, N.Y. 11206 3 Tompkins Avenue	36
Eve Dockery	Brooklyn, N.Y. 11216 253 Lexington Avenue	36
Theresa P. Gibbs	Brooklyn, N.Y. 11213 400 Herkimer Street #1P	36
Estelle Johnson	Brooklyn, N.Y. 11206 65 Tompkins Avenue #6H	36
Stevenson Scantlebury	Brooklyn, N.Y. 11213 1145 St. Marks Avenue 41F	36
Argentina Batista	Brooklyn, N.Y. 11220 220 53rd Street #1R	38
Lue B. Gibson	Brooklyn, N.Y. 11226 385 East 16th Street 42H	40
Tasha Jones	Brooklyn, N.Y. 11218 25 Stratford Road #B4	40
Lena Ham	Brooklyn, N.Y. 11236 106-22 Farragut Road #2D	42
Kathryn Filbert	Brooklyn, N.Y. 11209 576 Bayridge Parkway	43
Jeffrey Haffenden	Brooklyn, N.Y. 11234 661 East 59th Street	45
Felicia Thornton-Manuel	Brooklyn, N.Y. 11236 1168 East 89th Street	46
Marina Grinman	Brooklyn, N.Y. 11224 2930 West 5th Street #17G	48
Emmanuel Brutus	Staten Island, N.Y. 10314 515 Buchanan Avenue	49
Albert D. George	Staten Island, N.Y. 10303 188 Harbor Road	49
Victoria M. Gillen	Staten Island, N.Y. 10303 74 Winant Street	49
Marianna Bediner	Staten Island, N.Y. 10306 989 Olympia Blvd	50
Charles M. Greinsky	Staten Island, N.Y. 10304 120 Vista Avenue	50

Ruth C. Richards	40A Dinsmore Street	50
	Staten Island, N.Y. 10314	
Debra A. Barrett	160 Lipsett Avenue	51
	Staten Island, N.Y. 10312	
Elisa Pritchard	469 Mosley Avenue	51
	Staten Island, N.Y. 10312	

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 82-A -** Requiring signs regarding penalties for assaulting taxi and livery drivers.
- (2) **Int 403-A -** Requiring the department of education to report information regarding guidance counselors and social workers in schools.
- (3) **Int 438 -** Establishment of the West Shore business improvement district.
- (4) **Res 450 -** Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (5) **Int 486-A -** Persons not to be detained by the department of correction.
- (6) **Int 487-A -** Persons not to be detained by the police department.
- (7) **L.U. 115 & Res 458 -** App. C **140300 ZSM** special permit 19 East Houston Street, in an M1-5B District, SoHo Cast-Iron Historic District.
- (8) **L.U. 116 & Res 459 -** App. C **140301 ZSM** special permit 19 East Houston Street SoHo Cast-Iron Historic District, Manhattan, Council District 1.
- (9) **L.U. 118 & Res 460 -** App. C **140299 PPM** disposition of one city-owned property, 19 East Houston Street, (Block 511, Lot 19), pursuant to zoning.
- (10) **L.U. 122 & Res 457 -** App. **20145392 TCM**, unenclosed sidewalk café 370 West 58th Street, Borough of Manhattan, Council District 3.
- (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, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

**The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 82-A**:

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

**Negative** – Miller – **1**.

The following was the vote recorded for **Int No. 486-A and Int No. 487-A**:

**Affirmative** – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Garodnick, Gibson,

Greenfield, Johnson, Kallos, King, Koo, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Vacca, Weprin, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **41**.

**Negative** – Deutsch, Gentile, Matteo, Ulrich, Vallone and Ignizio – **6**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 82-A, 403-A, 438, 486-A, and 487-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. 166

**Report of the Committee on Education in favor of approving a Resolution calling upon the New York City Department of Education to establish a comprehensive college preparation program, based on the college readiness model proposed by the Urban Youth Collaborative, to improve and expand college access for all students.**

The Committee on Education, to which the annexed resolution was referred on April 10, 2014 (Minutes, page 1139), respectfully

**REPORTS:**

**INTRODUCTION**

On Monday October 20, 2014, the City Council’s Committee on Education, chaired by Council Member Daniel Dromm, will consider Resolution No. 166, a resolution calling upon the New York City Department of Education to establish a comprehensive college preparation program, based on the college readiness model proposed by the Urban Youth Collaborative, to improve and expand college access for all students. A previous hearing was held on September 29, 2014.

**Resolution No. 166**

Resolution No. 166 would note that the connection between a college degree and economic stability has been exhaustively documented, making college access and preparation a racial and economic justice issue. The Resolution would further note that across the United States there is a growing emphasis on schools preparing students to be college and career ready. Resolution No. 166 would state that forty-five states, including New York, have adopted the Common Core Standards, which are designed to reflect the knowledge and skills that young people need for success in college and careers.

The Resolution would indicate that the New York City Department of Education (DOE) already includes college readiness metrics as part of the Progress Reports used to evaluate schools. Resolution No. 166 would point out that since 2011-12, Progress Reports also include postsecondary enrollment rate data, which is the percentage of students who graduate and have enrolled in two- or four-year college, vocational program, or public service program such as the military or AmeriCorps.

Resolution No. 166 would indicate that according to DOE data released in November 2013, only 49.7 percent of the class of 2012 enrolled in a two- or four-year college, vocational program, or public service program. The Resolution would note that the DOE should do more to help schools improve their college readiness and college enrollment rates. Resolution No. 166 would state that the Urban Youth Collaborative (UYC), New York City’s largest youth-led organization has created a set of proposals to ensure that high schools serving low-income youth of color meet the new DOE standards for college enrollment.

The Resolution would point out that Student Success Centers (SSCs), which are located in several City high schools, train high school students to help other students navigate every step of the college process, and have significantly improved college acceptances and financial aid packages, played a critical role in creating school-wide “college going cultures” and have effectively served undocumented students.

Resolution No. 166 would state that UYC calls on the DOE to maintain support for the existing SSCs and to launch additional ones at low-performing multi-campus high schools. The Resolution would further state that according to the Institute for Student Achievement, Distributive Guidance is a proven model of teachers supporting students through the college process in advisories. The Resolution would indicate that UYC also calls on the DOE to ensure that schools using the Distributive Guidance model provide teachers with ongoing training, adequate time to fulfill their college support role, and the necessary resources for the program.

The Resolution would note that the Summer Bridge to College program, as well as similar programs, train college students to return to their high schools to assist new and prospective high school graduates with completing financial aid documents,

registering for classes, filling out paperwork, and staying on track to start college in the fall. Resolution No. 166 would state that UYC also proposes that the DOE provide funding and support to high schools to implement similar “bridge to college” programs at all NYC high schools. The Resolution would indicate that students in New York City’s public schools would benefit from implementation of UYC’s “Get Us To College” proposals to support students through the college application process and prepare them to enroll in college. Finally, Resolution No. 166 would state that the Council of the City of New York calls upon the New York City Department of Education to establish a comprehensive college preparation program, based on the college readiness model proposed by the Urban Youth Collaborative, to improve and expand college access for all students.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 166:)

Res. No. 166

**Resolution calling upon the New York City Department of Education to establish a comprehensive college preparation program, based on the college readiness model proposed by the Urban Youth Collaborative, to improve and expand college access for all students.**

By Council Members Rose, Ferreras, Gibson, Levine, Mendez, Reynoso, Williams, Eugene, Deutsch, Torres, Espinal, Cohen, Barron, Menchaca, Chin, Lander, Levin, Van Bramer, Dickens and Kallos.

**Whereas**, The connection between a college degree and economic stability has been exhaustively documented, making college access and preparation a racial and economic justice issue; and

**Whereas**, Across the United States there is a growing emphasis on schools preparing students to be college and career ready; and

**Whereas**, Forty-five states, including New York, have adopted the Common Core State Standards, which are designed to reflect the knowledge and skills that young people need for success in college and careers; and

**Whereas**, The New York City Department of Education (DOE) already includes college readiness metrics as part of the Progress Reports used to evaluate schools; and

**Whereas**, Since 2011-12, Progress Reports also include postsecondary enrollment rate data, which is the percentage of students who graduate and have enrolled in a two- or four-year college, vocational program, or public service program such as the military or AmeriCorps; and

**Whereas**, According to DOE data released in November 2013, only 49.7 percent of the class of 2012 enrolled in a two- or four-year college, vocational program, or public service program after graduation; and

**Whereas**, The DOE should do more to help schools improve their college readiness and college enrollment rates; and

**Whereas**, The Urban Youth Collaborative (UYC), New York City’s largest youth-led organization, has created a set of proposals to ensure that high schools serving low-income youth of color meet the new DOE standards for college enrollment; and

**Whereas**, UYC’s “Get Us To College” platform proposes that the DOE launch a systemwide assessment of what schools are currently doing to support students through the college process and make that assessment public; and

**Whereas**, UYC also recommends that the DOE create an early warning system so that all high school students know how many credits they have, what classes they should be taking to prepare for college, and whether they are on track for graduation and college; and

**Whereas**, Further, UYC proposes that school guidance counselors should have a maximum of 250 students on their caseload and, in addition, that every school should have one well-trained college counselor for every 100 seniors, who starts working with students as early as 9th grade; and

**Whereas**, Student Success Centers (SSCs), which are located in several City high schools, train high school students to help other students navigate every step of the college process, and have significantly improved college acceptances and financial aid packages, played a critical role in creating school-wide “college going cultures” and have effectively served undocumented students; and

**Whereas**, UYC calls on the DOE to maintain support for the existing SSCs and to launch additional ones at low-performing multi-campus high schools; and

**Whereas**, According to the Institute for Student Achievement, Distributive Guidance is a proven model of teachers supporting students through the college process in advisories; and

**Whereas**, UYC also calls on the DOE to ensure that schools using the Distributive Guidance model provide teachers with ongoing training, adequate time to fulfill their college support role, and the necessary resources for the program; and

**Whereas**, The Summer Bridge to College program, as well as similar programs, train college students to return to their high schools to assist new and prospective high school graduates with completing financial aid documents, registering for classes, filling out paperwork, and staying on track to start college in the fall; and

**Whereas**, UYC also proposes that the DOE provide funding and support to high schools to implement similar “bridge to college” programs at all NYC high schools; and

**Whereas**, Students in New York City’s public schools would benefit from implementation of UYC’s “Get Us To College” proposals to support students through the college application process and prepare them to enroll in college; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to establish a comprehensive college preparation program, based on the college readiness model proposed by the Urban Youth Collaborative, to improve and expand college access for all students.

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, JUMAANE D. WILLIAMS, ANDY L. KING, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, MARK TREYGER; Committee on Education, October 20, 2014

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 405

**Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving a 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.**

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed resolution was referred on September 10, 2014 (Minutes, page 3252), respectfully

#### REPORTS:

##### Introduction

On October 14, 2014, the Committee on Cultural Affairs, Libraries, and International Intergroup Relations, chaired by Council Member James Van Bramer, held a hearing on Res. No. 405, a 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. Among the witnesses who testified in favor of the resolution at that first hearing were Congressman José E. Serrano and various interested parties including Friends of the National Museum of the Latino and the Hispanic Association on Corporate Responsibility. On October 21, 2014, the Committee held a second hearing on Res. No. 405. At this second hearing, the Committee voted 9 to 0, with no abstentions, in favor of this resolution.

##### Background

Latinos are the second-largest ethnic group in the United States, and their representation is growing.<sup>15</sup> The U.S. Census Bureau estimates Latinos represented 17% (53 million) of the U.S. population in 2012 and are projected to represent 31% of the population by 2060.<sup>16</sup> Latino representation is even larger within younger segments of the population.<sup>17</sup> Latinos now represent more than 25% of all children under the age of five, and almost one quarter (23%) of students enrolled in pre-kindergarten through twelfth grade in public schools.<sup>18</sup> Latinos also represent 17% of students enrolled in college, and the U.S. Department of Education projects Latino postsecondary enrollment will grow by 27% between 2011 and 2022, the largest rate of increase of all racial and ethnic groups.<sup>19</sup>

Members of the Latino community have made significant contributions to this nation in several fields including the armed forces, government, finance, education, sports, fashion, the arts and sciences. Several notable Latino Americans include United States Secretary of Labor Thomas Perez, fashion designer Oscar de la Renta, legendary salsa musician Tito Puente, Grammy Award winner Carlos Santa, entertainer Jennifer Lopez, Supreme Court Justice Sonia Sotomayor, the first justice of Latino descent, author and Pulitzer Prize winner Junot Díaz, journalist Geraldo Rivera, comedian George Lopez, Academy Award winners Rita Moreno and Anthony Quinn, among many others. In addition, Council Member Melissa Mark-Viverito is the first Latina to become the Speaker of the New York City Council.

The Commission to Study the Potential Creation of the National Museum of the American Latino (“the National Museum of the American Latino Commission” or “the Commission”) is an independent commission established by the federal government of the United States in 2008 to study the feasibility of creating a national museum dedicated to highlighting the contributions of American Latinos.<sup>20</sup> The Commission is comprised of 23 members from across the nation including actress

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

<sup>15</sup> ACT, “The Condition of College & Career Readiness 2013: Hispanic Students,” available at <http://www.act.org/newsroom/data/2013/states/pdf/Hispanic.pdf>, accessed on October 9, 2014.

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

<sup>17</sup> *Id.*

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

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

<sup>20</sup> As accessed at <http://americanlatinomuseum.gov/> on October 8, 2014.



Eva Longoria, financial analyst Cid Wilson, and Grammy Award winning musician and producer Emelio Estefan.<sup>21</sup> The Commission released a report in May 2011 which recommended that Congress establish within the Smithsonian Institution a national museum in Washington, D.C., to be known as the Smithsonian American Latino Museum,<sup>22</sup> “that is devoted to the preservation, presentation, and interpretation of American Latino art, cultural expressions, and experiences; a museum that ‘illuminates the American story for the benefit of all.’”<sup>23</sup> According to the Commission, Latinos are an integral part of the history and culture of the United States. Some Americans, including American Latinos, know little of our country’s rich Latino heritage. “Written and oral narratives have not become part of the collective memory of our country. These stories have been untold, under told, or altogether forgotten. All people of the United States contribute to the American identity. The telling of the Latino story in America recognizes a culture that represents a vital national asset.”<sup>24</sup>

The Commission found that no federal appropriation would be necessary for the first six years upon the establishment of the museum,<sup>25</sup> and that private donations could sufficiently fund the initial years of planning and organization.<sup>26</sup> The Commission determined that a private fundraising goal of \$300 million over a 10-year period is achievable.<sup>27</sup> The 10-year timeframe was based on the length of time to establish the Smithsonian National Museum of the American Indian and the Smithsonian National Museum of African American History and Culture.<sup>28</sup> Consequently, legislation was introduced in Congress in March 2013 to establish the museum.<sup>29</sup>

#### **Res. No. 405**

Res. No. 405 would point out that according to the 2012 Census Bureau American Community Survey, there are approximately 53 million people of Latino descent living in the United States, of which over 2.3 million reside in New York City. The resolution would indicate that in fact, the Latino population is the largest ethnic minority group in the country, according to the most recent Census data.

Res. No. 405 would note that in March 2013, Congressman Xavier Becerra and Senator Robert Menendez introduced H.R. 1217 and S.568, respectively. The resolution would further note that H.R. 1217 and S.568 would establish within the Smithsonian Institution the Smithsonian American Latino Museum (“the Museum”).

The resolution would indicate that this legislation would designate the Arts and Industries Building on the National Mall in Washington, D.C., as the future location for the Museum and would begin a planning period to identify viable fundraising and construction models for the construction and operation of the Museum. The resolution would also indicate that the passage of this legislation would guarantee a commitment to the arts, to the principles of diversity and to building a more inclusive community, and would show recognition and appreciation for the vital role that Latinos play in American life, art, culture, industry, neighborhoods and communities across the nation.

Res. No. 405 would point out that it is of great importance to support the establishment of the Museum, among the other landmark Smithsonian institutions, to highlight the history of the Latino community and to honor Latinos for their significant contributions to our culture and society. Finally, the resolution would assert that the Council of the City of New York calls 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.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 405:)**

Res. No. 405

**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.**

By The Speaker (Council Member Mark-Viverito) and Council Members Van Bramer, Cohen, Chin, Cumbo, Dickens, Eugene, Koo, Palma, Koslowitz, Levin, Crowley, Constantinides, Barron, Menchaca, Miller, Lander and Gibson.

**Whereas**, According to the 2012 Census Bureau American Community Survey, there are approximately 53 million people of Latino descent living in the United States, of which over 2.3 million reside in New York City; and

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

<sup>21</sup> National Museum of the American Latino Commission, “Final Report to the President and Congress of the United States: To Illuminate the American Story For All,” May 2011, available at <http://americanlatinomuseum.gov/pdf/NMAL%20FINAL-Report.pdf>, accessed on October 9, 2014.

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

<sup>23</sup> National Museum of the American Latino Fact Sheet, May 5, 2011 as accessed at [http://americanlatinomuseum.gov/pdf/NMALFactSheet\\_May52011.pdf](http://americanlatinomuseum.gov/pdf/NMALFactSheet_May52011.pdf), accessed on October 9, 2014.

<sup>24</sup> See Supra Note 7.

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

<sup>26</sup> *Id.*

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

<sup>28</sup> *Id.*

<sup>29</sup> See <https://www.govtrack.us/congress/bills/113/hr1217>

**Whereas**, In fact, the Latino population is the largest ethnic minority group in the country, according to the most recent Census data; and

**Whereas**, In March 2013, Congressman Xavier Becerra and Senator Robert Menendez introduced H.R. 1217 and S.568, respectively; and

**Whereas**, H.R. 1217 and S.568 would establish within the Smithsonian Institution the Smithsonian American Latino Museum (“the Museum”); and

**Whereas**, This legislation would designate the Arts and Industries Building on the National Mall in Washington, D.C., as the future location for the Museum and would begin a planning period to identify viable fundraising and construction models for the construction and operation of the Museum; and

**Whereas**, The passage of this legislation would guarantee a commitment to the arts, to the principles of diversity and to building a more inclusive community, and would show recognition and appreciation for the vital role that Latinos play in American life, art, culture, industry, neighborhoods and communities across the nation; and

**Whereas**, It is of great importance to support the establishment of the Museum, among the other landmark Smithsonian institutions, to highlight the history of the Latino community and to honor Latinos for their significant contributions to our culture and society; now therefore, be it

**Resolved**, That the Council of the City of New York calls 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.

JAMES G. VAN BRAMER, *Chairperson*; 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 21, 2014.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 429

**Report of the Committee on Women’s Issues in favor of approving a Resolution recognizing October as Domestic Violence Awareness Month in the City of New York.**

The Committee on Women’s Issues, to which the annexed resolution was referred on October 7, 2014 (Minutes, page 3601), respectfully

#### **REPORTS:**

##### **Introduction**

On October 20, 2014, the Committee on General Welfare, chaired by Council Member Stephen Levin, the Committee on Women’s Issues, chaired by Council Member Laurie Cumbo, and the Committee on Courts and Legal Services, Chaired by Council Member Rory Lancman held a joint oversight hearing to examine the coordination of services for victims of domestic violence in New York City. The Committees also heard Int. No. 361, Proposed Res. No. 161-A, Res. No. 104 and Res. No. 429. At that time Resolution No. 429 was passed by the Women’s Issues Committee by a vote of 4-0.

##### **Background**

According to the United States Department of Justice (DOJ), domestic violence is defined as “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.”<sup>1</sup> Domestic violence can be physical, emotional, sexual, economic, or psychological actions- or threats of actions- that negatively influence another person.<sup>2</sup> This includes any behaviors that intimidate, manipulate, humiliate, terrorize, isolate, frighten, coerce, threaten, blame, hurt, injure, or wound someone.<sup>3</sup> Other terms for domestic violence include intimate partner violence (IPV), battering, relationship abuse, spousal abuse, or family violence.

Domestic violence affects families from all socioeconomic backgrounds regardless of age, race, ethnicity, education, or marital status or sexual orientation. According to the DOJ’s Bureau of Justice Statistics, between the years 2003 and 2012, domestic violence accounted for 21% of all violent crime.<sup>4</sup> Additionally, DOJ findings state that females (76%) experienced more domestic violence victimizations than males (24%).<sup>5</sup> Statistics indicate that women between the ages of 20 and 24 are at the greatest risk of being victims of domestic violence. Furthermore, every year more than 3 million children witness domestic violence in their homes.<sup>6</sup> The National Coalition Against Domestic Violence reports that witnessing violence between one’s parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next.<sup>7</sup> The cycle of violence can continue without education, interventions, and services.

IPV can take place within relationships of those much younger as well. The New York City Mayor’s Office to Combat Domestic Violence (MOC DV) notes that in 2010, nearly 1,100 individuals between the ages of 17 and 21, and 54 youth under the age of 16, filed family offense petitions in New York State Family Courts as victims of violence in an “intimate relationship.”<sup>8</sup> The United States Centers for

Disease Control and Prevention (CDC) reports that youth who are victims are more likely to experience symptoms of depression and anxiety as well as engage in unhealthy behaviors such as using drugs and alcohol.<sup>9</sup>

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.<sup>10</sup> According to the MOC DV, between 2002 and 2012, there were 789 domestic violence homicides in New York City, approximately half of which the perpetrator was the intimate partner of the victim.<sup>11</sup>

When victims of domestic violence decide to leave an abusive relationship, they often have nowhere to go. This is particularly true for those with few economic resources. Victims of domestic violence who are able to safely leave their batterer face the possibility of homelessness and dislocation. The provision of safe emergency shelter is a primary tool for families fleeing domestic violence.

**Analysis: Res. No. 429**

The Resolution would explain that 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 additionally that other terms for domestic violence include intimate partner violence (IPV), battering, relationship abuse, spousal abuse, or family violence. The Resolution would state that domestic violence affects families from all socioeconomic backgrounds regardless of age, race, ethnicity, education, or marital status or sexual orientation.

The Resolution would note that 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.” The Resolution would cite the finding that 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. The Resolution would also cite the Centers for Disease Control and Prevention (CDC), noting that, on average, 20 people per minute are victims of physical violence by an intimate partner in the United States and approximately 9% of high school students reported being hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend in the previous 12 months. The Resolution would further cite the BOJ, noting that females (76%) experienced more domestic violence victimizations than males (24%). The Resolution would also cite the domestic violence service provider Safe Horizon, which states that women aged 20 to 24 are at greatest risk of becoming victims of domestic violence.

The Resolution would state that women are more likely to be killed by an intimate partner than men and further that 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. The Resolution would explain that 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.

The Resolution would also cite the New York City Mayor’s Office to Combat Domestic Violence (MOC DV), which found that between 2001 and 2012, there were 864 domestic violence homicides in New York City and that there were 62 family related homicides in 2013, including 16 victims that were killed in the Bronx, 26 victims that were killed in Brooklyn, 5 victims that were killed in Manhattan, 13 victims that were killed in Queens and 2 victims that were killed in Staten Island. The Resolution would also state that 74% of these cases had no known prior police contact and 86% of these cases had no current order of protection. The Resolution would further cite statistics provided by the New York City Police Department and Safe Horizon which show that police responded to 280,531 domestic violence incidents in 2013, an average of over 765 per day.

The Resolution would indicate that domestic violence is an insidious crime that affects the health, individuals, families and entire communities and further 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.” The Resolution would state that 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. Therefore, the Resolution would declare that the Council of the City of New York recognizes October as Domestic Violence Awareness Month in the City of New York.

<sup>1</sup>The United States Department of Justice, Office on Violence Against Women, *available at* <http://www.justice.gov/ovw/domestic-violence> (last visited Oct. 15, 2014).

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

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

<sup>4</sup>The United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Special Report, April 2014, Nonfatal Domestic Violence, 2003–2012, *available at* <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

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

<sup>6</sup>Safe Horizon, Domestic Violence: Statistics & Facts, *available at* <http://www.safehorizon.org/page/domestic-violence-statistics--facts-52.html> (last visited Oct. 15, 2014).

<sup>7</sup>National Coalition Against Domestic Violence Domestic Violence Facts, *available at* <http://www.ncadv.org/files/Domestic%20Violence%20Stylized--GS%20edits.pdf>.

<sup>8</sup>In 2008, New York State expanded the definition of “member of the same family or household” under the Family Court Act to include partners in intimate relationships who have no child in common and are not married. N.Y. Fam. Ct. Act § 812 (1)(e); New York City Mayor’s Office to Combat Domestic Violence, Teen Dating Violence Fact Sheet 2013, *available at* [http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics\\_Teen\\_Dating\\_Violence\\_Fact\\_Sheet\\_2013.pdf](http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_Teen_Dating_Violence_Fact_Sheet_2013.pdf).

<sup>9</sup>Centers for Disease Control & Prevention, Teen Dating Violence, *available at* [http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen\\_dating\\_violence.html](http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen_dating_violence.html) (last visited Oct. 15, 2014).

<sup>10</sup>New York City Mayor’s Office to Combat Domestic Violence, Domestic Violence Annual Fact Sheet 2013, *available at* [http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics\\_Annual\\_Fact\\_Sheet\\_2013.pdf](http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_Annual_Fact_Sheet_2013.pdf).

<sup>11</sup>New York City Mayor’s Office to Combat Domestic Violence, New York City Domestic Violence Fatality Review Committee, Annual Report 2013, *available at* [http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics\\_8th\\_Annual\\_Report\\_Fatality\\_Review\\_Committee\\_2013.pdf](http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_8th_Annual_Report_Fatality_Review_Committee_2013.pdf).

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 429:)**

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 (MOC DV), between 2001 and 2012, there were 864 domestic violence homicides in New York City; and

**Whereas**, MOC DV 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.

LAURIE A. CUMBO, *Chairperson*; DARLENE MEALY, ELIZABETH S. CROWLEY, BEN KALLOS; Committee on Women's Issues, October 20, 2014. *Other Council Members Attending: The Speaker (Council Member Mark-Viverito), Cabrera, Lancman, Levin, Gibson, Johnson, Ignizio, Menchaca, Mendez and Espinal.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

#### INTRODUCTION AND READING OF BILLS

Res. No. 442

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.7738/ A.9979, to change the admissions criteria for New York City's Specialized High Schools.**

By Council Members Barron, Torres, Lander, Dromm, Rodriguez, Levine, Maisel, Johnson, Mendez, Richards, Reynoso and Rosenthal.

**Whereas**, There are nine Specialized High Schools in New York City that serve the needs of academically and artistically gifted students; and

**Whereas**, For eight of these schools, admission is based solely on the score attained on the Specialized High Schools Admissions Test (SHSAT), while for Fiorello H. LaGuardia High School of Music & Art and Performing Arts (LaGuardia), acceptance is based on an audition and a review of a student's academic records; and

**Whereas**, A 1971 State law, known as the Hecht-Calandra Act, makes the SHSAT exam the only measure that can be used to admit students to Stuyvesant High School, the Bronx High School of Science and Brooklyn Technical High School; and

**Whereas**, Civil rights advocates have long complained about the relatively small number of black and Hispanic students in these most selective high schools; and

**Whereas**, According to a June 2014 *New York Times* article, in the 2013-14 school year black students were offered only 5% of the seats at the eight schools and Hispanics 7%, even though 70% of the city's public school students are black or Hispanic. Asians were offered 53% of the seats, while whites were offered 26%; and

**Whereas**, In September 2012, a coalition of educational and civil rights groups, including the NAACP Legal Defense and Educational Fund, filed a federal complaint saying that black and Hispanic students were disproportionately excluded from New York City's most selective high schools because of a single-test admittance policy that is racially discriminatory; and

**Whereas**, The Thomas B. Fordham Institute, an education policy group, researched 165 selective high schools around the country and found that New York City's specialized schools were the only ones that used a single test as the sole admission criterion, while others use multiple factors including grades, teacher recommendations, essays and interviews; and

**Whereas**, Similarly, college admissions generally do not rely on a single test score, but rather a variety of factors which may include SAT or ACT test scores as well as grades, teacher recommendations, essays and interviews; and

**Whereas**, Furthermore the three leading organizations in the area of educational test measurement—the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education—have concluded that a high-stakes decision with a major impact on a student's educational opportunities, such as admission to a specialized or gifted/talented program, should not depend on the results of a single test; and

**Whereas**, S.7738, sponsored by Senator Felder, and its companion bill A.9979, sponsored by Assemblymember Camara, would establish procedures and standards for admission to the special high schools of New York City which will consist of multiple objective measures of student merit including grade point averages, school attendance records, school admission test scores and state test scores; and

**Whereas**, Further, S.7738 and A.9979 would require the City Board of Education or Chancellor to provide written explanation of the weightings of the factors selected and make such explanation publicly available; and

**Whereas**, S.7738 and A.9979 would also require the Chancellor to conspicuously post notice of the special high schools' entrance examination; and

**Whereas**, S.7738 and A.9979 would also provide that the principal of a special high school may admit a student who has satisfactorily completed a Discovery Program; and

**Whereas**, A Discovery Program provides disadvantaged students with exam scores just below the admissions cutoff a chance to study over the summer and earn slots at the schools; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.7738/ A.9979, to change the admissions criteria for New York City's Specialized High Schools.

Referred to the Committee on Education.

Res. No. 443

**Resolution calling upon the United States Congress to pass and the President to sign H. Res. 85, which recognizes the importance of acknowledging the contributions of Dominican-Americans to the United States.**

By Council Members Cabrera, Chin, Cumbo, Dickens, Dromm, Eugene, Gibson, Koo, Mendez, Reynoso and Ulrich.

**Whereas**, Migration from the Dominican Republic to the United States began in the 1960s, in the wake of economic and political turbulence that occurred after dictator Rafael Trujillo was killed by rebels in 1961 and the United States military and other government agencies intervened, according to the Migration Policy Institute; and

**Whereas**, Since 1990, the immigrant population from the Dominican Republic residing in the United States has been larger than other immigrant populations from the Caribbean, with the exception of immigrants from Cuba, according to the Migration Policy Institute; and

**Whereas**, Furthermore, the vast majority of immigrants from the Dominican Republic live in the United States compared to other parts of the world; and

**Whereas**, The Dominican immigrant population in the United States, was approximately 12,000 in 1960, according to the Migration Policy Institute, then it significantly increased to 537,600 in 1990 and 1,414,703 in 2010, according to the Census Bureau; and

**Whereas**, According to the 2012 American Community Survey, there are currently 1,656,960 individuals of Dominican descent living in the United States, of which 657,489 live in New York City; and

**Whereas**, In fact, New York City has the largest Dominican population in the United States, according to the latest Census Bureau data; and

**Whereas**, Dominicans are also New York City's largest immigrant group since 1990, according to the Department of City Planning report *The Newest New Yorkers 2013 Edition*; and

**Whereas**, Dominican-Americans have made significant contributions to the United States in several fields including government, finance, education, sports, fashion, the arts and sciences; and

**Whereas**, Thomas Perez, the current United States Secretary of Labor, born in Buffalo, New York, is the first Dominican-American to be named a member of the Cabinet; and

**Whereas**, Other notable Dominican-Americans include New York Yankee Alex Rodriguez, former New York Yankee Robinson Canó, former New York Met Pedro Martínez, actress Zoe Saldana, author Junot Díaz, NASA Aerospace Engineer and Aerospace Technologist Dr. Víctor A. Carreño, Commissioner of the New York City Department of Design and Construction and former of Dean of Columbia University School of Engineering Feniosky Peña-Mora, financial analyst Cid Wilson, and fashion designer Oscar de la Renta as well as several elected officials across the country, including elected in New York State and New York City; and

**Whereas**, H. Res. 85, sponsored by Congressman Charles Rangel, would recognize the importance of acknowledging the contributions of Dominican-Americans to the United States; and

**Whereas**, This legislation would support the establishment of a national month to celebrate and honor Dominican heritage between January 21st, the Day of the Procession of Altigracia, the Dominican Republic's most important religious celebration, and February 27rd, the Dominican Republic's Independence Day; and

**Whereas**, A national month celebrating Dominican culture would also be appropriate during this period because every year in the month of February, the Dominican people celebrate Carnival, the most festive event in the Dominican Republic where participants dress in colorful masks and costumes and dance in the street; and

**Whereas**, This legislation would also urge the President to issue a proclamation calling on the people of the United States to observe a national month of recognition for Dominican-Americans with appropriate ceremonies, programs and activities; and

**Whereas**, It is important to acknowledge all people, including Dominicans, who contribute culturally and economically to our country; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H. Res. 85, which recognizes the importance of acknowledging the contributions of Dominican-Americans to the United States.

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

Res. No. 444

**Resolution calling upon the New York State legislature to pass legislation requiring insurance companies to cover other types of cancer screening testing including genetics testing, ultrasounds and magnetic resonance imaging and mandating that insurance companies dedicate a portion of their profits to researching and developing new early detection screening measures for cancer.**

By Council Members Crowley, Espinal, Arroyo, Cumbo, Dickens, Eugene, Johnson, Koo, Mendez, Richards and Vallone.

**Whereas**, Breast and ovarian cancer are two types of cancer that substantially affect women; and

**Whereas**, According to the American Cancer Society, a leading public health organization, in 2014, approximately 232,670 new cases of invasive breast cancer will be diagnosed in women in the United States; and

**Whereas**, In addition, an estimated 40,000 women will lose their battle to breast cancer in 2014; and

**Whereas**, While the cause of breast cancer remains unknown, individuals can make certain lifestyle changes to lower their risk of developing the disease including reducing alcohol use, breastfeeding, engaging in physical activity, maintaining a healthy weight and a proper diet; and

**Whereas**, Yet, there are many factors that contribute to breast cancer including age, race, ethnicity, family history and reproductive history which cannot be modified; and

**Whereas**, Therefore, the most important tool in reducing the risk of breast cancer is early detection, as the earlier the disease is detected, the better the chance for successful treatment; and

**Whereas**, Doctors attribute breast cancer screening and early detection to saving thousands of women's lives each year; and

**Whereas**, There are many screening tools including mammography, clinical breast exam, breast self-exam, and magnetic resonance imaging (MRI) which can all help detect cancer at an earlier and more treatable stage; and

**Whereas**, Mammography is one of the most effective screening tools at finding breast cancer at an early stage; and

**Whereas**, Yet, mammograms do have some limitations where a small percentage of cancers can be missed by the test and in other cases, an abnormal mammogram may require a biopsy which later turns out to be negative for breast cancer; and

**Whereas**, Currently, New York State law mandates that insurance companies provide mammograms for a person of any age who has a close relative with a history of cancer, a baseline reading between the ages 30 to 35 years and annually at age 40 and older; and

**Whereas**, While this is significant, coverage should be expanded to cover other types of screening tools including MRI, genetics testing and other developing technologies; and

**Whereas**, MRI is generally recommended for women who are at high-risk of developing breast cancer, those that have a family history or prior radiation treatment, as it is able to detect cancer that may be missed by a mammogram; and

**Whereas**, Ultrasound, also known as sonography, is another screening tool which allows the physician to use sound waves to look into the patient's body and further examine a mass in a less invasive manner; and

**Whereas**, Genetics testing is also available as a tool to screen for breast cancer, as this technique examines the genes looking for alterations that may increase risk of cancer; and

**Whereas**, In addition to breast cancer, ovarian cancer is also a substantial public health problem facing women, accounting for the leading cause of death from cancer of the female reproductive system; and

**Whereas**, The American Cancer Society estimates that in the United States, in 2014, there will be approximately 21,980 new cases of ovarian cancer in women and approximately 14,270 women will die from the disease; and

**Whereas**, Certain behavioral and lifestyle changes can lower a woman's risk of being diagnosed with ovarian cancer; and

**Whereas**, Approximately 20 percent of ovarian cancers are found at an early stage and this improves the woman's chance of successful treatment and survival; and

**Whereas**, Early detection tools for ovarian cancer include pelvic exams and ultrasounds and blood tests for women who are at high risk of developing ovarian cancer; and

**Whereas**, Additionally, there are other tests to help determine if a woman has ovarian cancer including computed tomography, barium enema x-rays, MRI, positron emission tomography, laparoscopy, colonoscopy and biopsy; and

**Whereas**, While New York State law created an ovarian cancer information program and ovarian cancer is part of the State's cancer control plan, insurance coverage of ovarian cancer testing is not mandated and ovarian cancer clinical trials are not covered by insurance; and

**Whereas**, Many of these advanced screening technologies for breast and ovarian cancer are widely available but unfortunately, they are not all covered by health insurance programs; and

**Whereas**, Any test that a physician believes will be useful in detecting cancer at an earlier stage should be covered as part of an individual's health insurance coverage; and

**Whereas**, Insurance companies should be at the forefront of improving and investing in medical technologies that could detect cancers earlier, as this would further reduce health care costs; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State legislature to pass legislation requiring insurance companies to cover other types of cancer screening testing including genetics testing, ultrasounds and magnetic resonance imaging and mandating that insurance companies dedicate a portion of their profits to researching and developing new early detection screening measures for cancer.

Referred to the Committee on Health.

Res. No. 445

**Resolution calling on the Chancellor of the New York City Department of Education to amend Chancellor's Regulation A-655, regarding mandatory members of School Leadership Teams (SLTs), to include one parent of a child with an Individualized Education Program (IEP).**

By Council Members Crowley, Arroyo, Chin, Koo, Lander, Mendez, Richards and Menchaca.

**Whereas**, The New York City Department of Education (DOE) is the largest system of public schools in the United States, serving about 1.1 million students in nearly 1,700 schools; and

**Whereas**, The DOE is led by the New York City Schools Chancellor, who promulgates regulations called the Chancellor's Regulations; and

**Whereas**, The Chancellor's Regulations address a wide range of policies and are categorized into four Volumes; and

**Whereas**, Volume A addresses student-related issues, from admissions to promotion, Volume B addresses school-based budgeting, Volume C addresses employee issues, from hiring to termination, and Volume D addresses parent and community involvement; and

**Whereas**, Currently, Chancellor's Regulation A-655 requires the establishment of School Leadership Teams (SLTs) in every New York City public school, which, according to the DOE, are a "vehicle for developing school-based educational policies and ensuring that resources are aligned to implement those policies;" and

**Whereas**, Chancellor's Regulation A-655 further states that the SLTs should have a minimum of 10 members and a maximum of 17 members; and

**Whereas**, SLT membership must include the school's principal, the Parent Association/Parent-Teacher Association (PA/PTA) President and the United Federation of Teachers (UFT) Chapter Leader, or their designees; and

**Whereas**, In addition to those mandatory members, the SLTs must also include other parents from the school and school staff (pedagogic and/or non-pedagogic) in equal numbers; and

**Whereas**, Currently, there is no requirement that one of the parents on the SLT be the parent of a child with an Individualized Education Program (IEP); and

**Whereas**, The IEP is a written document that is developed for each public school child who is eligible for special education and sets forth recommended goals and services designed to meet the student's educational needs; and

**Whereas**, The DOE recognized the importance of including the parent of a student with an IEP when creating educational policy in Chancellor's Regulation D-140, which mandates that each Community Education Council have at least one member who is a parent of a student with an IEP; and

**Whereas**, Parents of children with IEPs would be an asset to each SLT because they often have a unique perspective and experience of the school's performance and needs and are an important voice in the school community; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Chancellor of the New York City Department of Education to amend Chancellor's Regulation A-655, regarding mandatory members of School Leadership Teams (SLTs), to include one parent of a child with an Individualized Education Program (IEP).

Referred to the Committee on Education.

Res. No. 446

**Resolution calling upon the Metropolitan Transportation Authority to require that all contractors hired by the Authority are certified by the Society for Protective Coatings in the appropriate standards for lead abatement.**

By Council Members Crowley, Cumbo and Koo.

**Whereas**, According to the United States (U.S.) Environmental Protection Agency (EPA), the improper removal of lead-based paint from structures can generate a large amount of lead dust, which can remain for a long period of time after the work is completed, and presents a potential danger to those exposed to such lead dust; and

**Whereas**, According to the Centers for Disease Control and Prevention, 535,000 children in the U.S., ages 1 to 5 years old, have blood lead levels high enough to impair their health; and

**Whereas**, Children under the age of six are at higher risk for lead poisoning, which can cause severe health risks such as learning disabilities, decreased muscle and bone growth, and kidney damage; and

**Whereas**, Lead poisoning also poses health hazards for adults, who when exposed to high amounts of lead, can suffer from high blood pressure, digestive problems, and nervous disorders; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene, construction workers, especially painters, ironworkers, laborers and demolition crews working on lead-painted structures, are at particular risk of exposure to dangerous levels of lead; and

**Whereas**, The New York City subway system was constructed before the existence of any regulations that prevented the use of lead in paint, and the deterioration of lead-based paint potentially places workers at risk if abatement is improperly managed; and



**Whereas**, In March 2007, a judge in New York County Supreme Court ruled that the Metropolitan Transportation Authority (MTA) was responsible for the health problems of several workers who were exposed to large amounts of lead dust during the renovation of Grand Central Terminal; and

**Whereas**, The Society for Protective Coatings (SSPC) has been a leading industry source of information on surface preparation, coating selection, coating application, environmental regulations, and health and safety issues that affect the protective coatings industry; and

**Whereas**, The SSPC certifies contractors through their "Painting Contractor Certification Program," a nationally recognized independent contractor evaluation program developed by a diverse committee of industry professionals; and

**Whereas**, Given the known dangers of lead poisoning and the potential for exposure during renovations, the benefits of proper lead abatement would help ensure the safety and wellbeing of MTA riders and workers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to require that all contractors hired by the Authority are certified by the Society for Protective Coatings in the appropriate standards for lead abatement.

Referred to the Committee on Transportation.

Res. No. 447

**Resolution calling upon the New York State Public Service Commission to include language in utility tariffs to prohibit the placement of utility meters in front of residential buildings throughout New York City.**

By Council Member Crowley.

**Whereas**, The New York State Public Service Commission has exclusive regulatory authority over gas and electric utility companies in New York; and

**Whereas**, Utility companies must file tariffs with the New York State Public Service Commission stating the rates to be charged to the utility's customers and detailing access and placement of the utility company's metering devices in and upon residential property; and

**Whereas**, Many residents of the City and community organizations have serious concerns that their residential neighborhoods are being aesthetically degraded by the unsightly placement of utility meters in front of residential buildings; and

**Whereas**, Prohibiting the unsightly placement of such utility meters in front of residential buildings would be a benefit to the aesthetics of residential neighborhoods throughout New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Public Service Commission to include language in utility tariffs to prohibit the placement of utility meters in front of residential buildings throughout New York City.

Referred to the Committee on Housing and Buildings.

Res. No. 448

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would create tax credits for women's health care providers.**

By Council Members Crowley, Espinal, Chin, Cumbo, Dickens, Johnson and Mendez.

**Whereas**, It is well documented that women's health care providers face significant cost barriers, particularly in the obstetrics and gynecological fields; and

**Whereas**, Obstetricians and gynecologists (OB-GYNs) in New York City spend anywhere from \$140,043 to \$183,247 on medical malpractice insurance alone, according to an analysis by Excellus BlueCross BlueShield; and

**Whereas**, Conversely, the insurance reimbursement rates for performing deliveries is low; a survey of New York members of the American Congress of Obstetricians and Gynecologists revealed that 41 percent of OB-GYNs surveyed received between \$1,500 and \$2,500 for a delivery and 11 percent reported receiving less than \$1,500 per delivery, significantly less than the actual cost of a delivery; and

**Whereas**, Aside from this cost, New York City practitioners also face high administrative and overhead costs; and

**Whereas**, Such high costs may contribute to a shortage of women's health care providers, which in turn reduces access to care and patient choice; and

**Whereas**, Patient access problems are especially prevalent in health professional shortage areas (HPSAs); and

**Whereas**, HPSAs are designations made by the United States Health Resources and Services Administration on the basis of geographic area, a low population-to-practitioner ratio and inaccessible resources in contiguous areas; and

**Whereas**, In New York State, there are currently 179 primary care HPSAs and nearly 2.5 million underserved residents; and

**Whereas**, Sixty-eight of these primary care HPSAs are located within New York City's five boroughs; and

**Whereas**, Government can act to ease the burden on women's health care providers by authorizing tax credits which these practitioners can use to defray some of their operating costs; and

**Whereas**, Offering tax credits and incentivizing the provision of care in established high needs areas will directly result in higher quality of care, while ensuring that access is expanded; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would create tax credits for women's health care providers.

Referred to the Committee on Health.

Int. No. 502

By Council Members Cumbo, Cabrera, Dickens, King and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring school buses to operate in bus lanes during hours of operation.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.6 to read as follows:

§ 19-175.6 *Bus lane requirement for school buses.* a. *For the purposes of this section, the following terms shall have the following meanings:*

1. "Bus lane" shall mean a portion of the roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of buses, and

2. "School bus" shall have the same meaning as set forth in section one hundred forty-two of the vehicle and traffic law.

b. *Notwithstanding any other law, rule, or regulation, when bus lane restrictions are in effect on a roadway, any operator of a school bus shall operate such school bus in the bus lane, except in order to pick up or drop off passengers, or when necessary to safely turn such school bus.*

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

Referred to the Committee on Transportation.

Int. No. 503

By Council Members Cumbo, Arroyo, Cabrera, Eugene, Gibson, King, Koo, Vallone and Lancman.

**A Local Law to amend the New York city charter, in relation to creating a task force on domestic violence perpetrators.**

*Be it enacted by the Council as follows:*

Section 1. Section 19 of the New York city charter is amended by adding a new subdivision e to read as follows:

e.1. *For purposes of this subdivision, the following terms shall have the following meanings:*

(i) "Agency" shall have the same meaning as set forth in subdivision d of this section.

(ii) "Perpetrator" shall have the same meaning as set forth in subdivision d of this section.

2. *There shall be a task force to examine programs and services relating to domestic violence perpetrators in the city of New York. Such task force shall develop recommendations for the consideration of the commissioner of the office to combat domestic violence regarding the coordination and improvement of programs and services for perpetrators of domestic violence provided by agencies and private organizations that provide such programs and services pursuant to a contract with an agency.*

(i) *Such task force shall be comprised of seven members, three of whom shall be appointed by the speaker of the council and four by the mayor. The members shall be appointed within sixty days of the enactment of this local law and shall serve without compensation. The chairperson shall be elected from amongst the members. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. The commissioner of the office to combat domestic violence may provide staff to assist the task force.*

(ii) *The task force shall meet at least four times per year.*

3. *The task force may request and receive information from any agency as may be necessary to carry out the provisions of this subdivision, in accordance with applicable laws, rules and regulations, including, but not limited to, the exceptions to disclosure of agency records contained in the public officers law. Nothing in this subdivision shall be construed as limiting any right or obligation of agencies pursuant to the public officers law, including the exceptions to disclosure of agency records contained in such law, with respect to access to or disclosure of records or portions thereof. The task force may also request from any private organization providing programs or services to domestic violence perpetrators pursuant to a contract with an agency information necessary to carry out the provisions of this subdivision. To the extent provided by law, the task force shall protect the privacy of all individuals involved in any incidence of domestic violence that the task force may receive information on in carrying out the provisions of this subdivision.*

4. The task force shall submit to the mayor and to the speaker of the city council, an annual report commencing January 1, 2016 and annually thereafter on or before January 1 which shall include, but not be limited to, the availability of programs and services to domestic violence perpetrators in the city of New York during the previous year; the number of domestic violence perpetrators using programs and services in the city of New York during the previous year; and recommendations regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency.

5. The office to combat domestic violence shall make such reports available on its web site. The office to combat domestic violence shall also provide copies of the reports to the public upon request.

§2. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect 90 days following its enactment into law.

Referred to the Committee on Women's Issues.

Res. No. 449

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation establishing a fixed water rate for people living on a fixed income.**

By Council Members Espinal, Arroyo, Constantinides, Cumbo, Dickens, Gibson, King and Koo.

**Whereas**, The New York City Water Board ("Water Board") was created by the New York State Public Authorities Law and charged in Section 1045-g(4) to "establish, fix, revise, charge and collect and enforce the payment of all fees, rates, rents and other service charges for the use of, or services furnished by the sewerage system, water system, or both, as the case may be..."; and

**Whereas**, Pursuant to that authority, the Water Board votes annually to adopt the in-City rates for water use; and

**Whereas**, Every year since 1996, the Water Board has voted to increase the water rate, including in some years to raise it more than ten percent over the previous year's rate; and

**Whereas**, In most of those years, the increase in the water rate has exceeded the increase in the national inflation rate; and

**Whereas**, Most recently, for Fiscal Year 2015, the Water Board voted on May 23, 2014 to increase the water rate by 3.35% over the rates charged for Fiscal Year 2014; and

**Whereas**, The rate for metered water in Fiscal Year 2015 was set at \$3.70 per one hundred cubic feet with a minimum water service charge of \$0.49 per day per water meter; and

**Whereas**, Since the sewer rate is calculated as a percentage of the water rate, when the water rate rises, the sewer rate rises, as well, causing a water user's bill to rise even higher; and

**Whereas**, According to the City's Department of Environmental Protection, in Fiscal Year 2015, a typical single-family homeowner will see an increase from \$991 per year to \$1,024 per year for water and sewer bills and a typical multi-family unit will see an increase from \$644 per year per unit to \$666 per year per unit; and

**Whereas**, Many New York City residents are faced with rising costs that are out of their control which are becoming increasingly difficult to afford and many of those residents are living on a fixed income; and

**Whereas**, The fixed incomes of those residents by definition do not rise annually to keep pace with the rising water rates thereby compounding their struggles to afford basic living expenses each year; 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 establishing a fixed water rate for people living on a fixed income.

Referred to the Committee on Environmental Protection.

Int. No. 504

By Council Members Eugene, Chin, Koo, Lancman, Treyger and Constantinides.

**A Local Law to amend the New York city charter, in relation to including information about candidates for federal, state, and county offices in the New York City voters guide.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 1052 of the New York city charter is amended to read as follows:

b. The board shall take such actions as it deems necessary and appropriate to

improve public awareness of the candidates, proposals or referenda in all elections in which there are contested elections for the federal offices of president and vice president of the United States, United States senator for the state of New York, and representative of congress for districts wholly or partly in the city of New York; the state offices of governor, lieutenant governor, comptroller, attorney general, member of the state senate and member of the state assembly for districts wholly or partly in the city of New York, delegate to a constitutional convention, or ballot proposals or referenda pursuant to the state constitution; the city offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law[.]; the county offices within the city of New York of district attorney, justice of the supreme court, judge of the civil court, judge of the surrogate court; and the party offices within the city of New York including delegates to judicial conventions, state committee, county committee and district leader, including but not necessarily limited to the publication of a non-partisan, impartial voters guide providing information on candidates, ballot proposals and referenda, and the distribution of one copy of such guide to each household in which there is at least one registered voter eligible to vote in the election involved; *except that, the board shall establish procedures to enable households to opt out of receiving such guide via hard copy and to receive such guide electronically instead. Such guide shall also be provided in an online interactive format that allows a user to locate his or her poll site, a sample ballot, and any other information on voting or candidates that the board determines to be necessary or useful to improve public awareness of upcoming elections.* In any year in which the board publishes a voters guide, if the board determines that the amount of money in its budget is insufficient or likely to be insufficient for the publication and distribution of the voters guide, it shall report such determination to the director of the office of management and budget, who, after consultation with the board, shall, without an appropriation, transfer to the board a reasonable amount, as the director shall determine, to cover the cost of publishing and distributing the voters guide.

§ 2. Section 1053 of the New York city charter is amended to read as follows:

§ 1053. Voters guide. Each voters guide published by the board shall contain: (a) material explaining the date and hours during which the polls will be open for that election *and how to find the location of poll sites*; when, where, and how to register to vote; when a citizen is required to reregister; when, where, and how absentee ballots are obtained and used; instructions on how to vote; maps showing the boundaries of congressional districts, state senate districts, state assembly districts and council districts, *as appropriate*; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this charter; (b) such tables of contents, graphics, and other materials which the board determines will make the voters guide easier to understand or more useful for the average voter; (c) biographical information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, and a listing of major organizational affiliations and endorsements; (d) concise statements by each candidate of his or her principles, platform or views; and (e) where there is a ballot proposal or referendum, concise statements explaining such proposal or referendum and an abstract of each such proposal or referendum. The guide shall be prepared in plain language using words with common and everyday meanings. No later than the first day of [January]July of [nineteen hundred eighty nine]two thousand twelve, the board shall promulgate such rules as it deems necessary for the preparation and publication of the guide in English, Spanish and any other languages the board determines to be necessary and appropriate, and for the distribution of the guide. The purpose of such rules shall be to ensure that the guide and its distribution will serve to fully, fairly and impartially inform the public about the issues and candidates appearing on the ballot.

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

Referred to the Committee on Governmental Operations.

Int. No. 505

By Council Members Eugene, Vallone and Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to permissible parking at senior centers.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

§ 19-162.3 Permissible parking at senior centers. a. For the purposes of this section "senior citizen center" shall mean a multi-purpose community facility with regular operating hours and staff that provide a variety of health, social, nutritional, and educational services and recreational activities for senior citizens.

b. Notwithstanding any local law, regulation or rule to the contrary, but subject to the provisions of the vehicle and traffic law, the department shall designate the roadway adjacent to the front entrance of a senior citizens center as a senior citizen center parking area, solely for the use of any passenger vehicle owned, registered or leased by a senior citizen who attends a senior citizen center between the hours of 10:00 a.m. and 3:00 p.m. on days when such senior citizen center is open for services and activities, provided that such vehicle displays an appropriate vehicle permit in accordance with the rules of the department.

c. For a senior citizen center where the department determines that it is not feasible to designate a parking area adjacent to the front entrance, the department shall designate a senior center parking area for senior citizens who attend such senior citizen center's services at a distance no greater than one block from the senior citizen center's front entrance.

d. A senior citizen center may petition the department for a time extension, no greater than two hours for its senior citizen center parking area at least two weeks before the date for which such extension is requested.

e. The hearing officer shall dismiss any notice of violation issued to the owner of a passenger vehicle parked in a designated senior citizen center parking area upon receipt from the owner, in person or by mail, other suitable evidence showing compliance with the law, including evidence showing that the owner of such passenger vehicle was a senior citizen and evidence of attendance by such senior at a service or activity at a senior citizen center.

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

Referred to the Committee on Transportation.

Preconsidered Res. No. 450

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

By Council Members Ferreras 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 the 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 changes in the designation of a certain organization 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 Adult Literacy 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 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 5; 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 6; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) 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 and 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 8; and be it further

**Resolved**, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Worker Cooperative Business Development 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 Discretionary Childcare 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 new designation of a certain organization receiving funding pursuant to the Stabilizing NYC 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 changes in the designation of a certain organization receiving funding pursuant to Anti-Gun Violence Initiative – Community-Based 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 description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 13; and be it further

**Resolved**, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 14.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to the resolution following the Report of the Committee on Finance for Res No. 450 printed in these Minutes).

Int. No. 506

By Council Members Johnson, Chin and Cumbo.

**A Local Law to amend the administrative code of the city of New York, in relation to the waiver of covenants prohibiting pets.**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2009.1 of the administrative code of the city of New York, as added by local law number 52 for the year 1983 and renumbered by chapter 907 of the laws of 1985, is amended to read as follows:

§ 27-2009.1 Rights and responsibilities of *dwelling* owners and [tenants] *occupants* in relation to pets. a. Legislative declaration. The council hereby finds that the enforcement of covenants [contained in multiple dwelling leases] which prohibit [the] *dwelling occupants* from harboring [of] household pets has led to [widespread] abuses by [building] *dwelling* owners [or] and their agents, who, knowing that a [tenant] *dwelling occupant* has a pet for an extended period of time, seek to evict the [tenant and/or his or her pet] *occupant or to obtain an injunction against the occupant's continuing to harbor the pet*, often for reasons unrelated to the creation of a nuisance. Because household pets are kept for reasons of safety and companionship and under the existence of a continuing housing emergency it is necessary to protect pet owners from retaliatory eviction *or enforcement of covenants prohibiting pets* and to safeguard the health, safety and welfare of [tenants] *dwelling occupants* who harbor pets under the circumstances provided [herein] *in this section*, it is hereby found that the enactment of the provisions of this section is necessary to prevent [potential] hardship *on* and dislocation of [tenants] *dwelling occupants* within this city.

b. Where a [tenant in a multiple] *dwelling occupant* openly and notoriously for a period of three months or more following taking possession of a unit, harbors or has harbored a household pet or pets, the harboring of which is not prohibited by the multiple dwelling law, the housing maintenance or the health codes of the city of New York or any other applicable law, and the *dwelling* owner or his or her agent has knowledge of this fact, and such owner fails within this three month period to commence a summary proceeding or action to enforce a *covenant or lease provision* prohibiting the keeping of such household pets, such *covenant or lease provision* shall be deemed waived *for each species of pet that is harbored or was harbored in such dwelling. Such waiver shall remain effective for the duration of the occupant's occupancy and shall permit the occupant to replace pets with pets of the same species.*

c. *This section shall apply to any dwelling occupant who currently harbors a household pet or pets or has harbored such, in the dwelling in which the occupant currently resides, at any time within the five years preceding the enactment of the local law that added this subdivision.*

[c.] d. It shall be unlawful for an owner or his or her agent, by express terms or otherwise, to restrict a [tenant's] *dwelling occupant's* rights as provided in this section. Any such restriction shall be unenforceable and deemed void as against public policy.

[d.] e. The waiver provision of this section shall not apply where the harboring of a household pet causes damage to the subject premise, creates a nuisance or interferes substantially with the health, safety or welfare of other [tenants or] *occupants of the same or an adjacent building or structure.*

[e.] f. The New York city housing authority shall be exempt from the provisions of this section.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 507

By Council Members Kallos, Rose, Chin, Koo and Vallone.

**A Local Law to amend the New York city charter, in relation to expanding the role of the waterfront management advisory board.**

*Be it enacted by the Council as follows:*

Section 1. Section 1303 of chapter 56 of the New York city charter is amended to read as follows:

§1303. Waterfront management advisory board. a. There shall be a waterfront management advisory board, which shall consist of the deputy mayor for economic development, as chairperson; the commissioner of small business services, as vice chairperson; the chairperson of the city planning commission; the commissioner of environmental protection; *the commissioner of parks and recreation; the commissioner of housing preservation and development;* [one] two city council [member] members to be designated by the city council; and [twelve] fifteen members to be appointed by the mayor with the advice and consent of the city council, provided that there is at least one appointed member from each borough. Appointed members shall include representatives of labor, the maritime industries, the transportation industries, the real estate industry, the hospitality industries, as well as environmental advocates and community advocates.

b. Appointed members of the board shall not hold any other public office or employment and shall be appointed for terms of three years without compensation, except that of the members first appointed, four shall be appointed for terms of one year, four shall be appointed for terms of two years, and four shall be appointed for terms of three years; *and except that of the first members appointed pursuant to the local law that added this provision, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years.* No appointed member may be removed other than for cause to be determined after a hearing before the office of administrative trials and hearings.

c. In the event of a vacancy on the board during the term of office of an appointed member, the mayor shall appoint a successor with the advice and consent of the city council to serve the balance of the unexpired term.

d. The ex officio and council members of the board may designate a representative who shall be counted as a member for the purpose of determining the existence of a quorum and who may vote on behalf of such member. The designation of a representative shall be made by a written notice of the ex officio or council member served upon the chairperson of the board prior to the designee participating in any meeting of the board, but such designation may be rescinded or revised by the member at any time. The commissioner of small business services may designate as his or her representative the president of the economic development corporation or the designee of the president.

e. The board shall (1) hold at least one meeting every six months; (2) consult with and advise the deputy mayor for economic development, the commissioner of small business services and the city planning commission on any matter relating to the industrial, commercial, residential, recreational or other use or development of wharves, waterfront property and waterfront infrastructure in the city, and on other matters as may be requested by the chairperson of the board; (3) create any committees or subcommittees consisting of at least one board member or their designated representative as the board deems appropriate to carry out the board's responsibilities, provided that there shall be a committee on recreational uses of the waterfront; (4) *permit the representatives of federal, state, or multi-state agencies, authorities or other instrumentalities to participate as a non-voting members of the board;* (5) *oversee the drafting of such portions of the comprehensive waterfront plan as may be authorized by the director of city planning pursuant to section 205 of this charter;* and [(4)] (6) issue a report by March first, two thousand ten, and every two years thereafter, to the mayor, the city council, and borough presidents regarding the development of wharves, and waterfront property and infrastructure in the city during the immediately preceding two calendar years[, provided that the report due March first, two thousand ten shall relate to calendar year two thousand nine only].

§ 2. Section 205 of chapter 8 of the New York city charter is amended to read as follows:

§ 205. Comprehensive waterfront plan. Not later than the thirty-first day of December, two thousand and ten and not less than every ten years thereafter, the department of city planning shall file with the mayor, the council, the public advocate, the borough presidents, and the community boards, a comprehensive waterfront plan. Such plan shall be drafted in consultation with the appropriate city, state, and federal agencies and regulatory bodies, and with input from the public, and shall include (1) an assessment of waterfront resources for the natural waterfront, the public waterfront, the working waterfront and the developing waterfront, (2) a statement of the planning policy of the department of city planning, which policy shall take into consideration, among other things, the ten year capital strategy, the assessment of waterfront resources included pursuant to (1) above, the four year capital plan, the strategic policy statements provided for in section seventeen and plans approved pursuant to section one hundred ninety-seven-a and (3) proposals for implementing the planning policy of the department whether by amendment of the zoning resolution, development of plans or otherwise. *The director of city planning may authorize the waterfront management advisory board to oversee the drafting of such portions of the comprehensive waterfront plan as the director deems appropriate, provided that the department of city planning remains responsible for complying with all provisions of this section.*

§ 3. This local law shall take effect one hundred twenty days after its enactment, except that the department of city planning shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Waterfronts.

Int. No. 508

By Council Members Kallos, Reynoso, Richards, Dromm, Levine, Rosenthal, Levin, Lander, Rodriguez, Rose, Menchaca, Cabrera, Chin, Constantinides, Dickens, Johnson, Koo, Lancman, Mendez, Miller, Ferreras, Williams and Van Bramer.

**A Local Law to amend the New York city charter, in relation to allowing online voter registration.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

§1057-c Online voter registration. a. *The board of elections shall provide a secure website that allows any eligible resident of the city of New York to confidentially submit through such website the information collected on a voter registration application form pursuant to section 5-210 of the election law to the board of elections for the purposes of registering to vote or updating his or her voter registration. As a part of such submission, the website shall allow such resident to view the notices contained on a voter registration application form pursuant to section 5-210 of the election law. Upon receipt of such information, the board of elections shall process it in the same manner as an application form submitted by mail pursuant to section 5-210 of the election law, subject to the requirements of section 303(b) of the help america vote act of 2002, except that the absence of a written signature shall not render such an application incomplete or otherwise preclude the registration of an eligible individual. For the purposes of this section, the term "board of elections" shall mean the New York city board of elections.*

b. *For any eligible individual attempting to register or update his or her registration at the website provided pursuant to this section who submits information that will not be processed as valid for the next election, such website shall notify him or her at the time of submission that the registration or update will not take effect for the next election.*

c. *The board of elections shall develop procedures to enable an eligible individual who submits an application using the website provided pursuant to this section, and whose application lacks a signature, to provide a signature at the polling place, or by submitting an application for an absentee ballot, before voting. The board of elections may require an individual who has not provided a signature before arriving at a polling place or submitted an absentee ballot to present a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such individual prior to voting.*

§2. This local law shall take effect one year after its enactment, provided, however, that the New York city board of elections shall take such actions prior to such time as are necessary for timely implementation of this local law.

Referred to the Committee on Governmental Operations.

Res. No. 451

**Resolution calling upon the New York City Department of Education to mandate school uniforms.**

By Council Members King, Koo, Arroyo, Eugene, Richards, Gentile, Espinal and Torres.

**Whereas**, New York State law requires that the New York City school district adopt a code of conduct, including standards for dress deemed appropriate and acceptable on school property and at school functions, as well as dress that is deemed unacceptable and inappropriate; and

**Whereas**, The New York City Department of Education (DOE) does not require students to wear uniforms as part of its code of conduct and instead applies a voluntary uniform policy; and

**Whereas**, Under Chancellor's Regulation A-665, the DOE implemented a voluntary uniform policy permitting individual schools to decide whether or not to require uniforms; and

**Whereas**, Many schools throughout the New York City school system choose to require uniforms; and

**Whereas**, According to the United States Department of Education, the percentage of public schools requiring uniforms increased from 13 to 19 percent between 2003 and 2012; and

**Whereas**, The DOE acknowledged in its voluntary policy that uniforms "help schools promote a more effective learning climate; foster school unity and pride; improve student performance; foster self-esteem; eliminate label competition; simplify dressing and minimize costs to parents; teach children appropriate dress and decorum in their 'work' place; and help to improve student conduct and discipline"; and

**Whereas**, Requiring school uniforms can present a cost savings to parents, as families of children in non-uniform schools spend more on school clothes than those of children attending schools where uniforms are required; and

**Whereas**, School uniforms may lead to decreased violence among students, increase school security by making non-students more obvious, decrease peer pressure, and help to minimize socioeconomic differences between students; and

**Whereas**, School uniforms improve the educational climate for students and teachers and should be required in all New York City public schools; now, therefore, be it



**Resolved**, That the Council of the City of New York calls the New York City Department of Education to mandate school uniforms.

Referred to the Committee on Education.

Int. No. 509

By Council Members Koo and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to the prior notification of tree planting abutting private residential property.**

*Be it enacted by the Council as follows:*

Section 1. Section 18-142 of title 18 of the administrative code of the city of New York is amended to read as follows:

§18-142 Notification prior to planting of trees. *a.* Except as provided herein, not less than thirty days prior and not more than one hundred twenty days prior to the commencement of the planting of a tree under the jurisdiction of the department on a sidewalk that is within one hundred feet of any entrance or exit of any school or hospital, the department shall provide written notification of such planting by either facsimile, regular mail, electronic mail or by personal service to the office of the principal or designated representative of such school, or the administrator or designated representative of such hospital. Notifications pursuant to this section made by regular mail shall be placed into the United States mail not less than forty days prior to the commencement of planting of any such tree.

*b.* Not less than thirty days prior and not more than one hundred twenty days prior to commencing the planting of a tree by the department on a sidewalk abutting a one-family, two-family or three-family dwelling, the department shall provide written notification of such planting by facsimile, regular mail, electronic mail or by personal service to the owner of such dwelling. For the purposes of this section, "owner" shall mean and include the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation, directly or indirectly in control of a dwelling.

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

Referred to the Committee on Parks and Recreation.

Int. No. 510

By Council Members Lancman, Williams and Vallone.

**A Local Law to amend the administrative code of the City of New York, in relation to criminally negligent infliction of physical injury.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 10-172 to read as follows:

§ 10-172. *Criminally negligent infliction of physical injury.*

*a. Definitions. The following definitions are applicable to this section:*

*1. "Criminal negligence." A person acts with criminal negligence when he or she fails to perceive a substantial and unjustifiable risk that will result in physical injury. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.*

*2. "Physical injury." Physical injury means an impairment of a physical condition or substantial pain.*

*b. Criminally negligent infliction of physical injury. A person is guilty of criminally negligent infliction of physical injury when, with criminal negligence, he or she causes physical injury to another person.*

*c. Penalties. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year and a fine of not more than two thousand five hundred dollars, or both.*

*d. Any penalties resulting from a violation of subdivision b of this section shall not limit or preclude any cause of action available to any person or entity injured or aggrieved by such violation.*

§ 2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 511

By Council Members Lander, Barron, Torres, Dromm, Rodriguez, Levine, Treyger, Maisel, Chin, Johnson, Lancman, Mendez, Reynoso and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education report annually on progress and efforts toward increasing diversity within schools, including but not limited to, disparities within charter schools and special programs.**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 3 to read as follows:

**3. Reporting on Racial and Socio-economic Disparities**

§21-952 *Definitions. For the purposes of this chapter, the following terms shall have the following meanings:*

*1. "Schools" shall mean any public school under the jurisdiction of the department including charter schools.*

*2. "Special programs" shall mean any academic program designated for a specific student population, including, but not limited to, magnet, gifted and talented, and dual language students.*

§21-953 *Annual report on racial and socio-economic disparities. a. Not later than the thirtieth day of March of the year 2015 and annually thereafter not later than the thirtieth day of March, the department shall submit to the council and post on its website a report on the composition of schools and of each special program within schools broken down by racial, ethnic, dual language, student disability and socio-economic criteria. Such report shall be disaggregated by individual school and by district. For each such school, the admissions process shall be identified, including but not limited to whether such school's admission are based on a lottery, a geographic zone, a screening of candidates for such school, whether a standardized test is used for admission, and whether other specialized criteria, other than a standardized test is used for admission. Such report shall also include the steps that the department has taken to increase the diversity of schools and special programs using racial, ethnic, dual language, student disability and socio-economic criteria. Such report shall include, but shall not be limited to, information regarding special initiatives undertaken and planned to be undertaken by the department to address diversity using such criteria, including any program or initiative with the intended purpose of increasing such diversity within a school or special program. Such report shall also list all schools and special programs under the jurisdiction of the department, including charter schools, which have been designated to benefit from such initiatives and shall provide a comparison by individual school and school district of such data. Such report shall compare the data required in this section from year to year commencing with the second report required to be issued.*

*b. For any such school identified pursuant to subdivision a of this section, the department shall in such annual report, list the steps that will be taken to address the lack of diversity in each such school or school program, and shall provide information regarding any steps that have been previously taken to address such lack of diversity.*

*c. For any such charter school identified pursuant to subdivision a of this section, the department shall provide detailed information regarding the composition of such school, using the criteria set forth in subdivision a of this section, whether such school offered enrollment via lottery, and, where applicable, information regarding such composition of students offered enrollment via waitlist. This information shall be provided for the entire school system, and disaggregated by school and school district.*

*d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.*

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

Referred to the Committee on Education.

Int. No. 512

By Council Members Levine, Arroyo, Koo and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to drug and alcohol testing of taxi and limousine commission licensed drivers.**

*Be it enacted by the Council as follows:*

Section 1. Chapter five of title 19 of the administrative code of the city of New York section is amended by adding a new section 19-543 to read as follows:

§ 19-543 *Drug and alcohol testing. a. Where a driver licensed by the commission has been involved in a crash where critical injury or death resulted to one or more persons, the commission shall require such driver to submit to alcohol or drug testing as soon as practicable following such crash. For purposes of this section, "critical injury" shall mean any injury determined to be critical by the emergency medical service personnel responding to such crash.*

*b. The commission shall install an interlock ignition device in a vehicle operated by a commission licensed driver if such driver has been reinstated following a suspension or revocation under sections 19-507.1 or 19-507.2 of this chapter. Such interlock ignition device shall be installed for a period of sixty days following such driver's reinstatement from suspension or revocation. For purposes of this section "interlock ignition device" shall mean any blood alcohol concentration equivalence measuring device which connects to a motor vehicle ignition system and prevents a motor vehicle from being started without first determining through a deep lung*

breath sample that the operator's equivalent breath alcohol level does not exceed the calibrated setting on the device as required by section eleven hundred ninety-eight of the vehicle and traffic law.

§ 2. This local law shall take effect one hundred twenty days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 513

By Council Members Matteo, Ignizio, Ulrich, Arroyo, Johnson, Koo and Vallone.

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

*Be it enacted by the Council as follows:*

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

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

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

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

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

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

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

Referred to the Committee on Governmental Operations.

Int. No. 514

By Council Members Matteo, Ignizio, Ulrich, Johnson and Koo.

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

*Be it enacted by the Council as follows:*

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

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

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

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

Referred to the Committee on Governmental Operations.

Int. No. 515

By Council Members Mendez and Koo (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the disposal of mattresses and box springs.**

*Be it enacted by the Council as follows:*

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

§16-141 Disposal of mattresses and box springs. a. Any person receiving department collection of solid waste who places out for collection any mattress or box spring, shall place such mattress or box spring in a plastic bag at least three mils in thickness, or shall completely seal such mattress or box spring in plastic film or wrap, prior to placement on a sidewalk or other designated area or receptacle for collection by the department. Any such bag shall be constructed in such a manner and be of such size as to readily contain the mattress to be disposed of and be able to be securely sealed after a mattress or box spring is placed inside. Any plastic film or wrap used to seal a mattress or box spring shall cover such mattress or box spring completely and shall be without any tears or holes that expose the sealed item.

b. Any retail store that sells or delivers new mattresses or box springs to consumers in the city shall make available for purchase to such consumers plastic bags, wrap or film compliant with the provisions of subdivision a of this section.

c. Within twenty-four months of the effective date of this section and annually thereafter, the department, in consultation with the commissioners of consumer affairs and health and mental hygiene, shall issue recommendations to the mayor and the council regarding any amendments to this section or whether this section should be repealed. Where no recommendations are made the report shall state the reasons therefore.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 516

By Council Members Mendez, Arroyo, Eugene and Koo (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program for issuing warning notifications for first-time offenders of certain litter laws.**

*Be it enacted by the Council as follows:*

Section 1. Section 16-118 of the administrative code of the city of New York is amended by adding new subdivision 12 to read as follows:

12. No later than ninety days after effective date of this subdivision, the department shall implement a pilot program, for a period of six months within a community district to be selected by the department in which it shall issue warning notifications to the owner, lessee, tenant, occupant or person in charge, as required,

of one- and two-family dwellings for a first violation of subdivision two of this section, as such subdivision relates to keeping of the sidewalk, flagging, curbstone and roadway areas, instead of issuing a notice of violation or summons. The department shall report to the mayor and the council, no later than nine months after the program's inception, the results of such program, and such report shall include but not be limited to, the number of warning notifications issued, the number of violations issued to a dwelling after a warning notification was issued for such dwelling, the cleanliness ratings for the community district selected for the pilot period and for the same six-month period during the previous year, loss of revenue as a result of issuing warnings rather than notices of violation or summonses, if any, and any other information the department deems appropriate to the evaluation of such pilot program.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 517

By The Public Advocate (Ms. James) and Council Members Gibson, Chin, Constantinides, Cumbo, Koo, Lander and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to information and city services to reduce college sexual assault.**

Be it enacted by the Council as follows:

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

**Chapter 17  
Sexual Assault Services**

**§17-1701 Provision of information and services regarding sexual assault.**

§ 17-1701 Provision of information and services regarding sexual assault. a. The commissioner shall establish and make available to all students attending a college or university in New York city the following:

- i. a list of all rape crisis centers within the city of New York including address and contact information for such centers;
- ii. a list of all hospitals with sexual assault forensic examiner programs approved by the New York state department of health;
- iii. the telephone number for helplines to assist victims of sexual assault; and
- iv. an online tool or mobile application that enables students to report incidents of sexual assault to the appropriate authorities and gives guidance regarding when and how that should be done. Such application shall provide (1) referral information and reviews of local resources; (2) a mapping function to identify where sexual assaults have occurred; (3) tools for student engagement and leadership; and (4) resources on bystander engagement for preventing sexual assault.

b. The department shall work in conjunction with the mayor's office to combat domestic violence and local rape crisis centers to establish an education program for sexual assault prevention and response for students, faculty, campus safety officers and administrators of New York city colleges and universities. Such education program shall include, but not be limited to, affirmative consent education, bystander intervention, disclosure training, offender education, and material to educate individuals adjudicating or otherwise making determinations of internal college or university proceedings to address claims of sexual assault. The department shall make all material for such educational program available to New York city colleges and universities.

c. The commissioner shall establish a task force that shall include, but not be limited to, representatives from the mayor's office to combat domestic violence, health and hospitals corporation, police department and department of education. Such task force shall work with students and representatives of the faculty and administration from colleges and universities in New York city to identify ways to improve city services and agency response to college sexual assault.

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

Referred to the Committee on Higher Education.

Int. No. 518

By Council Members Richards, Williams, Johnson, Koo and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting secondhand automobile dealers from failing to repair automobiles that have been recalled by the automobiles' manufacturers.**

Be it enacted by the Council as follows:

Section 1. Section 20-268 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. It shall be unlawful for any person licensed as a dealer in secondhand automobiles to sell a secondhand automobile that a manufacturer has recalled, without repairing the automobile before it is sold.

§2. Subdivision a of section 20-275 of the administrative code of the city of New York is hereby amended to read as follows:

a. Any person who shall violate any of the provisions of this subchapter or any rule or regulation issued thereunder shall be guilty of a class A misdemeanor and upon the first conviction be subject to a fine of at least five hundred dollars and upon any subsequent conviction be subject to a fine of one thousand dollars and/or imprisonment of at least fifteen days; *except that any person who violates subdivision h of section 20-268 shall be subject to a fine of: (i) one thousand dollars for the first offense; (ii) one thousand dollars and/or imprisonment of at least fifteen days for any subsequent offense committed within three years of the first offense; and (iii) shall be subject to suspension or revocation of his or her secondhand automobile license at the discretion of the commissioner for any subsequent violations within such 3 year period.*

§3. This local law shall take effect 120 days after its enactment into law provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including but not limited to, the adopting of any necessary rules.

Referred to the Committee on Consumer Affairs.

Res. No. 452

**Resolution calling upon the New York City Housing Authority to establish an admission preference for applicants with severe health conditions.**

By Council Members Rodriguez, Eugene and Koo.

**Whereas**, Living in poor housing conditions can negatively affect a wide range of health conditions related to infectious diseases, chronic illness, injuries, poor nutrition and mental health disorders; and

**Whereas**, According to the National Center for Biotechnology Information, epidemiological studies have linked damp, cold, moldy housing and pest infestations with asthma and other chronic respiratory disorders; and

**Whereas**, Those with severe health conditions that are living in an environment which could severely deteriorate their health may not have the financial resources to find a new home in New York City; and

**Whereas**, The New York City Housing Authority's (NYCHA) mission is to provide safe and affordable housing for low- and moderate-income residents throughout the five boroughs; and

**Whereas**, NYCHA as a public housing agency (PHA) can set its own income eligibility and admission preferences under federal and state law; and

**Whereas**, According to federal regulations, NYCHA has the ability to adopt a system of local preferences for the selection of families admitted to its public housing program; and

**Whereas**, Such admission priorities must be based on local housing needs and determined by the PHA after a period of public comment and consultation with the PHA's resident advisory board and then submitted as a part of PHA's annual or five year plan, whichever is applicable, to the United States Department of Housing and Urban Development (HUD), which then must approve or disapprove the plan; and

**Whereas**, Tenants with severe health conditions who qualify for public housing due to need should receive an admission preference from NYCHA; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Housing Authority to establish an admission preference for applicants with severe health conditions.

Referred to the Committee on Public Housing.

Res. No. 453

**Resolution calling upon the New York City Department of Education to officially recognize the importance and benefits of school diversity and to set it as a priority when making decisions regarding admissions policies and practices, creation of new schools, school rezoning and other pertinent decisions and commit to having a strategy in each district for overcoming impediments to school diversity.**

By Council Members Torres, Barron, Lander, Dromm, Rodriguez, Levine, Treyger, Maisel, Chin, Richards and Reynoso.

**Whereas**, 2014 marks the 60<sup>th</sup> anniversary year of the 1954 landmark United States Supreme Court decision in *Brown v. Board of Education*, which found that "separate educational facilities are inherently unequal" and banned separate public schools for black and white students; and

**Whereas**, Despite this landmark ruling, many schools and districts throughout the United States (U.S.) have been alleged to still be "separate" due, in part, to racially and economically isolated housing patterns in many areas; and

**Whereas**, According to a 2013 Economic Policy Institute (EPI) report entitled *For Public Schools, Segregation Then, Segregation Since*, "[t]oday, African American students are more isolated than they were 40 years ago, while most education policymakers and reformers have abandoned integration as a cause"; and

**Whereas**, New York State has the most non-diverse schools in the country, according to a 2014 report by The Civil Rights Project of the University of

California, Los Angeles (UCLA) entitled *New York State's Extreme School Segregation: Inequality, Inaction, and a Damaged Future*; and

**Whereas**, According to the Civil Rights Project (CRP) report, in 2009, black and Latino students in the state had the highest concentration of public schools with less than 10% white enrollment, the lowest exposure to white students, and the most uneven distribution with white students across schools; and

**Whereas**, Heavily impacting New York State's ranking is New York City, home to the largest and one of the most non-diverse public school systems in the nation, according to the CRP report; and

**Whereas**, In 2010, New York City students represented nearly 60% of the state's total black students, two-thirds of the total Asian and Latino students, but only 10% of white students; and

**Whereas**, While the City's public-school population is diverse - currently more than 40% Hispanic, approximately 26% black, 15% white and 16% Asian - the distribution of students across schools is much less so; and

**Whereas**, A 2012 *New York Times* analysis of schools data for the 2009-10 school year found that more than half the city's schools were at least 90% black and Hispanic; and

**Whereas**, Furthermore, according to the U.S. Department of Education, in 2010, 93% of public schools in the Bronx, 71% in Brooklyn, 69% in Manhattan, 59% in Queens, and only 8% in Staten Island had less than 10% white students; and

**Whereas**, Additionally, a 2013 publication by the Independent Budget Office (IBO) found that, while lack of diversity exists at all levels of City schools, elementary schools are the least diverse and high schools the most diverse; and

**Whereas**, A considerable body of research indicates that racial and economic diversity of schools is one of the few education reforms that is proven to improve the educational achievement and life opportunities of minority and low-income children systemically; and

**Whereas**, This is primarily because the best way to ensure that public educational resources are equitably distributed among all children is to allow all children access to the same resources in the same schools; and

**Whereas**, Further, diverse schools promote better educational outcomes and provide benefits for all students; and

**Whereas**, For example, research confirms that African-American and Hispanic students perform better on tests in schools that are diverse, while school diversity has no negative impact on the test scores of white students; and

**Whereas**, In addition, studies have found that prolonged contact with racially diverse students may have significant effects on students' complex thinking and a more diverse classroom environment encourages critical thinking in all students; and

**Whereas**, Attending diverse schools also improves high school graduation and college matriculation rates for minority students; and

**Whereas**, Beyond educational benefits, diverse schools provide other societal advantages, including improving cross-racial understanding and reducing racial prejudice; and

**Whereas**, Diverse schools also improve the potential for reducing residential lack of diversity; and

**Whereas**, Further, diverse schools are linked to a host of positive learning outcomes for white students as well, including the promotion of critical thinking and problem-solving skills and higher academic achievement; and

**Whereas**, Attending diverse schools is also linked to social and psychological advantages for white students, including more friendships across racial lines and higher levels of cultural competence, a critical advantage in the modern workplace and today's global economy; and

**Whereas**, In sum, diverse schools are essential to prepare all children to live and work together in a nation in which Blacks, Latinos, Asians, Native Americans, Pacific Islanders, and other non-Whites will collectively comprise the majority of the U.S. population by 2042; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to officially recognize the importance and benefits of school diversity and to set it as a priority when making decisions regarding admissions policies and practices, creation of new schools, school rezoning and other pertinent decisions and commit to having a strategy in each district for overcoming impediments to school diversity.

Referred to the Committee on Education.

Int. No. 519

By Council Members Treyger, Chin, Constantinides, Cumbo, Koo and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to the distribution of localized emergency preparedness materials.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 30 of the administrative code of the city of New York is amended by adding a new section 30-114 to read as follows:

§ 30-114 *Localized emergency preparedness materials. The commissioner shall develop and disseminate localized emergency preparedness materials for communities in which there is a particular risk of a specific emergency condition, to increase public awareness as to the appropriate responses by members of the public to that emergency condition and of the resources available within and nearby those communities. Such materials shall:*

*a. be limited to information relevant to that community, as identified by zip code or contiguous zip codes in a similar geographic area and sharing similar risk of a*

*specific emergency condition;*

*b. identify any local evacuation zones, evacuation routes, evacuation centers or other such information relevant to the emergency condition;*

*c. identify and provide contact information for any local voluntary fire company or fire department, incorporated pursuant to section fourteen hundred two of the not-for-profit corporation law, or voluntary ambulance service, as defined in section three thousand one of the public health law that is registered or certified in compliance with section three thousand give of the public health law, serving that community;*

*d. identify and provide contact information for any charitable organization or not-for-profit organization that either the city has contracted with to provide services for that community during or after the emergency condition or that the commissioner identifies as being able to provide services or materials that may be beneficial to that community after the emergency condition;*

*e. provide any other information deemed relevant by the commissioner; and*

*f. be distributed within relevant communities, and translated into languages spoken within those communities, and made available online.*

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

Referred to the Committee on Recovery and Resiliency.

Int. No. 520

By Council Members Van Bramer, Lander, Constantinides, Koo and Ulrich.

**A Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, budget, and staffing of the New York Public Library, the Brooklyn Public Library and the Queens Public Library by the commissioner of investigation.**

*Be it enacted by the Council as follows:*

Section 1. Section 803 of chapter 34 of the New York city charter is amended by adding a new subdivision d, relettering current subdivisions d through f as new subdivisions e through g, and amending relettered subdivision e to read as follow:

*d. The commissioner shall, on an ongoing basis, investigate, review, study, audit and make recommendations relating to the operations, budget, and staffing of the New York Public Library, the Brooklyn Public Library and the Queens Public Library.*

[d]e. 1. For any investigation made pursuant to subdivision a or b of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that any matter investigated, reviewed, studied, or audited pursuant to this section involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, review, study, or audit, shall also forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated, reviewed, studied, or audited involves or may involve a conflict of interest or unethical conduct, to the conflicts of interest board.

2. For any investigation, review, study, or audit made pursuant to paragraph one of subdivision c of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the mayor, the council, and the police commissioner upon completion. Within ninety days of receiving such report or statement, the police commissioner shall provide a written response to the commissioner, the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 3 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than ten days after it is delivered to the mayor, the council, and the police department. All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.

3. In addition to the reports and statements of findings to be delivered to the mayor, the council, and the police commissioner pursuant to paragraph 2 of this subdivision, there shall be an annual summary report on the activities undertaken pursuant to paragraph 1 of subdivision c of this section containing the following information: (i) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (ii) a description of the recommendations for corrective action made in the preceding year; (iii) an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed; and (iv) the number of open investigations, reviews, studies, or audits that have been open, as of the close of the preceding calendar year, for a time period of 1) six months up to and including one year, 2) more than one year up to and including two years, 3) more than two years up to and including three years, and 4) more than three years. The annual summary report required by this paragraph shall be completed and delivered to the mayor, the council, and the police commissioner on April 1, 2015 and every April 1 thereafter.

4. For any investigation, review, study, or audit made pursuant to subdivision d of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the mayor, the council, and the presidents of the New York Public Library, the Brooklyn Public Library and the Queens Public Library upon completion. Within ninety days of



receiving such report or statement, each such president shall provide a written response to the commissioner, the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 5 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than ten days after it is delivered to the mayor, the council, and the presidents of the New York Public Library, the Brooklyn Public Library and the Queens Public Library. All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.

5. In addition to the written reports and statements of findings to be delivered to the mayor, the council, and the presidents of the New York Public Library, the Brooklyn Public Library and the Queens Public Library pursuant to paragraph 4 of this subdivision, the department shall submit quarterly report on the activities undertaken pursuant to subdivision d of this section. The first quarterly summary report required by this paragraph shall be completed and delivered to the mayor, the council, and the presidents of the New York Public Library, the Brooklyn Public Library and the Queens Public Library by October 31, 2014. Subsequent reports shall be submitted by January 31, 2015, April 30, 2015, and July 31, 2015 and shall be submitted to the mayor and the council by these four days each year.

[e]f. The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

[f]g. The commissioner shall forward to the council and to the mayor a copy of all reports and standards prepared by the corruption prevention and management review bureau, upon issuance by the commissioner.

§ 2. This law shall take effect immediately after its enactment into law.

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

Int. No. 521

By Council Members Van Bramer, Constantinides and Koo.

**A Local Law to amend the New York city charter, in relation to the public library systems.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 55 of the New York City charter is amended to add a new section 1206 to read as follows:

§1206. *Projects relating to the public library systems. No later than the first of December of each year, for projects managed by the department relating to the public library systems, the commissioner shall provide a report detailing the appropriation of funds in the previous fiscal year such projects. Such report shall be in a searchable, sortable format and shall include the following information, disaggregated by each project:*

- a. *the name of the contractor, and subcontractor if known;*
- b. *a detailed description of project, including, but not limited to, the physical address, block and lot numbers, estimated dates of start and completion;*
- c. *scope or purpose of the project;*
- d. *original project cost;*
- e. *revised project cost, if applicable;*
- f. *of the total amount originally appropriated for a project, the total expenditure of funds, disaggregated by fiscal year; and*
- g. *services or materials purchased with such expenditure of funds, if known.*

§ 2. This local law shall take effect immediately.

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

Int. No. 522

By Council Members Van Bramer, Rosenthal, Constantinides, Koo and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to conflict of interest disclosures from officers of city contractors.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph i of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law 5 for the year 1991, the opening paragraph as amended by local law 44 for the year 1992, subparagraph 1 as amended by local law number 21 for the year 1992, subparagraph 22 as amended and subparagraph 23 as added by local law number 49 for the year 1992, is hereby amended to read as follows:

b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the

following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York city affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to:

(1) the current addresses and telephone numbers of:

A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different,

B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site,

C. any other names under which the contractor has conducted business within the prior five years, and

D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years;

(2) the dun & bradstreet number of the contractor, if any;

(3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract;

(4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation;

(5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years;

(6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers;

(7) the names, current business addresses and telephone numbers, taxpayer identification numbers and employer identification numbers of affiliates of the contractors;

(8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers;

(9) the principal owners and officers of every subcontractor;

(10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section;

(11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract;

(14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending;

(15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor;

(16) whether city of New York income tax returns, where required, have been filed for the past five years;

(17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city;

(18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity;

(19) criminal proceedings pending against the contractor and any principal owner or officer of such contractor;

(20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status;

(21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates;

(22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending;

(23) the name and main business address of anyone who the contractor retained, employed or designated influence the preparation of contract specifications or the solicitation or award of this contract[.];

(24) *if a large contractor, whether the large contractor has certified that its officers have filed annual disclosure reports pursuant to section 12-110 of the administrative code of the city of New York.*

§2. Subdivision i of section 6-116.2 of the administrative code of the city of New York, as added by local law 5 for the year 1991, as amended by local law 44 for the year 1992, is hereby amended to read as follows:

i. Except as otherwise provided, for the purposes of subdivision b of this section,

[(1)] "affiliate" shall mean an entity in which the parent of the contractor owns more than fifty percent of the voting stock, or an entity in which a group of principal owners which owns more than fifty percent of the contractor also owns more than fifty per cent of the voting stock;

[(2)] "cautionary information" shall mean, in regard to a contractor, any adverse action by any New York city affiliated agency, including but not limited to poor performance evaluation, default, non-responsibility determination, debarment, suspension, withdrawal of prequalified status, or denial of prequalified status;

[(3)] "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at one hundred thousand dollars or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at ten thousand dollars or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at one hundred thousand dollars or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by paragraphs 7, 8, 9 and 12 of subdivision b of this section, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review committee, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

[(4)] "contractor" shall mean and include all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract[, as defined in paragraph three herein,] with an agency, New York city affiliated agency, elected official or the council;

*"large contractor" shall mean and include all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract valued at fifty million dollars or more with an agency, New York city affiliated agency, elected official or the council;*

[(5)] "officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;

[(6)] "New York city affiliated agency" shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials, but shall not include any entity established under the New York city charter, this code or by executive order, any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility;

*"officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known;*

[(7)] "parent" shall mean an individual, partnership, joint venture or corporation which owns more than fifty percent of the voting stock of a contractor;

[(8)] "principal owner" shall mean an individual, partnership, joint venture or corporation which holds a ten percent or greater ownership interest in a contractor or subcontractor;

[(9)] "subcontract" shall mean any contract[, as defined in paragraph three herein,] between a subcontractor and a contractor; and

[(10)] "subcontractor" shall mean an individual, sole proprietorship, partnership, joint venture or corporation which is engaged by a contractor pursuant to a contract[, as defined in paragraph three herein].

§3. Subdivisions a and b of section 12-110 of the administrative code of the city of New York, as added by local law 43 for the year 2003, as amended by local law 58 for the year 2012, are hereby amended to read as follows:

a. Definitions. As used in this section:

1. The term "affiliated" shall mean a firm that is a subsidiary of another firm, or two firms that have a parent in common, or two firms with a stockholder in common who owns at least twenty-five per cent of the shares of each such firm.

2. The term "agency" or "city agency" shall mean a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to the council, the offices of each elected city official, the board of education, community boards, the health and hospitals corporation, the New York city industrial development agency, the offices of the district attorneys of the counties of Bronx, Kings, New York, Queens and Richmond, and of the special narcotics prosecutor, the New York city housing authority, and the New York city housing development corporation, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility or any advisory committee as that term is defined in subdivision one of section twenty-six hundred one of the charter.

3. The term "business dealings" shall mean any transaction involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving a public servant's residence or any ministerial matter.

4. The term "city" shall mean the city of New York and shall include an agency of the city.

5. The term "conflicts of interest board" or "board" shall mean the conflicts of interest board appointed pursuant to section twenty-six hundred two of the New York city charter.;

6. The term "domestic partners" shall mean persons who have a registered domestic partnership, which shall include any partnership registered pursuant to section 3-240 of the administrative code of the city of New York.

7. The term "gift" shall mean anything of value for which a person pays nothing or less than fair market value and may be in the form of money, services, reduced interest on a loan, travel, travel reimbursement, entertainment, hospitality, thing, promise, or in any other form. "Gift" shall not include reimbursements.

8. The term "income" shall include, but not be limited to, salary from government employment, income from other compensated employment whether public or private, directorships and other fiduciary or advisory positions, contractual arrangements, teaching income, partnership income, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property.

9. The term "independent body" shall mean any organization or group of voters which nominates a candidate or candidates for office to be voted for at an election, and which is not a political party as defined in paragraph [twelve]thirteen of this subdivision.

*10. The term "large contractor" shall mean all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract valued at fifty million dollars or more with an agency.*

[10.]11. The terms "local authority," "local public authority" or "city public authority" shall be given the same meaning as the term "local authority" is given in subdivision two of section two of the public authorities law and shall include only such entities that have their primary office in the city of New York.

[11.]12. The term "local political party official" shall mean:

(a) any chair of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more;

(b) that person (usually designated by the rules of a county committee as the "county leader" or "chair of the executive committee") by whatever title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

(1) the principal political, executive and administrative officer of the county committee;

(2) the power of general management over the affairs of the county committee;

(3) the power to exercise the powers of the chair of the county committee as provided for in the rules of the county committee;

(4) the power to preside at all meetings of the county executive committee if such a committee is created by the rules of the county committee or exists de facto, or any other committee or subcommittee of the county committee vested by such rules with or having de facto the power of general management over the affairs of the county committee at times when the county committee is not in actual session;

(5) the power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law, for the purpose of filling a vacancy in accordance with section 6-116 of such law or for

the purpose of filling a vacancy or vacancies in the county committee which exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its members, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chair of an assembly district committee or other district committee smaller than a county and created by the rules of the county committee, to call a meeting of such district committee for such purpose;

(6) the power to direct the treasurer of the party to expend funds of the county committee; or

(7) the power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee. The terms "constituted committee" and "political committee" as used in this subparagraph shall have the same meanings as those contained in section 14-100 of the election law.

[12.]13. The term "policymaking position" shall mean the position held by a person charged with "substantial policy discretion" as referenced in paragraphs twelve and fifteen of subdivision b of section twenty-six hundred four of the New York city charter and as defined by rule of the conflicts of interest board.

[13.]14. The term "political party" shall mean any political organization which at the last preceding election for governor polled at least fifty thousand votes for its candidate for governor.

[14.]15. The term "political organization" shall mean any political party as defined in paragraph thirteen of this subdivision, or independent body, as defined in paragraph nine of this subdivision, or any organization that is affiliated with or a subsidiary of a party or independent body.

[15.]16. The term "reimbursements" shall mean any travel-related expenses provided by non-governmental sources, whether directly or as repayment, for activities related to the reporting person's official duties, such as speaking engagements, conferences, or fact-finding events, but shall not include gifts.

[16.]17. The term "relative" shall mean the spouse, domestic partner, child, stepchild, brother, sister, parent, or stepparent of the person reporting, or any person whom the person reporting claimed as a dependent on his or her most recently filed personal income tax return, and each such relative's spouse or domestic partner.

[17.]18. The term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and such other evidences of indebtedness and certificates of interest as are usually referred to as securities.

[18.]19. The terms "state agency" and "local agency" shall be given the same meanings as such terms are given in section eight hundred ten of the general municipal law.

[19.]20. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the person reporting at the time the person files his or her annual disclosure report, and shall also include any son or daughter of the spouse or domestic partner of such person who is under age eighteen, unmarried and living in the household of the person reporting at the time the person files his or her annual disclosure report.

b. Persons required to file an annual disclosure report.

The following persons shall file with the conflicts of interest board an annual disclosure report, in such form as the board shall determine, disclosing certain financial interests as hereinafter provided. Reports shall, except as otherwise provided by the board, be filed electronically, in such form as the board may determine.

1. Elected and political party officials.

(a) Each elected officer described in sections four, twenty-four, twenty-five, eighty-one, ninety-one and eleven hundred twenty-five of the New York city charter, and each local political party official described in paragraph eleven of subdivision a of this section, shall file such report not later than such date designated by the conflicts of interest board each year.

(b) A local political party official required to file a report pursuant to subparagraph (a) of this paragraph who is also subject to the financial disclosure filing requirements of subdivision two of section seventy-three-a of the public officers law may satisfy the requirements of paragraph one by filing with the conflicts of interest board a copy of the statement filed pursuant to section seventy-three-a of the public officers law, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by paragraph one of this subdivision.

2. Candidates for public office.

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek nomination or election and who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed which has not been declined, for an office described in paragraph one of subdivision b of this section shall file such report on or before the last day for filing his or her designating petitions pursuant to the election law.

(b) Each person, other than any person described in paragraph one, who was a write-in candidate at the primary election for an office described in paragraph one of subdivision b of this section and whose name is thereafter entered in the nomination book at the board of elections, shall file such report within twenty days after such primary election.

(c) Each person, other than any person described in paragraph one, who has been designated to fill a vacancy in a designation or nomination for an office described in

paragraph one of subdivision b of this section shall file such report within fifteen days after a certificate designating such person to fill such vacancy is filed with the board of elections, or within five days before the election for which the certificate is filed, whichever is earlier.

(d) The conflicts of interest board shall obtain from the board of elections lists of all candidates for the elected positions set forth below, and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing such reports, filed the reports required by this section.

3. (a) The following categories of persons who had such status during the preceding calendar year or up until the date of filing their annual disclosure report shall be required to file a report not later than the date designated by the conflicts of interest board each year:

(1) Each agency head, deputy agency head, assistant agency head, and member of any board or commission who on the date designated by the board for filing holds a policymaking position, as defined by rule of the board and as annually determined by the head of his or her agency, subject to review by the board;

(2) Each officer or employee of the city in the mayor's office, the city council, a district attorney's office, the office of the special narcotics prosecutor, or any other agency that does not employ M-level mayor's management plan indicators for its managers, whose responsibilities on the date designated by the board for filing involve the independent exercise of managerial or policymaking functions or who holds a policymaking position on such date, as defined by rule of the board and as annually determined by the appointing authority of his or her agency, subject to review by the board;

(3) Each officer or employee of the city, other than an officer or employee of the city in the mayor's office, the city council, a district attorney's office or the special narcotics prosecutor's office, who, on the date designated by the board for filing, is paid in accordance with the mayor's management pay plan at level M4 or higher, or who holds a policymaking position on such date, as defined by rule of the board and as annually determined by the head of his or her agency, subject to review by the board;

(4) Each officer or employee of the city whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the board and as annually determined by his or her agency head, subject to review by the board.

(5) Each assessor required to file a report solely by reason of section three hundred thirty-six of the real property tax law.

(6) Each of the following members, officers and employees of city public authorities:

(i) Each member of the authority;

(ii) Each head, deputy head or assistant head of the authority;

(iii) Each officer and employee of the authority who on the date designated by the board for filing holds a policymaking position, as defined by rule of the board and as annually determined by the head of his or her authority, subject to review by the board; and

(iv) Each officer or employee of the authority whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the conflicts of interest board and as annually determined by the head of his or her authority, subject to review by the board.

(7) *Each officer of a large contractor.*

[(7)](8) Any person required by New York state law to file an annual disclosure report with the conflicts of interest board.

(b) Separation from service:

(1) Each person described in this paragraph shall, following separation from service, file such report for the portion of the last calendar year in which he or she served in his or her position within sixty days of his or her separation from service or on or before the date designated by the conflicts of interest board for filing pursuant to subparagraph (a) of this paragraph, whichever is earlier, if such person met the criteria of this subparagraph on his or her last day of service. Each such person who leaves service prior to the date designated by the board for filing pursuant to subparagraph (a) of this paragraph shall also file a report for the previous calendar year within sixty days of his or her separation from service or on or before such date designated by the board, whichever is earlier.

(2) Each such person who is terminating or separating from service shall not receive his or her final paycheck, and/or any lump sum payment to which he or she may be entitled, until such person has complied with the requirements of this section.

(3) Each elected officer and each local political party official described in paragraph eleven of subdivision a of this section shall, after leaving office, file such report for the previous calendar year, if such officer or local political party official has not previously filed such report, and shall file such report for the portion of the last calendar year in which he or she served in office, within sixty days of his or her last day in office or on or before the date designated by the board for filing pursuant to subparagraph (a) of paragraph one of this subdivision, whichever is earlier.

§4. Paragraph 1 of subdivision d of section 12-110 of the administrative code of the city of New York, as added by local law 58 for the year 2012, is hereby amended to read as follows:

d. Information to be reported.

1. Officers and employees of the city; members of city boards and commissions entitled to compensation; *officers of large contractors*; candidates for public office;

elected and political party officials. The report filed by officers and employees of the city, members of city boards and commissions entitled to compensation, *officers of city-funded not-for-profit organizations*, candidates for public office, elected officials, political party officials, and any other person required by state law to file a report other than a person described by paragraph three or four of this subdivision, shall contain the information required by this paragraph on such form as the board shall prescribe. For purposes of filing an annual disclosure report, members of the New York city housing development corporation shall be deemed to be members of a city board or commission entitled to compensation.

§5. This law shall take effect forty-five days after its enactment into law and shall apply to contracts for which a request for bids or proposals is issued on or after the effective date.

Referred to the Committee on Contracts.

Int. No. 523

By Council Members Van Bramer, Rosenthal, Constantinides and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to pass through 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. *Pass through contracts.* a. *Definitions.* For the purposes of this section, the term “New York city affiliated agency” shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials.

b. *The commissioner of the department of design and construction shall prepare and submit to the speaker of the council quarterly reports regarding sole source contracts with New York city affiliated agencies for construction projects. Such reports, which shall be submitted to the speaker of the council and posted on the website of the department of design and construction by January first, April first, July first, and October first of each year, shall include, but not be limited to, the following information for each contract: (i) the New York city affiliated agency with which the department of design and construction contracts; (ii) a description of the construction project undertaken by such New York city affiliated agency; (iii) the manner in which such New York city affiliated agency circulated information to prospective bidders regarding such construction project, including the publication(s) and frequency with which any such notice was posted; (iv) the number of bids received; (v) the contract value; (vi) the name and business address of the contractor(s) selected; and (vii) the name and business address of subcontractor(s) utilized, if any.*

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

Referred to the Committee on Contracts.

Int. No. 524

By Council Members Van Bramer, Rosenthal, Constantinides and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to contracts of the department of design and construction.**

*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 6-139 to read as follows:

§ 6-139. *Department of design and construction contracts.* a. *Definitions.* For the purposes of this section, the following terms shall have the following meanings:

“Agency” shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

“New York city affiliated agency” shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials.

b. *The commissioner of the department of design and construction shall prepare and submit to the speaker of the council quarterly reports regarding construction contracts executed pursuant to the powers and duties set forth in subdivision a of section 1202 of the charter of the city of New York. Such reports, which shall be submitted to the speaker of the council and posted on the website of the department of design and construction by January first, April first, July first, and October first of each year, shall include, but not be limited to, the following information for each contract: (i) the agency or New York city affiliated agency for whom the department of design and construction manages the construction project; (ii) a description of the construction project; (iii) the contractor(s) and subcontractor(s); (iv) the original contract value; (v) the total value of contract expenditures to date and funds remaining on the contract; and (vi) to the extent that*

*such contract is modified or extended, the cost and basis for any such contract modification or extension.*

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

Referred to the Committee on Contracts.

Int. No. 525

By Council Members Van Bramer and Mendez.

**A Local Law to amend the New York city charter, in relation to requiring that the meetings of local authorities and entities subject to section two hundred sixty-a of the state education law within the city of New York be webcast.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 1063 of the New York city charter is amended to read as follows:

d. 1. Each city agency, committee, commission, task force, and the council shall record or cause to be recorded in digital video format its meetings and hearings, or portions thereof, that are required to be public pursuant to article seven of the public officers law, provided that this section shall not apply to community boards or local school boards. Such recordings shall be webcast live, where practicable, and shall be archived and made available to the public on the city’s website or on the website of such agency, committee, commission, task force, or council, not more than seventy-two hours after adjournment of the meeting or hearing recorded.

2. *The department of information technology and telecommunication, or its successor agency, shall record or cause to be recorded in digital video format the meetings, or portions thereof, that are required to be public pursuant to article seven of the public officers law, of all local authorities and entities subject to section two hundred sixty-a of the education law in the city of New York. Such recordings shall be webcast live, where practicable, and shall be archived and made available to the public on the city’s website not more than seventy-two hours after adjournment of the meeting recorded.*

§ 2. This local law shall take effect one hundred twenty days after its enactment.

Referred to the Committee on Technology.

Int. No. 526

By Council Members Williams and Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to provide notice to their tenants prior to temporarily or permanently making building amenities unavailable.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

49. *A building amenity is any equipment, feature or space within a multiple dwelling that may be used in common by the lawful occupants of two or more dwelling units, including, but not limited to, entrances, elevators, freight elevators, laundry rooms, laundry equipment, exercise rooms, exercise equipment, basketball courts, tennis courts, ping-pong tables, billiard tables, foosball tables, air-hockey tables, swimming pools, changing areas, shower areas, lounge areas, roof terraces, outdoor areas, barbeque equipment, parking spaces, dog runs, dog cleaning facilities, storage units, wireless internet, screening rooms, game rooms or day care facilities.*

§2. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. 1. *The owner of a multiple dwelling shall post notice pursuant to this subdivision when making a building amenity under such owner’s control unavailable to one or more lawful occupants of such multiple dwelling. Where the owner expects that such unavailability will last for twenty-four hours or more, excluding periods during which such amenity is normally unavailable, such notice shall be posted at least two weeks before making such amenity unavailable. Where the owner expects that such unavailability will last for less than twenty-four hours, notice need not be posted, provided that where such unavailability lasts for twenty-four hours or more, notice shall be posted as soon as practicable after the commencement of such unavailability. The notice required by this subdivision shall be posted in a prominent place within the public part of the multiple dwelling for the lesser of two weeks or the duration of the unavailability, shall identify the building amenity which is to be made unavailable and the expected duration of its unavailability and shall be updated as needed, provided that where the building amenity will be permanently unavailable, such notice shall remain posted for no fewer than thirty days following the first date of such unavailability. Such notice shall be in a form approved by the department and shall be posted in English, Spanish and, where the leases for fifty percent or more of the dwelling units within such multiple dwelling are provided in another language, such other language.*

2. *The provisions of this section shall not apply to building amenities made unavailable on an emergency basis. The department shall by rule determine what*



*constitutes an emergency basis.*

§3. This local law shall take effect one hundred and twenty days after its enactment, except that the department of housing preservation and development shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 454

**Resolution calling upon the United States Congress to pass and the President to sign H.R. 5277/S.2695, also known as the Survivor Outreach and Support Campus Act, which would amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.**

By Council Members Williams, Cumbo, Gibson, Barron, Eugene, Koo and Mendez.

**Whereas**, According to a 2007 campus sexual assault study by the United States Department of Justice, 1 in 5 women and 1 in 16 men are targets of attempted or completed sexual assault while they are college students.; and

**Whereas**, According to a 2003 study by the National College Women Sexual Victimization (“NCWSV”), less than 5% of completed and/or attempted rapes were reported to law enforcement officials.; and

**Whereas**, According to the NCWSV study, victims identified barriers to reporting sexual assault including fear of hostile treatment by authorities and not knowing how to report the incident; and

**Whereas**, Many U.S. colleges and universities have recently come under scrutiny for their handling of reports of sexual assault; and

**Whereas**, In July 2014, Congresswoman Susan Davis and U.S. Senator Barbara Boxer introduced H.R. 5277 and S.2695, respectively; and

**Whereas**, H.R.5277/S.2695 is known as the “Survivor Outreach and Support Campus Act” or “SOS Act”; and

**Whereas**, The SOS Act would amend the Higher Education Act of 1965 by requiring each institution of higher education that receives federal funding under Title IV to designate an independent advocate for campus sexual assault prevention and response; and

**Whereas**, The independent advocate would represent the interests of the sexual assault victim even when in conflict with the interests of the institution; and

**Whereas**, The advocate would maintain the privacy and confidentiality of any victim and would not notify the institution of the identity of the victim unless otherwise required by law; and

**Whereas**, The responsibilities of the advocate would include providing information on how to report a campus sexual assault to law enforcement, information on legal services, and information on the victim’s rights and referrals to additional support services; and

**Whereas**, The SOS Act is supported by notable groups and organizations, including the University of California, the National Alliance to End Sexual Violence, and the National Women’s Law Center, among others; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 5277/S.2695, also known as the Survivor Outreach and Support Campus Act, which would amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

Referred to the Committee on Higher Education.

Res. No. 455

**Resolution calling upon the New York City Department of Education to establish an awareness and prevention program in the public schools athletic league to combat intimate partner abuse.**

By Council Members Wills, Arroyo, Cumbo and Gibson.

**Whereas**, According to the United States Center for Disease Control and Prevention (CDC), dating violence is a type of intimate partner violence that occurs between two people in a close relationship and can include, but is not limited to, physical, emotional or sexual abuse or stalking; and

**Whereas**, While dating and sexual abuse can affect women and men regardless of their age, teens and young women are especially vulnerable; and

**Whereas**, The CDC reports that one in eleven adolescents say they have been the victim of physical dating violence; and

**Whereas**, According to the United States Department of Justice, girls and young women between the ages of 16 and 24 experience the highest rate of intimate partner violence; almost triple the national average; and

**Whereas**, According to the NYC High School Youth Risk Behavior Survey, in 2011, 10.4% of male and female high school students reported being hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend within the past year; and

**Whereas**, Among adult victims of sexual violence, physical violence, or stalking by an intimate partner, 23.1% of women and 14.0% of men first experienced some form of partner violence between 11 and 17 years of age, according to The National Intimate Partner and Sexual Violence Survey of 2011; and

**Whereas**, The New York City Mayor’s Office to Combat Domestic Violence (MOCDV) notes that in 2010, nearly 1,100 individuals between the ages of 17 and 21, and 54 youth under the age of 16 filed family offense petitions in New York State Family Courts as victims of violence in an “intimate relationship” (expanded in 2008 by legislation to include dating relationships in which the partners have no children and are not married); and

**Whereas**, Unhealthy relationships have long-term negative effects on emotional and physical well-being; and

**Whereas**, The CDC reports that youth who are victims are more likely to experience symptoms of depression and anxiety as well as engage in unhealthy behaviors such as using drugs and alcohol; and

**Whereas**, In addition, a March 2014 New York Daily News article states that according to recent findings from researchers at the University of Pittsburgh School of Medicine, teen boys who played football or basketball are twice as likely to admit abusing a girlfriend; and

**Whereas, Whereas**, The University of Pittsburgh researchers suggested although attitudes encouraged in some sports may foster aggression off the field, athletics can also be a place to instill healthy values about relationships and avoiding violence; and

**Whereas**, The Public Schools Athletic League (PSAL) provides sports-opportunities for over 37,000 New York City student-athletes and educates students in physical fitness, character development, and socialization skills through coaching and athletic clinics; and

**Whereas, Whereas**, the PSAL can use its role in the lives of the public school student-athletes it serves to educate youth about healthy relationships; and

**Whereas**, Healthy relationship education is an essential component to the full development of young adults; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to establish an awareness and prevention program in the public schools athletic league to combat intimate partner abuse.

Referred to the Committee on Education.

Res. No. 456

**Resolution calling upon the New York State Legislature to mandate that the New York State Education Department include intimate partner abuse awareness and prevention programs in all public middle school and high school athletic programs.**

By Council Members Wills, Arroyo, Gibson and Menchaca.

**Whereas**, According to the United States Center for Disease Control and Prevention (CDC), dating violence is a type of intimate partner violence that occurs between two people in a close relationship and can include, but not limited to, physical, emotional or sexual abuse or stalking; and

**Whereas**, While dating and sexual abuse can affect women and men regardless of their age, teens and young women are especially vulnerable; and

**Whereas**, The CDC reports that one in eleven adolescents say they have been the victim of physical dating violence; and

**Whereas**, According to the Family Violence Prevention Fund one in five tweens-age 11 to 14- say their friends are victims of dating violence and nearly half who are in relationships know friends who are verbally abused; and

**Whereas**, According to the NYC High School Youth Risk Behavior Survey of 2011, in 2011, 10.4% of male and female high school students reported being hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend within the past year; and

**Whereas**, The New York City Mayor’s Office to Combat Domestic Violence (MOCDV) notes that in 2010, nearly 1,100 individuals between the ages of 17 and 21, and 54 youth under the age of 16 filed family offense petitions in New York State Family Courts as victims of violence in an “intimate relationship” (expanded in 2008 by legislation to include dating relationships in which the partners have no children and are not married); and

**Whereas**, In addition, a March 2014 New York Daily News article states that according to recent findings, teen boys who played football or basketball are twice as likely to admit abusing a girlfriend; and

**Whereas**, These statistics indicate that more needs to be done to educate youth about healthy relationships; and

**Whereas**, Unhealthy relationships have long-term negative effects on emotional and physical well-being; and

**Whereas**, The CDC reports that youth who are victims are more likely to experience symptoms of depression and anxiety as well as engage in unhealthy behaviors such as using drugs and alcohol; and

**Whereas**, Furthermore, victims might exhibit antisocial behaviors and think about suicide; and

**Whereas**, Some researchers believe that sports participation which encourages aggressive behaviors needs to be countered with education and tools to learn how to avoid these behaviors from spilling over in everyday life; and

**Whereas**, Healthy relationship education is an essential component to the full development of young adults; now, therefore, be it

**Resolved**, that the New York City Council calls upon the New York State Legislature to mandate that the New York State Education Department include intimate partner abuse awareness and prevention programs in all public middle

school and high school athletic programs.

Referred to the Committee on Education.

L.U. No. 134

By Council Member Greenfield:

**Application no. 20155064 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of LDV 23, LLC, d/b/a/ Barchetta for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 461 West 23<sup>rd</sup> Street, Borough of Manhattan, Community District 4, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

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

L.U. No. 135

By Council Member Greenfield:

**Application no. C 140360 PSK submitted by the Mayor's Office of Criminal Justice Coordinator and NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 444 Thomas S. Boyland Street (Block 3496, Lot 4), for use as a community justice center, Borough of Brooklyn, Community Board 16, Council District 41. 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 Landmarks, Public Siting and Maritime Uses.

L.U. No. 136

By Council Member Greenfield:

**Application no. C 140388 PCX submitted by the NYC Department of Parks and Recreation and NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 850 East 138<sup>th</sup> Street (Block 2589, Lot 31), for a repair, maintenance and storage facility, Borough of Bronx, Community Board 1, Council District 17. 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 Landmarks, Public Siting and Maritime Uses.

L.U. No. 137

By Council Member Greenfield:

**Application no. 20155175 CCK, application by The Green-Wood Cemetery, pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law, for approval of the acquisition of land located at 242 25<sup>th</sup> Street, Borough of Brooklyn, for non-burial purposes, Community Board 7, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 138

By Council Member Greenfield:

**Application no. 20155169 HHM, application by NYC Health and Hospitals Corporation (HHC), pursuant to Section 7385(6) of the HHC Enabling Act, for approval to lease 105,682 square feet of land on the campus of The Metropolitan Hospital Center, located at 1918 First Avenue, Borough of Manhattan, for development of low-income housing, Community Board 11, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 139

By Council Member Greenfield:

**Application No. 20155062 HAK by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law (GML) for approval of Urban Development Action Area and Project and a real property tax exemption pursuant to Section 696 of the GML and Section 577 of the Private Housing Finance Law for property located at 890 Flushing Avenue (Block 3139 Lot 12), Borough of Brooklyn, Community Board 4, Council District 34.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 140

By Council Member Greenfield:

**Application No. 20155171 HAX by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for a real property tax exemption for properties located at Block 2426, Lots 4, 8 and 12; Block 2432, Lot 5; Block 2433, Lots 23, 28 and 36; Block 2434, Lots 47; Block 2447, Lots 51 and 56; Block 2450, Lots 29 and 31; Block 2453, Lot 55; Block 2457, Lot 50; Block 2456, Lot 51; Block 2816, Lots 1 and 70; Block 2831, Lot 32, Borough of Bronx, Community Board 4, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 141

By Council Member Greenfield:

**Application No. 20155172 HAX by the New York City Department of Housing Preservation and Development for approval of the termination of an existing tax exemption pursuant to Section 125 of the Private Housing Finance Law (PHFL) and to consent to the voluntary dissolution of the current owner of properties located at Block 2433, Lots 23, 28 and 36; and Block 2456, Lot 51, Borough of Bronx, Community Board 4, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 142

By Council Member Greenfield:

**Application No. 20155173 HAX by the New York City Department of Housing Preservation and Development for approval of the termination of an existing tax exemption pursuant to Section 125 of the Private Housing Finance Law (PHFL) and to consent to the voluntary dissolution of the current owner of properties located at Block 2453, Lot 55; Block 2457, Lot 50; Block 2816, Lots 1 and 70; Block 2831, Lot 32, Borough of Bronx, Community Board 4, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 143

By Council Member Greenfield:

**Application no. 20155034 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Gramercy Thai, Inc., d/b/a/ Lantern for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 311 Second Avenue, Borough of Manhattan, Community District 6, 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.**

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

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

**ANNOUNCEMENTS:**

**Thursday, October 23, 2014**

★ *Deferred*

Committee on **CONTRACTS** jointly with the  
 Committee on **OVERSIGHT AND INVESTIGATIONS**.....**10:00 A.M.**  
 Int 498 – By Council Members Rosenthal, Kallos and Constantinides – A Local Law  
 to amend the administrative code of the city of New York, in relation to conflicts of  
 interest in city contracts.  
 Council Chambers – City Hall ..... Helen Rosenthal, Chairperson  
 ..... Vincent J. Gentile, Chairperson

Committee on **GOVERNMENTAL OPERATIONS**.....**10:00 A.M.**  
 Oversight – Agency-Based Voter Registration  
 Int 356 - By Council Members Williams, Constantinides, Levine, Mendez,  
 Rodriguez, Rosenthal, Wills, Gibson, Reynoso, Menchaca, Richards, Miller, Barron,  
 Kallos, Crowley, Koslowitz, Dickens, Cohen, Vacca and Garodnick - A Local Law to  
 amend the New York city charter, in relation to improving compliance with the city's  
 pro-voter law.  
 Int 493 - By Council Member Kallos - A Local Law to amend the New York city  
 charter, in relation to expanding agency based voter registration to additional city  
 agencies.  
 Committee Room – City Hall.....Ben Kallos, Chairperson

★ *Deferred*  
 Committee on **PARKS AND RECREATION**.....**1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Mark Levine, Chairperson

Committee on **ENVIRONMENTAL PROTECTION** ..... **1:00 P.M.**  
 Int 378 - By Council Members Constantinides, Chin, Cumbo, Mendez, Rodriguez,  
 Rose, Rosenthal, Deutsch, Treyger, Kallos, Williams, Miller, Palma, Richards,  
 Espinal, King, Garodnick, Johnson, Levin, Torres, Lancman, Levine, Weprin,  
 Koslowitz, Dromm, Gentile, Koo, Menchaca, Reynoso, Crowley, Cornegy, Vacca,  
 Cohen, Eugene, Vallone, Ferreras, Van Bramer and the Public Advocate (Ms. James)  
 - A Local Law to amend the administrative code of the city of New York, in relation  
 to reducing greenhouse gases by eighty percent by two thousand fifty.  
 Committee Room – City Hall.....Donovan Richards, Jr., Chairperson

Committee on **HEALTH**..... **1:00 P.M.**  
 Oversight – NYC and the Affordable Care Act: Where Are We Post-Roll-Out and  
 How We Can Boost Access to Care  
 Council Chambers – City Hall .....Corey Johnson, Chairperson

**Monday, October 27, 2014**

Committee on **TECHNOLOGY** ..... **1:00 P.M.**  
 Oversight – NYC Open Data Portal  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor .....James Vacca, Chairperson

Committee on **VETERANS** ..... **1:00 P.M.**  
 Oversight - The Veterans Advisory Board  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Eric Ulrich, Chairperson

Committee on **HIGHER EDUCATION** jointly with the  
 Committee on **PUBLIC SAFETY** and  
 Committee on **WOMEN’S ISSUES** and  
 Committee on **CIVIL RIGHTS** ..... **1:00 P.M.**  
 Oversight - Sexual Assault on New York City College Campuses  
 Res 427 - By Council Members Crowley, Barron, Constantinides, Cumbo, Mealy,  
 Gibson, Cohen, Arroyo, Eugene, Gentile, Koo, Lander, Palma, Richards, Rose and  
 Wills - Resolution urging Congress to pass and President Obama to sign S.  
 2692/H.R. 5354, also known as the Campus Accountability and Safety Act.  
 Res 454 - By Council Members Williams, Cumbo, Gibson and Barron - Resolution  
 calling upon the United States Congress to pass and the President to sign H.R.  
 5277/S.2695, also known as the Survivor Outreach and Support Campus Act, which  
 would amend the Higher Education Act of 1965 to require institutions of higher  
 education to have an independent advocate for campus sexual assault prevention and  
 response.  
 Council Chambers – City Hall ..... Inez Barron, Chairperson  
 ..... Vanessa L. Gibson, Chairperson  
 ..... Laurie Cumbo, Chairperson  
 ..... Darlene Mealy, Chairperson

**Tuesday, October 28, 2014**

★ *Deferred*  
 Committee on **GENERAL WELFARE** .....**10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Stephen Levin, Chairperson

Committee on **EDUCATION** jointly with the  
 Subcommittee on **NON-PUBLIC SCHOOLS** ..... **1:00 P.M.**  
 Oversight – Special Education Instruction & Student Achievement  
 Int 435 - By Council Members Dromm, Arroyo, Barron, Chin, Gentile, Koo,  
 Mendez, Cohen, Rodriguez and the Public Advocate (Ms. James) - A Local Law to  
 amend the administrative code of the city of New York, in relation to requiring the  
 department of education to report information regarding students receiving special  
 education services.  
 Council Chambers – City Hall .....Daniel Dromm, Chairperson  
 ..... Chaim M. Deutsch, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** **1:00 P.M.**  
 Oversight – DSNY’s 2015-16 Snow Plan  
 Int 226 - By Council Member Treyger, Barron, Chin, Cornegy, Deutsch, Dromm,  
 Eugene, Koo, Lander, Levine, Mendez, Richards, Maisel, Arroyo, Lancman, Torres,  
 Palma, Cohen, and Espinal - A Local Law to amend the administrative code of the  
 city of New York, in relation to requiring snowplows to be fitted with lights and  
 audible warnings to prevent pedestrian deaths.  
 Int 300 - By Council Member King, Koo, Mealy, Reynoso, Rose, Wills, Koslowitz,  
 Richards, Mendez, Constantinides, and Dromm - A LOCAL LAW - To amend the  
 administrative code of the city of New York, in relation to the removal of snow, ice,  
 dirt and other material from fire hydrants.  
 Int 469 - By Council Member Menchaca, Deutsch, Eugene, Koo and Richards - A  
 LOCAL LAW - To amend the administrative code of the city of New York, in  
 relation to requiring the department of sanitation to issue an annual report concerning  
 the condition of roadways and pedestrian islands after snow events.  
 Committee Room – City Hall..... Antonio Reynoso, Chairperson

★ *Note Time Change*  
 Committee on **CONSUMER AFFAIRS**..... ★ **1:30 P.M.**  
 Oversight – Used Car Sales in New York City: Ensuring Consumer Protections and  
 Safety in the Sale of Used Vehicles Recalled by the Manufacturer.  
 Int 178 - By Council Members Williams, Chin, Koo, Mendez, Rodriguez, Rosenthal,  
 Wills, Gibson, Reynoso, Vallone, Richards, Miller, Barron, Kallos, Gentile, Crowley,  
 Koslowitz, Dickens, Cohen and Vacca - A Local Law to amend the administrative  
 code of the city of New York, in relation to price displays for used cars.  
 Int 518 - By Council Members Richards and Williams - A LOCAL LAW - To amend  
 the administrative code of the city of New York, in relation to prohibiting  
 secondhand automobile dealers from failing to repair automobiles that have been  
 recalled by the automobiles’ manufacturers.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Rafael L. Espinal, Chairperson

**Wednesday, October 29, 2014**

★ *Note Amended Bill*  
 Committee on **HOUSING AND BUILDINGS** .....**10:00 A.M.**  
 Int 222 - By Council Member Mendez, the Public Advocate (Ms. James), Barron,  
 Chin, Gibson, Johnson, Koslowitz, Rosenthal and Rodriguez (by request of the  
 Manhattan Borough President) - A Local Law to amend the administrative code of  
 the city of New York, in relation to amending the obligations of owners to provide  
 notice to their tenants for non-emergency repairs.  
 Int 289 - By Council Members Cumbo, Williams, Deutsch, Chin, Cornegy, Eugene,  
 Gibson, Koo, Levine, Reynoso, Rose, Treyger, Menchaca, Rosenthal and Rodriguez  
 - A Local Law to amend the administrative code of the city of New York, in relation  
 to the provision of housing applications in multiple languages by the department of  
 housing preservation and development.  
 ★ Proposed Int 433-A - By Council Members Cohen, Arroyo, Barron,  
 Constantinides, Dickens, Eugene, Koo, Mendez and Rodriguez -A Local Law to  
 amend the administrative code of the city of New York, in relation to the installation  
 of safety covers on electrical outlets in public areas of certain multiple dwellings.  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
 ..... Jumaane D. Williams, Chairperson

★ *Deferred*  
 Committee on **SANITATION AND SOLID WASTE MANAGEMENT**..... **10:00**  
**A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Antonio Reynoso, Chairperson

★ *Deferred*  
 Committee on **ECONOMIC DEVELOPMENT** .....**10:00 A.M.**

Agenda to be announced

Committee Room – City Hall ..... Daniel Garodnick, Chairperson

Committee on **SMALL BUSINESS** jointly with the  
Committee on **CONSUMER AFFAIRS**.....**10:00 A.M.**  
Oversight – Earned Sick Time Implementation and Business Education  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Robert Cornegy, Chairperson  
.....Rafael L. Espinal, Chairperson

★ Addition

Committee on **TRANSPORTATION**..... **1:00 P.M.**  
Proposed Int 216-A - By Council Members Levine, Chin, Johnson, Lander, Mendez, Rodriguez, Cohen, Rosenthal, Koslowitz, Vacca, Menchaca, Constantinides, Kallos, Treyger and Dromm (by request of the Manhattan Borough President) - A Local Law - To amend the administrative code of the city of New York, in relation to increasing the number of accessible pedestrian signals.  
Int 383 - By Council Members Ignizio, Rodriguez, Matteo, Arroyo, Cabrera, Cohen, Constantinides, Cumbo, Deutsch, Espinal, Greenfield, King, Koo, Lancman, Mealy, Palma, Richards, Rose, Ulrich, Vacca, Vallone, Weprin, Eugene, Gentile and Koslowitz - A Local Law to amend the administrative code of the city of New York, in relation to "rounding up" parking time.  
Committee Room – City Hall .....Ydanis Rodriguez, Chairperson

**Thursday, October 30, 2014**

★ Note Topic and Committee Addition

Committee on **RECOVERY AND RESILIENCY** jointly with the  
★ Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**.....**10:00 A.M.**  
Int 425 - By Council Members Treyger, Chin, Cumbo, Deutsch, Gentile, Kallos, Mendez, Reynoso, Williams, Cohen, Koslowitz, Rodriguez, Gibson, Dromm, Dickens, Vacca, Palma, Torres, Richards, Maisel, Lancman, Constantinides, Miller, Rosenthal, Levine, Eugene, Garodnick, Mealy, Menchaca, King, Koo, Levin, Greenfield and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to a communications access plan for certain emergency events.  
Int 519 - By Council Member Treyger - A Local Law - To amend the administrative code of the city of New York, in relation to the distribution of localized emergency preparedness materials.  
Council Chambers – City Hall ..... Mark Treyger, Chairperson  
..... ★ Elizabeth Crowley, Chairperson

**Thursday, October 30, 2014**

Committee on **AGING**.....**1:00 P.M.**  
Oversight – Age-Friendly NYC Aging Improvement Districts-Successes and Future Challenges  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Margaret Chin, Chairperson

**Monday, November 3, 2014**

★ Addition

Committee on **ECONOMIC DEVELOPMENT** jointly with the  
Committee on **TRANSPORTATION** .....**10:00 A.M.**  
Oversight – Assessing the Economic Impact of New York's Failing Infrastructure - Hearing 2: Transportation  
Council Chambers – City Hall ..... Daniel Garodnick, Chairperson  
.....Ydanis Rodriguez, Chairperson

**Tuesday, November 4, 2014**

*ELECTION DAY*

**Wednesday, November 5, 2014**

Committee on **PARKS AND RECREATION**.....**10:00 A.M.**  
Agenda to be announced  
Committee Room – City Hall..... Mark Levine, Chairperson

**Thursday, November 6, 2014**

Committee on **HEALTH**..... **1:00 P.M.**  
Agenda to be announced  
Council Chambers – City Hall .....Corey Johnson, Chairperson

**Monday, November 10, 2014**

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**  
**See Land Use Calendar**  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** .....**11:00 A.M.**  
**See Land Use Calendar**  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Peter Koo, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**  
**See Land Use Calendar**  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Inez Dickens, Chairperson

Committee on **VETERANS** ..... **1:00 P.M.**  
Agenda to be announced  
Committee Room – City Hall .....Eric Ulrich, Chairperson

**Tuesday, November 11, 2014**

*VETERANS' DAY OBSERVED*

**Wednesday, November 12, 2014**

Committee on **HOUSING AND BUILDINGS** .....**10:00 A.M.**  
Agenda to be announced  
Council Chambers – City Hall ..... Jumaane D. Williams, Chairperson

Committee on **LAND USE**.....**11:00 A.M.**  
**All items reported out of the subcommittees AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**  
Committee Room – City Hall ..... David G. Greenfield, Chairperson

Committee on **CIVIL SERVICE AND LABOR** .....**1:00 P.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... I. Daneek Miller, Chairperson

Committee on **HIGHER EDUCATION** ..... **1:00 P.M.**  
Agenda to be announced  
Committee Room – City Hall..... Inez Barron, Chairperson

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**..... **1:00 P.M.**  
Agenda to be announced  
Council Chambers – City Hall .....Elizabeth Crowley, Chairperson

**Thursday, November 13, 2014**

*Stated Council Meeting*.....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Thursday, November 13, 2014.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int No. 474, adopted by the Council at the September 23, 2014 Stated Meeting, was signed into law by the Mayor on October 10, 2014 as Local Law No. 52 of 2014. Int No. 295-A, adopted by the Council at the October 7, 2014 Stated Meeting, was signed into law by the Mayor on October 20, 2014 as Local Law No. 53 of 2014.*