

THE COUNCIL

STATED MEETING OF

MONDAY, DECEMBER 8, 2014

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of
Monday, December 8, 2014, 1:52 p.m.

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

Council Members

Melissa Mark-Viverito, Speaker

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

Absent: Council Members Barron, Cumbo, Mealy, and Vacca.

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. Peter Heltzel, Associate Professor of Theology, New York Theological Seminary, 475 Riverside Drive, New York, N.Y. 10115.

Let us pray.
God, oh, merciful one, whose glory is in all the world.
We commend New York City to your merciful care.
While being guided by your providence
may we dwell secure in your peace.
Grant to Mayor de Blasio wisdom and strength

as he governs New York City in ways of wisdom and light.
Energize Public Advocate James, as she advocates
for the homeless and hurting,
especially our children of color.
This day we pray that your Holy Spirit
would fall upon Speaker Mark-Viverito,
and each member of the City Council of New York
and their staffers blessing them
with the spirit of wisdom, charity, and justice.
That with steadfast purpose they may faithfully serve
in their offices and promote
the wellbeing of all New Yorkers.
We thank you, Oh, Lord, for their public service,
hard work and long days and sleepless nights.
Fill them with a love of truth and righteousness
and make them ever mindful of their calling
to serve this city with a deep reverence of you,
our Creator and our Redeemer.
We commend to your compassionate care
all those who are in any way
afflicted or distressed in mind, body, or estate.
Particularly the family and friends of Eric Garner.
I can't breathe. We can't breathe. God can't breathe.
Saint Paul says when one member suffers all suffer together.
If one member is honored, all rejoice together.
Oh, God, make and mold our broken hearts
into a citywide movement for real police reform
working for the restoration
of a broken Criminal Justice System.
Gracious God, look with compassion
on the whole human family in New York City.
Take away the arrogance and hatred,
which infects our hearts.
Break down the walls that separate us.
Unite us, elected officials, labor unions,
community groups, and faith leaders in the bonds of love.
That through our work of collective action
to build a more beloved city,
that New York City could shine
as a beacon of hope to New York State,
to the nation, and to the world.
We pray this, oh, God in your holy name.
Amen.

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

At this point, the Speaker (Council Member Mark-Viverito) asked for everyone to rise. She noted that the late Eric Garner cried out for help eleven times with the words "I can't breathe" and that eleven times his calls went unheard before he died. The Speaker (Council Member Mark-Viverito) also mentioned the ongoing debate in regard to his death and in regard to issues concerning police-community relations, reform, and accountability. She closed by asking for a Moment of Silence in the Chambers.

At a later point in the Meeting, the Speaker (Council Member Mark-Viverito) asked for another Moment of Silence in memory of two individuals who recently passed away: former Council Member Madeline Provenzano and former Congressman Herman Badillo. Madeline Provenzano served as chief of staff to former Bronx Council Member Michael De Marco for 19 years and then succeeded him as Council Member from January 1998 until December 2005. Herman Badillo served as Bronx Borough President, U.S. Congressman, and Deputy Mayor and was recognized as a historic Puerto Rican civic leader in New York City.

ADOPTION OF MINUTES

On behalf of Council Member Treyger, the Public Advocate (Ms. James) moved that the Minutes of the Stated Meeting of November 13, 2014 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-202

Communication from the Department of Small Business Services – Transmitting proposed maritime lease between the New York City Department of Small Business Services and the New York City Economic Development Corporation, for approximately 72 acres of the South Brooklyn Marine Terminal, pursuant to Section 1301(2)(f) of the City Charter.

November 25, 2014

Honorable Melissa Mark-Viverito
Speaker of the Council
City Hall
New York, New York 10007

Dear Speaker Mark-Viverito,

On behalf of Mayor de Blasio, I am herewith transmitting copies of a proposed maritime lease (the "Lease") between City of New York City (the "City"), acting by and through its Department of Small Business Services, as landlord ("Landlord") and New York City Economic Development Corporation, as tenant ("NYEDC" or "Tenant") for approximately 72 acres of the South Brooklyn Marine Terminal, pursuant to City Charter Section 1301 (2)(f).

The Mayor would appreciate the approval of this lease at the earliest possible date.

Thank you.
Sincerely,

Jon Paul Lupo

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

M-203

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



Meera Joshi Commissioner
Licensing and Standards
32-02 Queens Boulevard
Long Island City, NY 11101
+1 718-391-5501 tel
+1 718 391 5786 fax

November 24, 2014

The Honorable Speaker Melissa Mark-Viverito
Attention: Mr. Gary Altman
Council of the City of New York
250 Broadway, 15th 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 November 20, 2014 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (4):	LICENSE #	COUNCIL DISTRICT
EZCAR, LLC	B02801	38
Foxx Car & Limo Service Inc	B02744	23
G.A.D. Trans Inc	B02791	09
Ideal Limo And Ambulette Service Inc.	B02792	40
RENEWALS (2):	LICENSE #	COUNCIL DISTRICT
7 Star Car & Limousine Inc./ d.b.a. Dial 7 Car & Limousine Service	B02465	26
City Car Service Corp./ d.b.a. Digital Car Service	B01739	42
CHANGE OF LOCATION (1):	LICENSE #	COUNCIL DISTRICT
GTA Car & Limo Service LLC	B02543	47
CHANGE OF LOCATION & OWNERSHIP (1):	LICENSE #	COUNCIL DISTRICT
JLJ Car Service Corp	B02312	27

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-204

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Foxx Car & Limo Service Inc., Council District 23, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-203 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-205

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license G.A.D. Trans Inc., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-203 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-206

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Ideal Limo And Ambulette Service Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-203 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-207

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 7 Star Car & Limousine Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-203 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-208

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

(For text of TLC Letter, please see M-203 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-209

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

(For text of TLC Letter, please see M-203 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-210

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a change of ownership base station license JLJ Car Service Corp., Council District 27, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC Letter, please see M-203 printed in this Communication from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Int. No. 530

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

Report of the Committee on Finance, to which the annexed proposed local law was referred on November 13, 2014 (Minutes, page 3918), respectfully

REPORTS:

On November 25, 2014, the Finance adopted Resolution 462 that set December 8, 2014 as the date to consider a local law that would increase the annual expenditures for ten Business Improvement Districts (“BIDs”), effective as of July 1, 2014. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the ten BIDs.

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

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

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

that this procedure be followed with regard to the increases that are the subject of this local law.

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

**BID ASSESSMENT INCREASE REQUESTS
FISCAL YEAR 2015**

BID Name	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request	CM District(s)	Increase Justification
	Increase Amount			% Increase		
34th Street	FY 12	\$9,940,000	\$10,885,000	\$ 945,000	2, 3, 4	Assessment Increase will fund the expansion of post rush-hour sanitation sweeper coverage to the edges of the district, and allow for cost of living increases.
	\$648,500			9.5%	Johnson	
47th Street	FY 13	\$700,000	\$900,000	\$ 200,000	4	Assessment increase will fund the implementation of 3 new marketing initiatives: 1) Digital advertising, 2) in-person events & district tours and 3) additional print marketing
	\$200,000			28.6%	Garodnick	
86th Street/Bay Ridge	None	\$210,000	\$290,000	\$ 80,000	43	Assessment increase will cover costs that have increased since the last assessment increase 2001, primarily relating to sanitation costs, but also including cost including rent, insurance, supplies, staffing and more.
	N/a			38.1%	Gentile	
161st Street	None	\$190,000	\$240,000	\$ 50,000	8, 16	Assessment increase will increase funding for outdoor art projects and community gardens, cover increasing sanitation costs and increase staff capacity.
	N/a			26.3%	Gibson	
125th Street	2010	\$947,820	\$1,005,793	\$ 57,973	9	Assessment Increase will be used to improve holiday lighting displays, improve marketing and promotion efforts, upgrade the BID's computer and telephone systems, and cover cost of living expenditures.
	\$228,054			6.1%	Dickens	
BID Name	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request	CM District(s)	Increase Justification
	Increase Amount			% Increase		
Columbus-Amsterdam	FY 13	\$260,000	\$350,000	\$ 90,000	7	Assessment increase will cover improved horticulture/beautification initiatives, as well as the hiring of a part time staff member to perform program management work. In future fiscal years, funds may also be used for streetscape improvements.
	\$30,000			34.6%	Levine	
Forest Ave.	None	\$150,000	\$175,000	\$ 25,000	49	Assessment increase will improve neighborhood tree pits and cover costs necessary to maintain sanitation, beautification and administrative functions.
	N/a			16.7%	Rose	
Myrtle Ave. (BK)	FY 11	\$425,000	\$575,000	\$ 150,000	35	Assessment increase will cover additional maintenance costs for the new public plaza, which officially opens in FY 16. The increase will also cover associated insurance costs.
	\$ 50,000			35.3%	Cumbo	
Steinway Street	FY 09	\$325,000	\$400,000	\$ 75,000	22, 26	Assessment Increase will pay for expenses related to security camera system, enhanced holiday lighting, improved horticulture, and offset minimum wage increases for sanitation contracts.
	\$75,000			23.1%	Constantinides	
Sunnyside Shines	None	\$300,000	\$360,000	\$ 60,000	26	Assessment Increase will pay for expenses relating to maintenance of 2 new plazas (Lowery and Bliss Plazas). It will also provide for larger events and marketing initiatives, cover minimum wage increases, and increase staff capacity.
	N/a			20.0%	Van Bramer	

(The following is the text of the Fiscal Impact Statement for Int. No. 530:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
 FISCAL IMPACT STATEMENT
 INTRO. NO.: 530
 COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in ten business improvement districts. SPONSORS: Council Members Ferreras, Espinal and Koo (by request of the Mayor)

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

EFFECTIVE DATE: This local law would take effect immediately and shall be retroactive to July 1, 2014.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 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: There will be no net impact on revenues or expenditures resulting from the enactment of this legislation. The BID assessments are charges separate from the City’s property tax levy and thus do not impact the General Fund. The assessments are levied on the businesses located in the impacted BIDs. The BIDs’ budgets for Fiscal Year 2015 will increase from the Fiscal Year 2014 amounts (see below) as a result of this legislation.

BID Name	Authorized Assessment	Requested Assessment
34 th Street	\$9,940,000	\$10,885,000
47 th Street	\$700,000	\$900,000
86 th Street/Bay Ridge	\$210,000	\$290,000
161 st Street	\$190,000	\$240,000
125 th Street	\$947,820	\$1,005,793
Columbus-Amsterdam	\$260,000	\$350,600
Forest Avenue	\$150,000	\$175,000
Myrtle Avenue	\$425,000	\$575,000
Steinway Street	\$325,000	\$400,000
Sunnyside Shines	\$300,000	\$360,000

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: BID special assessments

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

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

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

LEGISLATIVE HISTORY: Intro. No. 530 was introduced to the full Council and referred to Committee on Finance on November 25, 2015. On December 8, 2014, the Committee on Finance will consider and vote on Intro. No. 530, and upon a successful vote, the legislation will be considered by, and voted on by, the Full Council.

DATE PREPARED: December 5, 2014

(The following is the text of Int. No. 530:)

Int. No. 530

By Council Members Ferreras, Espinal and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in ten business improvement districts.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-420.1 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Steinway Street business improvement district beginning on July 1, [2008] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three hundred twenty-five thousand dollars (\$325,000)] *four hundred thousand dollars (\$400,000)*.

§ 2. Subdivision a of section 25-423.1 of the administrative code of the city of New York, as amended by local law number 9 for the year 2012, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 34th Street business improvement district beginning on July 1, [2011] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine million nine hundred forty thousand dollars (\$9,940,000)] *ten million eight hundred eighty-five thousand dollars (\$10,885,000)*.

§ 3. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 9 for the year 2012, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2011] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine hundred forty-seven thousand eight hundred twenty dollars (\$947,820)] *one million five thousand seven hundred ninety-three dollars (\$1,005,793)*.

§ 4. Subdivision a of section 25-452.1 of the administrative code of the city of New York, as amended by local law number 3 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 47th Street business improvement district beginning on July 1, [2012] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [seven hundred thousand dollars (\$700,000)] *nine hundred thousand dollars (\$900,000)*.

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-456.1 to read as follows:

§ 25-456.1 *86th Street Bay Ridge business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 86th Street Bay Ridge business improvement district beginning on July 1, 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two hundred ninety thousand dollars (\$290,000).*

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the 86th Street Bay Ridge business improvement district plan.

§ 6. Subdivision a of section 25-461 of the administrative code of the city of New York, as amended by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Columbus/Amsterdam business improvement district beginning on July 1, [2009] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred sixty thousand dollars (\$260,000)] *three hundred fifty thousand dollars (\$350,000)*.

§ 7. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-465.1 to read as follows:

Accordingly, this Committee recommends its adoption.

December 8, 2014

§ 25-465.1 Forest Avenue business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Forest Avenue business improvement district beginning on July 1, 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one hundred seventy-five thousand dollars (\$175,000).

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

§ 8. Section 25-466.1 of the administrative code of the city of New York, as added by local law number 61 for the year 2007, subdivision a as amended by local law number 5 for the year 2011, is renumbered section 25-466.2 and amended to read as follows:

§ 25-466.2 Myrtle Avenue Brooklyn business improvement district.

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Myrtle Avenue Brooklyn business improvement district beginning on July 1, [2010] 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four hundred twenty-five thousand (\$425,000)] five hundred seventy-five thousand dollars (\$575,000).

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

§ 9. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-468.1 to read as follows:

§ 25-468.1 161st Street business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 161st Street business improvement district beginning on July 1, 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two hundred forty thousand dollars (\$240,000).

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the 161st Street business improvement district plan.

§ 10. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-473.1 to read as follows:

§ 25-473.1 Sunnyside business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Sunnyside business improvement district beginning on July 1, 2014, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of three hundred sixty thousand dollars (\$360,000).

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

§ 11. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2014.

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, December 8, 2014. Other Council Members Attending: Mendez.

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

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

Report for L.U. No. 153

Report of the Committee on Finance in favor of approving Pio/VIP HDFC, Block 2762, Lot 1; Block 2946, Lot 1; Bronx, Community District No. 2, Council District No. 17.

Report of the Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 8, 2014 and which was coupled with the resolution shown below, respectfully

REPORTS:

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

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

FROM: Rebecca Chasan, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of December 8, 2014 - Resolution approving a tax exemption for five Land Use Items (Council Districts 2 and 17)

Item 1: The Mascot Flats

Mascot Flats consists of 1 building with 19 units of rental housing for low- to middle-income individuals and families. The Mascot Flats Housing Development Fund Corporation (“HDFC”) acquired the property in 1993 and received tax benefits pursuant to Real Property Tax Law Section 489 (“J-51 Benefits”). Due to the phase-out of J-51 Benefits, the HDFC was not able to pay real property taxes since 2006. Accordingly, on September 24, 2013, the Council granted the property a retroactive full exemption from real property taxation pursuant to Private Housing Finance Law Section 577 between July 1, 2006 until June 30, 2013. Thereafter, the Council granted a prospective partial exemption from real property taxation between July 1, 2013 and June 30, 2014, for a total real property tax exemption period of 40 years.

The real property tax exemption was conditioned upon the HDFC and the City’s Department of Housing and Preservation Development (“HPD”) entering into a regulatory agreement within 90 days of the Council’s approval of the exemption. However, HPD and the HDFC did not enter into the regulator agreement within the 90 day period and, therefore, the exemption expired.

HPD is now requesting that the Council grant a real property tax exemption on the same terms, with the condition that HPD and the HDFC will enter into a regulatory agreement by February 29, 2015. The regulatory agreement will require that the housing units be rented to individuals and families whose incomes do not exceed 120% of the Area Median Income (“AMI”). In 2013, 120% of AMI was \$103,080 for a family of four, \$92,880 for a family of three, \$82,560 for a family of two, and \$72,240 for an individual.

Summary:

- Council District – 2
- Council Member – Mendez
- Council Member approval – Yes
- Borough – Manhattan
- Block/Lot – 375/30
- Number of Buildings – 1
- Number of Units – 19
- Type of Exemption – Article XI, 40 years, full between 2006-2013 and partial between 2013-2046
- Population Served – Rentals for low- to middle-income individuals and families
- Sponsor/Developer – The Mascot Flats Housing Development Fund Company
- Cost of the Exemption over the Full Exemption Period – \$847,553
- Open Violations or Outstanding Debt to the City – None

Item 2: Crotona Estates

Crotona Estates consists of 2 buildings with 153 units of rental housing for low-income individuals and families. The Crotona Estates Housing Development Fund Corporation (“HDFC”) developed the project with a federally-aided mortgage and tax exemption from the City. That prior tax exemption from the City expired on September 14, 2012. The HDFC is now seeking a new federally-aided mortgage to finance necessary capital improvements and/or an extended-term housing assistance payments contract. The HDFC and the City’s Department of Housing and Preservation Development (“HPD”) will enter into a regulatory agreement requiring that the housing units be rented to individuals and families whose incomes do not exceed 30% of the Area Median Income (“AMI”). In 2013, 30% of AMI was \$25,770 for a family of four, \$23,220 for a family of three, \$20,640 for a family of two, and \$18,060 for an individual.

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a partial 40-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

This item has the approval of Council Member Arroyo.

Summary:

- Council District – 17
- Council Member – Arroyo

- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 2940/11 & 32
- Number of Buildings – 2
- Number of Units – 153
- Type of Exemption – Article XI, partial 40 years
- Population Served – Rentals for low-income individuals and families
- Sponsor/Developer – Crotona Estates Housing Development Fund Company
- Cost of the Exemption over the Full Exemption Period – \$2,526,089
- Open Violations or Outstanding Debt to the City – None

Item 3: Crotona IV

Crotona IV consists of 2 buildings with 153 units of rental housing for low-income individuals and families. The Longfellow Avenue Housing Development Fund Corporation (“HDFC”) developed the project with a federally-aided mortgage and tax exemption from the City. That prior tax exemption from the City expired on December 21, 2013. The HDFC is now seeking a new federally-aided mortgage to finance necessary capital improvements and/or an extended-term housing assistance payments contract. The HDFC and the City’s Department of Housing and Preservation Development (“HPD”) will enter into a regulatory agreement requiring that the housing units be rented to individuals and families whose incomes do not exceed 30% of the Area Median Income (“AMI”). In 2013, 30% of AMI was \$25,770 for a family of four, \$23,220 for a family of three, \$20,640 for a family of two, and \$18,060 for an individual.

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a partial 40-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

This item has the approval of Council Member Arroyo.

Summary:

- Council District – 17
- Council Member – Arroyo
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 3010/12 & 17
- Number of Buildings – 2
- Number of Units – 153
- Type of Exemption – Article XI, partial 40 years
- Population Served – Rentals for low-income individuals and families
- Sponsor/Developer – Longfellow Avenue Housing Development Fund Company
- Cost of the Exemption over the Full Exemption Period – \$2,139,739
- Open Violations or Outstanding Debt to the City – None

Item 4: Evergreen Estates

Evergreen Estates consists of 6 buildings with 234 units of rental housing for low-income individuals and families. The Evergreen Estates Housing Development Fund Corporation (“HDFC”) developed the project with a federally-aided mortgage and tax exemption from the City. That prior tax exemption from the City expired on September 20, 2012. The HDFC is now seeking a new federally-aided mortgage to finance necessary capital improvements and/or an extended-term housing assistance payments contract. The HDFC and the City’s Department of Housing and Preservation Development (“HPD”) will enter into a regulatory agreement requiring that the housing units be rented to individuals and families whose incomes do not exceed 30% of the Area Median Income (“AMI”). In 2013, 30% of AMI was \$25,770 for a family of four, \$23,220 for a family of three, \$20,640 for a family of two, and \$18,060 for an individual.

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a partial 40-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

This item has the approval of Council Member Arroyo.

Summary:

- Council District – 17
- Council Member – Arroyo
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 3737/49, 54, 58, 62, 66 & 70
- Number of Buildings – 6
- Number of Units – 234
- Type of Exemption – Article XI, partial 40 years
- Population Served – Rentals for low-income individuals and families

- Sponsor/Developer – Evergreen Estates Housing Development Fund Company
- Cost of the Exemption over the Full Exemption Period – \$3,752,314
- Open Violations or Outstanding Debt to the City – None

Item 5: Pio/VIP

Under the proposed project, Pio/VIP Housing Development Fund Company (“HDFC”) will acquire and rehabilitate the property, which already consists of 2 buildings that provide 182 units of rental housing for low-income senior citizens. The HDFC will finance the acquisition and rehabilitation of the property with tax exempt bonds and low income housing tax credits. The HDFC and the City’s Department of Housing Preservation and Development (“HPD”) will enter into a regulatory agreement requiring that the housing units be rented to individuals and families whose incomes do not exceed 30% of the Area Median Income (“AMI”). In 2013, 30% of AMI was \$25,770 for a family of four, \$23,220 for a family of three, \$20,640 for a family of two, and \$18,060 for an individual. Eligible tenants will receive Section 8 rental assistance.

The property currently receives an exemption from real property taxation pursuant to Section 422(1)(a) of the Real Property Tax Law. In order to facilitate the project, HPD is requesting that the current exemption be terminated and that the Council grant the property a partial 40-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

This item has the approval of Council Member Arroyo.

Summary:

- Council District – 17
- Council Member – Arroyo
- Council Member approval – Yes
- Borough – the Bronx
- Block/Lot – 2762/1 and
- Number of Buildings – 2
- Number of Units – 182
- Type of Exemption – Article XI, partial 40 years
- Population Served – Rentals for low-income senior citizens
- Sponsor/Developer – Pio/VIP Housing Development Fund Company
- Cost of the Exemption over the Full Exemption Period – \$3,743,798
- Open Violations or Outstanding Debt to the City – None

(For text of the coupled resolutions for LU Nos. 154 through 157, please see, respectively, the Reports of the Committee on Land Use for LU Nos. 154 to 157 printed in these Minutes; for text of the coupled resolution for LU No. 153, please see below:)

Accordingly, this Committee recommends the adoption of LU Nos. 153, 154, 155, 156, and 157.

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

Res. No. 508

Resolution approving a partial exemption from real property taxes for property located at (Block 2762, Lot 1; Block 2946, Lot 1) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 153).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 10, 2014 that the Council take the following action regarding a housing project located at (Block 2762, Lot 1; Block 2946, Lot 1) the Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (b) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2762, Lot 1 and Block 2946, Lot 1 on the Tax Map of the City of New York.
 - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (d) "HDFC" shall mean Pio/VIP Housing Development Fund Company, Inc.
 - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (f) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (g) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
 - (h) "Prior Exemption" shall mean the exemptions from real property taxation for the Exemption Area approved by the Board of Estimate on June 30, 1987 (Cal. No. 371), as amended by the City Council on July 24, 2014 (Resolution No. 363), and approved by the City Council on July 30, 1991 (Resolution No. 1157), as amended by the City Council on July 24, 2014 (Resolution No. 362).
 - (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) \$229,920, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
- (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

(b) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.

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

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

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, December 8, 2014. *Other Council Members Attending: Mendez.*

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

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

Report for L.U. No. 154

Report of the Committee on Finance in favor of approving Crotona Estates HDFC, Block 2940, Lots 11 and 32; Bronx, Community District No. 3, Council District No. 17.

Report of the Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 8, 2014 and which was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 153 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 509

Resolution approving a partial exemption from real property taxes for property located at (Block 2940, Lots 11 & 32) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 154).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 5, 2014 that the Council take the following action regarding a housing project located at (Block 2940, Lots 11 & 32) the Bronx ("Exemption Area"):

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

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

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

RESOLVED:

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

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

(a) "Effective Date" shall mean September 14, 2012.

- (b) “Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (c) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2940, Lots 11 & 32 on the Tax Map of the City of New York.
- (d) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) “Execution Date” shall mean the earliest date upon which the HDFC executes either (1) a mortgage made by the HDFC after the Effective Date which is insured by the United States Federal Housing Administration, or (2) a renewal Section 8 Housing Assistance Payments Contract for a term of more than twelve months that is entered into between the HDFC and the United States Department of Housing and Urban Development after the Effective Date.
- (f) “HDFC” shall mean Crotona Estates Housing Development Fund Company, Inc.
- (g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
- (i) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (k) “Shelter Rent Tax” shall mean an amount equal to ten percent (10%) of Shelter Rent.
- (l) “Shelter Rent Commencement Date” shall mean the July 1 following the Execution Date.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Shelter Rent Commencement Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling in the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- (b) The Exemption shall not apply to any building constructed in the Exemption Area that did not exist on the Effective Date.
- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

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, December 8, 2014. *Other Council Members Attending: Mendez.*

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

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

Report for L.U. No. 155

Report of the Committee on Finance in favor of approving Longfellow Avenue HDFC, Block 3010, Lots 12 and 17; Bronx, Community District No. 3, Council District No. 17.

Report of the Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 8, 2014 and which was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 153 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 510

Resolution approving a partial exemption from real property taxes for property located at (Block 3010, Lots 12 & 17) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 155).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 5, 2014 that the Council take the following action regarding a housing project located at (Block 3010, Lots 12 & 17) the Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
- (a) “Effective Date” shall mean December 21, 2013.

- (b) “Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (c) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3010, Lots 12 and 17 on the Tax Map of the City of New York.
- (d) “Expiration Date” shall mean the earlier to occur of (i) a date which is 40 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) “Execution Date” shall mean the earliest date upon which the HDFC executes either (1) a mortgage made by the HDFC after the Effective Date which is insured by the United States Federal Housing Administration, or (2) a renewal Section 8 Housing Assistance Payments Contract for a term of more than twelve months that is entered into between the HDFC and the United States Department of Housing and Urban Development after the Effective Date.
- (f) “HDFC” shall mean Longfellow Avenue Housing Development Fund Company, Inc.
- (g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
- (i) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (k) “Shelter Rent Tax” shall mean an amount equal to 10% of Shelter Rent.
- (l) “Shelter Rent Commencement Date” shall mean the July 1st following the Execution Date.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Shelter Rent Commencement Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling in the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- (b) The Exemption shall not apply to any building constructed in the Exemption Area that did not exist on the Effective Date.
- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

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, December 8, 2014. *Other Council Members Attending: Mendez.*

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

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

Report for L.U. No. 156

Report of the Committee on Finance in favor of approving Evergreen Estates HDFC, Block 3737, Lots 49, 54, 58, 62, 66, and 70; Bronx, Community District No. 9, Council District No. 17.

Report of the Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 8, 2014 and which was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 153 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 511

Resolution approving a partial exemption from real property taxes for property located at (Block 3737, Lots 49, 54, 58, 62, 66 & 70) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 156).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 5, 2014 that the Council take the following action regarding a housing project located at (Block 3737, Lots 49, 54, 58, 62, 66 & 70) the Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

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

(a) “Effective Date” shall mean September 20, 2012.

- (b) “Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (c) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3737, Lots 49, 54, 58, 62, 66 and 70 on the Tax Map of the City of New York.
- (d) “Expiration Date” shall mean the earlier to occur of (i) a date which is 40 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) “Execution Date” shall mean the earliest date upon which the HDFC executes either (1) a mortgage made by the HDFC after the Effective Date which is insured by the United States Federal Housing Administration, or (2) a renewal Section 8 Housing Assistance Payments Contract for a term of more than twelve months that is entered into between the HDFC and the United States Department of Housing and Urban Development after the Effective Date.
- (f) “HDFC” shall mean Evergreen Estates Housing Development Fund Company, Inc.
- (g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
- (i) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (k) “Shelter Rent Tax” shall mean an amount equal to 10% of Shelter Rent.
- (l) “Shelter Rent Commencement Date” shall mean the July 1st following the Execution Date.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Shelter Rent Commencement Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling in the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- (b) The Exemption shall not apply to any building constructed in the Exemption Area that did not exist on the Effective Date.
- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

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, December 8, 2014. *Other Council Members Attending: Mendez.*

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

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

Report for L.U. No. 157

Report of the Committee on Finance in favor of approving The Mascot Flats HDFC, Block 375, Lot 30; Manhattan, Community District No. 3, Council District No. 2.

Report of the Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 8, 2014 and which was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 153 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 512

Resolution approving an exemption from real property taxes for property located at (Block 375, Lot 30) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 157).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 2, 2014 that the Council take the following action regarding a housing project located at (Block 375, Lot 30) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

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

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

(a) “Effective Date” shall mean July 1, 2006.

- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, and identified as Block 375, Lot 30 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) June 30, 2046, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean The Mascot Flats Housing Development Fund Corporation.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area on and after the date such Regulatory Agreement is executed.
- (h) "Residential Property" shall mean all of the Exemption Area, including both the land and improvements (excluding, those portions, if any, devoted to business or commercial use).
2. All of the value of the Exemption Area shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating on June 30, 2013.
3. All of the value of the Residential Property shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing on July 1, 2013 and terminating on the Expiration Date, provided, however, that the HDFC shall make such annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii), an amount calculated by multiplying \$8,710 times the number of residential units included in the Exemption Area and increasing such product by three and seven tenths percent (3.7%) on July 1, 2014 and on July 1 of each successive year.
4. Notwithstanding the foregoing, the total annual real property tax payments by the HDFC shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement by February 28, 2015, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (vi) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to the Effective Date.
6. In consideration of the Exemption, the owner of the Exemption Area shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property

taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, December 8, 2014. *Other Council Members Attending: Mendez.*

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 Health

Report for Int. No. 491-A

Report of the Committee on Health 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 amending sex designation on birth records.

Report of the Committee on Health, to which the annexed proposed amended local law was referred on October 7, 2014 (Minutes, page 3603), respectfully

REPORTS:

I. Introduction

On December 5, 2014, the Committee on Health, chaired by Council Member Corey Johnson, will consider Proposed Introduction Number 491-A and Proposed Introduction Number 492-A, a package of legislation in relation to gender marker changes on birth records. This is the second hearing on these bills. The first hearing was held on Introduction Number 491 and Introduction Number 492 on November 10, 2014, at which time the Committee heard testimony from representatives of the Department of Health and Mental Hygiene (DOHMH), lesbian, gay, bisexual and transgender (LGBT) advocates, health and mental health professionals and advocacy organizations and service providers, as well as elected officials. Following the first hearing, amendments were made to the bills.

II. Current Rule for Amending Sex Designation on Birth Records

The New York City Health Code currently allows individuals to request a change to the gender designation on their birth certificate in only limited circumstances. DOHMH will issue a new birth record correcting the gender of a person who has (1) obtained a court order changing his or her name and (2) undergone "convertive surgery."¹ Between 1971 and 2006, DOHMH's Office of Vital Statistics amended birth certificates for transgender individuals, but did so by deleting the stated gender designation from the birth certificate, not by changing the original gender listed in the record. In 2006, the Board of Health (BOH) altered the birth certificate form in order to permit individuals to have a different gender designation noted on the record.

The 2006 rule change came in the wake of the BOH's withdrawal of a more expansive proposal that would have amended the Health Code to remove the requirement that individuals have sex reassignment surgery in order to change gender on their birth certificates.² The proposed rule would have allowed people born in the City to change the documented sex on their birth certificates by providing affidavits from a doctor and a mental health professional explaining why the applicant should be considered a member of the opposite sex, and asserting that the applicants' proposed change would be permanent.³ At the time, a committee appointed by the BOH to research the rule change found that the proposed rule recognized the individualized nature of transgender health care; that medical and mental health providers should determine whether an individual is "living fully in the acquired gender," and that the new birth certificate should reflect the acquired gender of the applicant.⁴ The BOH later withdrew the proposed rule change, explaining that "the proposal would have broader societal ramifications than anticipated."⁵

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¹ 24 RCNY Hlth. Code § 207.05(a)(5) (2006). DOHMH refers to "convertive surgery" as "genital surgery." See Notice of Public Hearing for Proposed Resolution to Amend Article 207, Section 207.05 of the New York City Health Code to Remove Convertive Surgery Requirement for Transgender Birth Certificate Applicants, New York City Department of Health and Mental Hygiene, Board of Health (2014) available at <http://www.nyc.gov/html/doh/downloads/pdf/notice/2014/boh-noi-207-05.pdf>. However, this Committee Report uses the term "sex reassignment surgery," a term used by the World Professional Association for Transgender Health. See generally, WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH, STANDARDS OF CARE FOR THE HEALTH OF TRANSSEXUAL, TRANSGENDER, AND GENDER NONCONFORMING PEOPLE (7th ed. 2012).

² See Press Release, New York City Board of Health, "Board of Health Makes NYC Consistent with New York State and Most of the United States by Allowing Sex-Specific Transgender Birth Certificates" (Dec. 5, 2006) available at <http://srp.org/board-of-health-press-release-birth-certificate-policy-dec-2006/> [hereinafter *BOH Press Release*].

³ The issuance of new birth certificates was to be to individuals who had made "a full gender transition—whether surgical or medical—and expected to remain permanently in the newly acquired gender." *BOH Press Release*, supra note 2. Applicants would have needed "reliable documented evidence from a licensed physician and a mental health professional that they had completed the transition from one gender to the other and intended to permanently remain in their acquired gender." *Id.*

⁴ Notice of Intention to Amend Article 207 of the New York City Health Code, New York City Department of Health and Mental Hygiene, Board of Health (2006).

⁵ *BOH Press Release*, supra note 2.

The City's current practice of making sex reassignment surgery a precondition for a birth certificate change has been criticized as too restrictive and a violation of individuals' rights. According to the New York Civil Liberties Union (NYCLU), the "Health Code applies an antiquated standard of medical care because it requires applicants to provide proof that they underwent 'convertive' surgery."⁶ The NYCLU argues further that "[t]he majority of transgender individuals, however, do not undergo the same course of treatment traditionally prescribed . . . in fact surgery is not a part of the transition process for most people."⁷ Furthermore, the current rule excludes transgender persons who have undergone procedures short of sex reassignment surgery, including hormonal treatment, and it does not take into account the highly individualized care transgender persons undergo or may choose not to undergo. Advocates who testified at the November 10, 2014 Health Committee hearing similarly criticized the current rule as too restrictive and a violation of transgender people's rights.⁸

III. Policies in Other Jurisdictions

While several states in the United States (U.S.) do not permit changing the sex designation on birth records, the vast majority of states do permit such amendments, but typically only when an individual has undergone sex reassignment surgery.⁹

Recently, however, a number of jurisdictions have moved away from making sex reassignment surgery a prerequisite for amending the sex designation on birth records. California, Iowa, Oregon, Vermont, Washington and Washington D.C. all permit applicants to amend the sex on their birth records when their applications are accompanied by documentation from third party professionals that they have undergone some form of treatment.¹⁰ New York State also recently announced that it would amend its policy.¹¹ The New York State Department of Health (DOH) will issue a new birth certificate to any applicant who submits a notarized affidavit from a medical professional that either states that the applicant has undergone "appropriate clinical treatment" for a person diagnosed with gender dysphoria or transsexualism, or confirms that surgical procedures have been performed on the applicant to complete sex reassignment.¹² The State's rule change does not apply to New York City because State law expressly exempts the City from its regulations.¹³

The U.S. Department of State also updated its policy on passports in 2010, adopting a more progressive standard.¹⁴ According to this new policy, applicants seeking to change the sex designation on their passports have to present a certification from a physician that the applicant has undergone "appropriate clinical treatment" for gender transition.¹⁵ The Social Security Administration follows a similar procedure.¹⁶

Additionally, numerous professional organizations have advocated for policies that do not tie surgery to gender designation on identification documents, including the American Psychological Association (APA), the World Professional Association for Transgender Health (WPATH), the National Association of Social Workers (NASW), the American Academy of Family Physicians (AAFP), the National Commission on Correctional Health Care (NCCCHC), the American Public Health Association (APHA) and the American College of Obstetricians and Gynecologists (ACOG).¹⁷

IV. Importance of Accurate Birth Records

Birth records are "living" documents that are required in many contexts throughout a person's life to prove identity, age and citizenship, perform various activities, and to access essential services.¹⁸ There are currently thousands of transgender New Yorkers living without these documents. According to one study,

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⁶ Testimony of Elisabeth Ryden Benjamin on Behalf of the New York Civil Liberties Union Before the New York City Department of Health And Mental Hygiene Regarding Proposed Birth Certificate Requirements for Transgender Persons (Oct. 30, 2006) available at <http://www.nyclu.org/content/regarding-proposed-birth-certificate-requirements-transgender-persons>.

⁷ *Id.*

⁸ See generally, Transcript of the minutes of Comm. on Health, City Council, City of New York, Int. No. 491 & Int. No. 492, (Nov. 10, 2014) [hereinafter Transcript] available at <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=352894&GUID=CBF8D57B-EABA-4E54-89B5-E6A75AF7CA72&Options=&Search=>.

⁹ See Lambda Legal, "Changing Birth Certificate Sex Designations: State-By-State Guidelines" available at <http://www.lambdalegal.org/publications/changing-birth-certificate-sex-designations-state-by-state-guidelines> (noting that Idaho, Ohio and Tennessee are the only states that do not issue a birth certificate reflecting the proper sex) (last accessed Nov. 7, 2014). This page was last updated as of July 14, 2014.

¹⁰ See Cal. Health & Safety Code § 103426 (2014); Iowa Code Ann. § 144.23(3) (2004); Or. Rev. Stat. § 33.460; 18 Vt. Stat. § 5112 (2011); Washington Dept. of Health Proc. CHS-B5 (2008); and Code of the District of Columbia § 7-210.01(2) (2013). The type of "treatment" required varies by jurisdiction.

¹¹ Jonathan Allen, "New York Drops Surgery Rule for Changing Sex on Birth Certificate," REUTERS (June 5).

¹² *Id.*

¹³ N.Y.S. Pub. Health L. § 4100(1).

¹⁴ U.S. Department of State, Foreign Affairs Manual – Volume 7 Consular Affairs, 7 FAM 1300 Appendix M (2011).

¹⁵ *Id.*

¹⁶ Soc. Sec. Admin, RM 10212.200, Changing Numident Data for Reasons other than Name Change, available at <http://policy.ssa.gov/poms.nsf/lnx/0110212200> (last updated Sept. 30, 2013) (requiring "medical certification of appropriate clinical treatment for gender transition in the form of an original signed statement from a licensed physician").

¹⁷ See Transcript, *supra* note 8.

¹⁸ NEW YORK CITY COUNTY LAWYERS' ASSOCIATION, COMMITTEE ON LESBIAN, GAY, BISEXUAL AND TRANSGENDER ISSUES, REPORT AND RECOMMENDATION OF THE COMMITTEE REGARDING REVISION OF POLICIES WITH RESPECT TO CHANGE OF SEX DESIGNATION ON NEW YORK STATE AND NEW YORK CITY BIRTH CERTIFICATES FOR TRANSGENDER INDIVIDUALS available at http://www.nycla.org/siteFiles/Publications/Publications1522_0.pdf (Feb. 2012).

there are at least 58,000 transgender people living in New York State.¹⁹ Nationally, most transgender women and men have not had the surgeries that would enable them to amend their birth certificates in New York City.²⁰ Applying these statistics to the City, the vast majority of transgender New Yorkers—likely thousands of people—do not currently qualify for birth certificate amendments.

At the November 10 hearing on these bills, the Health Committee heard testimony from the Lesbian, Gay, Bisexual and Transgender Community Center, which noted that transgender people are at risk for substantial social stigma and developmental disruptions, creating a cascade of life-long difficulties with health, educational attainment and economic productivity.²¹ Without a birth certificate that accurately reflects their gender identity, transgender people are routinely forced to disclose their transgender status, resulting in increased difficulty in accessing critical services and opportunities from employment, educational opportunities, and financial services like lines of credit, to medical and life insurance policies, marriage licenses, driver's licenses, social security benefits and other government benefits.²² Birth certificates in New York are required for a number of basic and important services, including, but not limited to, obtaining professional certifications; obtaining drivers' licenses and passports; demonstrating work eligibility; registering for school; obtaining access to public facilities; obtaining a gun permit; and obtaining access to public benefits. However, according to a national study, 41% of transgender people live without identification that matches their gender identity.

Moreover, without correct identification, transgender people are subject to harassment, discrimination, and accusations of fraud.²³ According to the National Transgender Discrimination Survey, 40% of transgender people have faced harassment when presenting identity document that did not match their gender identity/expression; 15% reported being denied entry or asked to leave a building because of a gender mismatch; and 3% reported physical assault resulting from a gender mismatch.²⁴ As a result of discrimination in housing, employment, education, and access to health services, transgender people are disproportionately unemployed, HIV positive and homeless.²⁵

While using incorrect birth certificates can lead to harassment, discrimination, repeated outings, and denial of services, presenting a corrected birth certificate enables transgender individuals to correct a range of other forms of identification and records. For example, currently, the New York City Department of Education will only update the gender marker in a student's record if the student can provide a corrected birth certificate (or passport).²⁶ Therefore, barriers to accurate birth certificates, and the documents, services and benefits they can lead to, further marginalizes an already vulnerable population.

V. Bill Analysis

Prop. Int. No. 491-A

Proposed Introduction Number 491-A would require the Department of Health and Mental Hygiene (DOHMH) to amend the sex designation on a birth record and issue a new birth record to individuals under certain circumstances.

Bill section one would create a new section 17-167.1 of the Administrative Code, titled sex designation on birth records. Subdivision a of this section would require DOHMH to make a new birth record when an applicant submits an application and supporting documentation requesting the correction of sex designation to the applicant's birth record. This subdivision would provide that such application be made in a form or manner to be provided or approved by DOHMH. It further provides that if DOHMH requests information, documentation or a copy of an acceptable current signed photographic identification, DOHMH may not take into account the sex designation listed on such identification in reviewing the application.

Subdivision b of this section relates to the contents of an application to amend the sex designation on a birth record. It provides that an application to amend sex designation be accompanied by supporting documentation that is either an affirmation from a physician licensed to practice medicine in the United States, or an affidavit from one of the following professionals licensed to practice in the United States: a doctoral level psychologist (Ph.D. or Psy.D.) in clinical or counseling psychology, clinical social worker, master social worker, physician assistant, nurse practitioner, marriage and family therapist, mental health counselor or midwife. Such affirmation or affidavit would be required to include a declaration affirming or attesting under penalty of perjury that:

1. The professional is licensed and in good standing in the jurisdiction in the United States in which such professional is licensed; and

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¹⁹ JODY L. HERMAN, THE WILLIAMS INSTITUTE, THE COST OF EMPLOYMENT AND HOUSING DISCRIMINATION AGAINST TRANSGENDER RESIDENTS OF NEW YORK (April 2013) available at <http://williamsinstitute.law.ucla.edu/research/transgender-issues/ny-cost-of-discrimination-april-2013/>.

²⁰ GRANT, JAMIE M. ET AL., NATIONAL TRANSGENDER DISCRIMINATION SURVEY, INJUSTICE AT EVERY TURN: A REPORT OF THE NATIONAL TRANSGENDER NON-DISCRIMINATION SURVEY (2011) at 79, available at http://www.endtransdiscrimination.org/PDFs/NTDS_Report.pdf [hereinafter INJUSTICE AT EVERY TURN].

²¹ See generally, Transcript, *supra* note 8.

²² NEW YORK CITY BAR ASSOCIATION, COMMITTEE ON LESBIAN, GAY, BISEXUAL AND TRANSGENDER RIGHTS, REPORT ON THE NEED TO MODERNIZE NEW YORK STATE POLICY REGARDING PROOF REQUIRED TO CHANGE GENDER DESIGNATION ON A NEW YORK STATE BIRTH CERTIFICATE (March 2013) available at <http://www2.nycbar.org/pdf/report/uploads/20072438-ModernizingGenderDesignationProofforNYSBirthCertificates.pdf>.

²³ See generally INJUSTICE AT EVERY TURN, *supra* note 20.

²⁴ *Id.* at 5.

²⁵ See generally, *id.*

²⁶ See New York City Department of Education, "Transgender Student Guidelines," <http://schools.nyc.gov/RulesPolicies/TransgenderStudentGuidelines/default.htm> (last accessed Nov. 7, 2014).

2. In keeping with contemporary expert standards regarding gender identity, the applicant’s requested correction of sex designation of male or female more accurately reflects the applicant’s sex or gender identity.

Bill section two provides that the proposed law would take effect forty-five days after enactment, provided that the Commissioner of DOHMH take action as is necessary for implementation of the proposed law prior to such effective date, including through the promulgation of rules.

Prop. Int. No. 492-A

Proposed Introduction Number 492-A would create an Advisory Board relating to the effectiveness and implementation of the gender marker change requirements in Proposed Introduction Number 491-A and would require the Advisory Board to issue a report concerning such requirements and recommendations for changes and/or improvements to such requirements.

Bill section one would create a new section 17-167.2 of the Administrative Code, titled report and advisory board on gender marker change requirement. Subdivision a of this section would create an Advisory Board to advise the Commissioner of DOHMH on matters related to the effectiveness and implementation of § 17-167.1 of the Administrative Code and the related provision of the New York City Health Code (collectively referred to herein as the “the gender marker change requirement”).

Subdivision b of this section provides that the Advisory Board would consist of seven members. Four members would be appointed by the Commissioner as follows:

- A senior staff person in DOHMH working on transgender and/or lesbian, gay, bisexual and transgender issues;
- An individual affiliated with an organization that advocates for transgender people or which provides direct services to transgender individuals;
- An individual affiliated with a legal organization that advocates for transgender people; and
- An individual licensed in one of the professions listed in subdivision b of section 17-167.1 of the Administrative Code.

The Speaker of the Council would appoint the other three members of the Advisory Board as follows:

- An individual affiliated with an organization that advocates for transgender people or which provides direct services to transgender individuals;
- An individual affiliated with a legal organization that advocates for transgender people; and
- An individual licensed in one of the professions listed in subdivision b of section 17-167.1 of the Administrative Code.

This subdivision also provides that the Commissioner, or his or her designee, would be an ex officio member of the Advisory Board, and subdivision c of section 17-167.2 provides that DOHMH would be able to invite other individuals to participate in the discussions of the Advisory Board.

Subdivision d of such section provides that all Advisory Board members, except for the member serving in an ex officio capacity, would serve for a term of two years, commencing upon the first meeting of the Board. It also addresses vacancies in the membership and the filling of such vacancies.

Subdivision e of this section addresses the removal of Advisory Board members, providing that any member, except for the member appointed as the senior staff person in DOHMH working on transgender and/or lesbian, gay, bisexual and transgender issues or the member serving in an ex officio capacity, could only be removed for cause and upon notice and hearing by the appropriate appointing official.

Subdivision f of such section provides that members of the Advisory Board would serve without compensation and would meet no less often than every three months. Subdivision g of section 17-167.2 provides that members of the Advisory Board would elect a member to serve as a chairperson and another member to serve as a vice chairperson by a majority vote. Subdivision h of such section pertains to the agendas for the first four meetings of the Advisory Board, which would include, but not be limited to:

1. an assessment of the gender marker change requirement, including, but not limited to, an evaluation of transgender people’s access to professionals for the purpose of receiving an affirmation or affidavit pursuant to subdivision b of section 17-167.1 of the Administrative Code, utilization of the gender marker change requirement among the transgender community, the number of applicants who have sought a new birth certificate pursuant to the new requirement, processing time of applications made pursuant the gender marker requirement, and the gender marker change requirement’s impact on transgender people’s access to health care and health services, governmental services and the reduction, if any, in discrimination against transgender people; and
2. specific recommendations for changes and/or improvements, if any, to the gender marker change requirement, including, but not limited to, best practices among policies for gender marker changes, and actions taken by DOHMH in response to such recommendations.

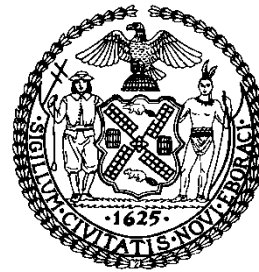
Subdivision i of this section would require that at least one meeting of the Advisory Board that is held prior to issuance of the report pursuant to subdivision j of this section must be open to the public, provided, however, that such public meeting does not occur any sooner than three months prior to the date of the issuance of such report. It would also require DOHMH to notify the public as to the time, place and subject of such meeting.

Subdivision j of section 17-167.2 would require the Advisory Board to submit a report on or before March 1, 2017 to the Mayor, the Commissioner of DOHMH, and

the Speaker of the Council. Such report would cover the same topics as included in the agendas of the first four Advisory Board meetings as covered under subdivision h of this section.

Finally, bill section two provides that the proposed law would take effect immediately after enactment, provided that the Commissioner of DOHMH take action as is necessary for implementation of the proposed law prior to such effective date, including through the promulgation of rules. It also provides that this local law would expire, be deemed repealed, and cease to be of force and effect after December 31, 2018.

(The following is the text of the Fiscal Impact Statement for Int. No. 491-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INT. NO.: 491-A**

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to amending sex designation on birth records.

SPONSORS: Council Members Johnson, Chin, Cohen, Constantinides, Garodnick, Koo, Lander, Levine, Palma, Richards, Rodriguez, Koslowitz, Levin, Torres, Reynoso, Rosenthal, Ferreras, Van Bramer, Kallos, Dromm, Mendez, Espinal, Weprin, Mealy, Menchaca, Cornegy, Jr., Rose, Barron, Cumbo, Ulrich, Dickens, Vacca, and the Public Advocate (Ms. James)

SUMMARY OF LEGISLATION:

Proposed Int. No. 491-A would require the Department of Health and Mental Hygiene (DOHMH) to amend the gender marker on a birth record and issue a new birth record to applicants who provide an affirmation or affidavit from a licensed medical or mental health professional that the requested correction of sex designation more accurately reflects the applicant’s sex or gender identity.

EFFECTIVE DATE: This local law would take effect forty-five days after enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

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: It is estimated that there would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from this legislation. DOHMH currently has a process in place for accepting, reviewing and approving applications for amendment of sex designation on birth records and it does not anticipate additional training of staff for the review of new applications under this proposed law. Additionally, the volume of application is not expected to increase substantially as to require additional staff resources for the processing of such applications. DOHMH has indicated that the agency may launch an outreach campaign to alert individuals born in New York City who live outside the City of the changed practice which might require additional resources. Since Proposed Int. 491-A does not explicitly require outreach, any potential costs associated with such are not reflected here.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Crilhien R. Francisco, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director, New York City Council Finance Division

Rebecca Chasan, Assistant Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Int. No. 491 on October 7, 2014 and referred to the Committee on Health. The Committee on Health held a hearing on Int. No. 491 on November 10, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No.491-A, will be voted on by the Committee on Health on December 5, 2014. Upon successful vote by the Committee, Proposed Int. No. 491-A will be submitted to the full Council for a vote on December 8, 2014.

DATE PREPARED: January 8, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 491-A:)

Int. No. 491-A

By Council Members Johnson, Chin, Cohen, Constantinides, Garodnick, Koo, Lander, Levine, Palma, Richards, Rodriguez, Koslowitz, Levin, Torres, Reynoso, Rosenthal, Ferreras, Van Bramer, Kallos, Dromm, Mendez, Espinal, Weprin, Mealy, Menchaca, Cornegy, Rose, Barron, Cumbo, Ulrich, Dickens, Vacca, Arroyo and the Public Advocate (Ms. James).

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

Be it enacted by the Council as follows:

Section one. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-167.1 to read as follows:

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

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

1. the professional is licensed and in good standing in the jurisdiction in the United States in which such professional is licensed; and

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

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

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, ROSIE MENDEZ, PETER A. KOO, JAMES G. VAN BRAMER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, December 5, 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. 492-A

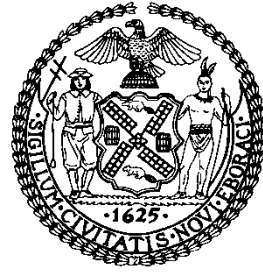
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting and an advisory board on gender marker change requirement.

Report of the Committee on Health, to which the annexed proposed amended local law was referred on October 7, 2014 (Minutes, page 3604), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int No. 491-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 492-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO.: 492-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to reporting and an advisory board on gender marker change requirement.

SPONSORS: Council Members Johnson, Chin, Cohen, Constantinides, Garodnick, Koo, Lander, Levine, Palma, Rodriguez, Reynoso, Levin, Torres, Rosenthal, Ferreras, Van Bramer, Kallos, Dromm, Mendez, Espinal, Weprin, Mealy, Menchaca, Cornegy, Rose, Barron, Cumbo, Dickens, Vacca, Ulrich, and the Public Advocate (Ms. James)

SUMMARY OF LEGISLATION:

Proposed Int. No. 492-A would require the Department of Health and Mental Hygiene (DOHMH) to create an advisory board relating to the effectiveness and implementation of the process to change the gender marker on birth records upon the affirmation of a licensed medical or mental health professional that the requested correction more accurately reflects the applicants' sex or gender identity.

The advisory board would be comprised of seven members, four of which would be appointed by the commissioner of DOHMH and three of which would be appointed by the Speaker of the Council, all of whom would serve for two-year terms. Both sets of appointees must consist of one individual affiliated with an organization related to transgender issues or providing services to transgender people, one individual affiliated with a legal organization that advocates for transgender people, and one licensed medical or mental professional who is permitted to make attestations pursuant to the gender marker requirement. DOHMH's fourth appointee must be a DOHMH staff member who works on transgender and/or lesbian, gay, bisexual and transgender issues.

The advisory board would be tasked with assessing DOHMH's procedure for changing gender markers and making specific recommendations for changes or improvements to the process, if any. The advisory board would be required to issue a report on or before March 1, 2017 to the Mayor, the commissioner of DOHMH, and the Speaker of the Council, detailing such assessment and recommendations, as well as the number of applicants who have sought a gender marker change, an evaluation of transgender people's access to licensed professionals permitted to submit attestations, and the gender marker changes' impact on transgender people's access to services and experiences of discrimination.

EFFECTIVE DATE: This local law would take effect immediately, provided that the commissioner of DOHMH would take actions, including the promulgation of rules, as are necessary for timely implementation of the local law prior to the effective date. This local law would expire, be deemed repealed, and cease to be of force and effect after December 31, 2018.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

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: It is anticipated that there would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from this legislation as DOHMH will utilize existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director, New York City Council Finance Division
Rebecca Chasan, Assistant Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Int. No. 492 on October 7, 2014 and referred to the Committee on Health. The Committee on Health held a hearing on Int. No. 492 on November 10, 2014 and the legislation was laid over. Subsequently, the legislation was amended and the amended version, Proposed Int. No.492-A will be voted on by the Committee on Health Committee on December 5, 2014. Upon successful vote by the Committee, Proposed Int. No. 492-A will be submitted to the full Council for a vote on December 8, 2014.

DATE PREPARED: January 8, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 492-A:)

Int. No. 492-A

By Council Members Johnson, Chin, Cohen, Constantinides, Koo, Lander, Levine, Palma, Rodriguez, Reynoso, Levin, Torres, Rosenthal, Ferreras, Van Bramer, Kallos, Dromm, Mendez, Espinal, Weprin, Mealy, Menchaca, Cornegy, Rose, Barron, Cumbo, Dickens, Vacca, Arroyo, Ulrich and the Public Advocate (Ms. James).

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

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-167.2 to read as follows:

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

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

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

1. *Four members shall be appointed by the commissioner, provided that one such member shall be a senior staff person in the department working on transgender and/or lesbian, gay, bisexual and transgender issues, one such member shall be an individual affiliated with an organization that advocates for transgender people or which provides direct services to transgender individuals, one such member shall be an individual affiliated with a legal organization that advocates for transgender people, and one such member shall be an individual licensed in one of the professions listed in subdivision b of section 17-167.1 of this chapter.*

2. *Three members shall be appointed by the speaker of the council, provided that one such member shall be an individual affiliated with an organization that advocates for transgender people or which provides direct services to transgender individuals, one such member shall be an individual affiliated with a legal organization that advocates for transgender people, and one such member shall be an individual licensed in one of the professions listed in subdivision b of section 17-167.1 of this chapter.*

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

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

d. *Each member, other than the member serving in an ex officio capacity, shall serve for a term of two years, to commence upon the first meeting of the advisory board. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.*

e. *No member of the advisory board, other than the senior staff person in the department working on transgender and/or lesbian, gay, bisexual and transgender issues or the member serving in an ex officio capacity, shall be removed except for cause and upon notice and hearing by the appropriate appointing official.*

f. *Members of the advisory board shall serve without compensation and shall meet no less often than every three months.*

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

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

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

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

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

j. *On or before March first, two thousand seventeen the advisory board shall submit a report to the mayor, the commissioner and the speaker of the council. Such report shall include, but not be limited to:*

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

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

§ 2. This local law shall take effect immediately after enactment, provided that:

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

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

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, ROSIE MENDEZ, PETER A. KOO, JAMES G. VAN BRAMER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, December 5, 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 Housing and Buildings

Report for Int. No. 550-A

Report of the Committee on Housing and Buildings 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 conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and repealing section 28-1001.2 in relation thereto.

Report of the Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 13, 2014 (Minutes, page 3945), respectfully

REPORTS:

Introduction

On December 8, 2014, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing to consider Proposed Int. No. 550-A.

The Committee previously considered Proposed Int. No. 550-A at a hearing on November 19, 2014. The Committee received testimony from representatives of

the Department of Buildings (DOB), members of the real estate industry, energy conservation advocates and other interested members of the public.

Background

The Energy Conservation Construction Code of New York State (State Energy Code) sets standards for the energy performance of buildings throughout New York. The State Energy Law permits municipalities to promulgate local energy conservation construction codes, provided that those codes are at least as stringent as the State Energy Code.¹ In November, the State amended the provisions of the State Energy Code that apply to commercial buildings and the updated code will go into effect on January 1, 2015.² So, for New York City to continue having its own energy code, the City must update the commercial provisions of the local energy code to match the new State standards. Proposed Int. No. 550-A is intended to address this issue, and make several New York City-specific amendments to the updated State Energy Code.

New York City-Specific Amendments

Proposed Int. No. 550-A includes 12 New York City specific-amendments to the State Energy Code and the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) energy standards³ – two amendments are based on previously passed local laws; six are based on Green Codes Task Force recommendations;⁴ and four are based on DOB recommendations.

Occupant sensors. The first New York City-specific amendment keeps the New York City energy code in line with the requirements of Local Law 48 of 2010 concerning occupant sensors. Under the proposed updates to the State Energy Code, occupant sensors would (1) be required in all classrooms, conference/meeting rooms, employee lunch and break rooms, private offices, restrooms, storage rooms and janitorial closets, and other spaces 300 square feet or less; (2) be required to turn off lights within 30 minutes after all occupants leave the space; and (3) allow lights to be turned on either manually (to full power) or automatically (to not more than 50% power).⁵ To be consistent with Local Law 48 of 2010, Proposed Int. No. 550-A instead requires that classrooms, conference/meeting rooms, employee lunch and break rooms, and offices smaller than 200 square feet have manually operated devices to turn the lights on, while allowing lights in restrooms, storage rooms, private offices 200 square feet in area or greater, janitorial closets, and other areas 300 square feet in area or less to turn on automatically (to not more than 50% power).

Lighting in dwelling units. The second New York City-specific amendment, which makes changes to ASHRAE requirements, is based on a DOB recommendation. ASHRAE currently exempts lighting within dwelling units from its lighting regulations⁶ Proposed Int. No. 550-A removes that exemption and replaces it with an exemption that covers only dwelling units within commercial buildings where not less than 75% of the lamps in permanently installed lighting fixtures are high efficacy lamps or 75% of the permanently installed lighting fixtures contain only high efficacy lamps. DOB recommends this change because it notes that dwelling units make up a large portion of the City's building stock and significantly impact the level of greenhouse gases emitted by the City.

Meeting standards required for manufacturers. The third change, also recommended by DOB, would amend both the State Energy Code and ASHRAE. According to DOB, although the State Energy Code and ASHRAE are periodically updated, they are not updated frequently enough to keep pace with federal energy efficiency standards imposed on manufacturers of building equipment. Proposed Int. No. 550-A would require that buildings in the City use equipment that meets these same federal standards, as opposed to allowing owners to install older equipment (e.g. air conditioners) manufactured before the new efficiency standards were put in place.

Increasing boiler efficiency. The fourth change would amend both the State Energy Code and ASHRAE and was a Green Codes Task Force proposal. Both ASHRAE and the State Energy Code set minimum boiler efficiency standards. Proposed Int. No. 550-A would increase the minimum boiler efficiency standard by 1-3%. According to DOB, this would significantly reduce greenhouse gas emissions with little to no additional cost impact on building owners.

System commissioning. The next four changes amend the State Energy Code with regard to the scope of commissioning and were recommended by the Green Codes Task Force. Commissioning is generally "a process for testing building systems to ensure that they function according to engineering design objectives or specifications."⁷ The proposed State Energy Code's commissioning requirements would apply to mechanical, electrical power, and lighting systems but would not include mechanical systems that serve dwelling or sleeping units.⁸ Proposed Int. No. 550-A would expand the commissioning requirements to renewable energy systems and water heating systems and would remove the exception for systems that serve dwelling or sleeping units.

Proposed Int. No. 550-A would further require that commissioning reports be filed with DOB. For buildings 500,000 square feet or greater, the report would have to be filed within 30 months (for buildings 500,000 square feet or greater, other than residential buildings) or 18 months (for all other buildings, including residential buildings) of receipt of the initial certificate of occupancy. According to DOB, this filing schedule will allow time for occupancy and seasonal testing. Through rulemaking, DOB plans to set the fees for filing commissioning reports.

Proposed Int. No. 550-A would also require that developers and owners who choose to comply with ASHRAE nevertheless comply with the system commissioning requirements of the State Energy Code (with the amendments discussed above). ASHRAE requires system commissioning for only heating, ventilation and air conditioning (HVAC) systems.⁹

Compliance paths. The tenth change amends the State Energy Code and was recommended by DOB. In order to show compliance with the State Energy Code, commercial buildings can follow ASHRAE, the State Energy Code prescriptive path or the State Energy Code performance path. Proposed Int. No. 550-A would eliminate the State Energy Code performance path. According to DOB, the State Energy Code performance path is vague and creates interpretation problems for both enforcement and industry compliance.

Submetering. The eleventh change would amend the State Energy Code and ASHRAE with regards to submetering and was recommended by DOB. While ASHRAE and the State Energy Code do not currently have any submetering requirements, Local Law 88 of 2009 requires certain tenant spaces in commercial buildings to be submetered beginning in 2025. Proposed Int. No. 550-A would require submeters to be installed in newly constructed commercial buildings to facilitate compliance with the requirements of Local Law 88.

Windows and skylights. The final New York City-specific change would amend the State Energy Code by adding a section from the 2015 International Energy Conservation Code, clarifying what happens when additions to existing buildings result in windows or skylights that exceed code limitations on fenestration or skylight area.

Proposed Int. No. 550-A

Section one of Proposed Int. No. 550-A contains the legislative intent expressing the need for this legislation.

Section two of Proposed Int. No. 550-A makes technical edits to section 28-1001.1 of the Administrative Code of the City of New York (the Code).

Section three of Proposed Int. No. 550-A would add a new section 28-1001.1.1 to the Code defining the term "New York State Energy Code."

Section four of Proposed Int. No. 550-A repeals section 28-1001.2 of the Code and adds a new section 28-1001.2 incorporating the New York State Energy Code with the New York City-specific amendments discussed above.

Section five of this legislation contains the enactment clause and provides that this local law take effect on January 1, 2015.

Changes to Proposed Int. No. 550-A

In addition to various technical edits, Proposed Int. No. 550-A has been substantively amended in the following manner:

- The New York city-specific change to the Code which listed only ASHRAE111 as an accepted engineering standard has been deleted. The language will now be taken directly from the State code and refer to generally accepted engineering standards.
- The exemption from lighting regulations for lighting within dwelling units has been further narrowed so that it only applies where 75% of the lamps in permanently installed lighting fixtures are high efficacy lamps or 75% of the permanently installed lighting fixtures contain only high efficacy lamps.

¹ See New York State Energy Law § 11-109.

² For energy code purposes, the term "commercial building" generally includes residential buildings taller than three stories. State Energy Code § 202.

³ Developers and owners of commercial buildings may elect to follow either the State Energy Code (or, in New York City, the City's local energy code) or ASHRAE 90.1 (Energy Standard for Buildings Except Low-Rise Residential Buildings). References to "ASHRAE" in this Committee Report are to ASHRAE 90.1-2010.

⁴ The Green Codes Task Force was convened in July 2008 by Mayor Michael Bloomberg and Speaker Christine Queen and was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, building owners, and representatives of City agencies. After two years of work examining each of the City's Construction Codes, the task force presented 111 recommendations for "greening the codes" and raising the bar for environmental performance in buildings throughout the City.

⁵ International Energy Conservation Code (IECC) § C405.2.2.2 (incorporated as part of the State Energy Code).

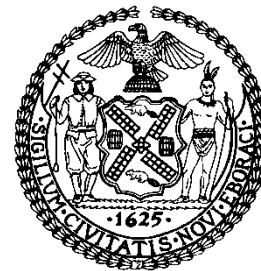
⁶ ASHRAE 90.1-2010 § 9.1.1.

⁷ "Green Code Task Force proposal EE 25", available online at http://urbangreencouncil.org/sites/default/files/greencodestaskforce_fullreport.pdf.

⁸ See IECC §§ C408.1 and C408.2.

⁹ ASHRAE 90.1-2010 § 6.7.2.3.

(The following is the text of the Fiscal Impact Statement for Int. No. 550-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 550-A

COMMITTEE:
Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the **SPONSOR(S):** Council Members Williams, Richards and Arroyo (by request of the Mayor)

New York state energy code with amendments unique to construction in the city and repealing section 28-1001.2 in relation thereto.

SUMMARY OF LEGISLATION: Proposed Intro. 550-A would update the New York City Energy Conservation Code to conform to recent changes in the New York State Energy Code.

This legislation would also make several New York City-specific amendments to the updated State Energy Code to accommodate the unique character of construction in the City. Some of these amendments include: exempting energy efficiency requirements for buildings where 75% of the lamps are high-efficacy lamps, requiring that buildings use equipment that meets new, more environmentally-friendly federal standards, requiring submeters to be installed in newly constructed commercial (and large residential) buildings to facilitate compliance with the requirements of Local Law 88 of 2009 and empower tenants to track their own energy usage, and expanding the commissioning reporting requirements to ensure that energy efficiency equipment is providing the greatest possible energy savings.

EFFECTIVE DATE: This local law would take effect on January 1, 2015 and would apply to work for which applications for construction document approval are submitted to the Department of Buildings (“DOB”) on or after such date; provided that the commissioner of DOB may take all actions necessary to implement this local law, including the promulgation of rules, on or before such effective date.

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: It is estimated that there will be minimal impact on revenues resulting from the enactment of this legislation. DOB estimates that it will receive 250-300 applications per year for the commissioning reports required under this legislation, but an application fee has not yet been established.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Buildings

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst,

ESTIMATED REVIEWED BY: Rebecca Chasan, Assistant Counsel, New York City Council, Finance Division

Nathan Toth, Deputy Director, New York City Council, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 13, 2014 as Intro. No. 550 and was referred to the Committee on Housing and Buildings. The legislation was considered by the Committee on Housing and Buildings on November 19, 2014 and laid over. The legislation was subsequently amended and the Committee on Housing and Buildings will vote on the amended legislation, Proposed Intro. No. 550-A, on December 8, 2014. Upon successful vote by the Committee, the legislation will be submitted to the full Council for a vote on December 8, 2014.

DATE PREPARED: December 4, 2014

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 550-A:)

Int. No. 550-A

By Council Members Williams, Richards, Arroyo and Kallos (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and repealing section 28-1001.2 in relation thereto.

Be in enacted by the Council as follows:

Section 1. Statement of findings and purpose. The New York State Energy Conservation Construction Code (the “New York State Energy Code”) is promulgated by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law. In accordance with Article 11, the New York City Energy Conservation Code must be at least as strict as the New York State Energy Code. The purpose of this local law is to conform the New York City Energy Conservation Code to recent changes in the New York State Energy Code with local law amendments unique to construction in the City.

§2. Section 28-1001.1 of the administrative code of the city of New York, as amended by local law number 1 for the year 2011, is amended to read as follows:

§28-1001.1 Adoption of the New York city energy conservation code. In accordance with section 11-109 of the New York state energy law, which permits any municipality to promulgate a local energy conservation construction code, the city of New York hereby adopts the [2010 energy conservation construction code of New York state] *New York state energy code* in effect and any amendments thereto that are more stringent than such code adopted by the city of New York as the minimum requirements for the design, construction and alteration of buildings for the effective use of energy in the city. Such adoption shall be subject to amendments pursuant to local law and set forth in section 1001.2 of this chapter, which shall be known and cited as the “New York city amendments to the [2010 energy conservation construction code of New York state.]” Such edition of the 2010 energy conservation construction code of New York state] *New York state energy code.*” *The New York state energy code* with such New York city amendments shall together be known and cited as the “New York city energy conservation code (NYCECC).”

§3. The administrative code of the city of New York is amended by adding a new section 28-1001.1.1 to read as follows:

§28-1001.1.1 Definition. *As used in this chapter, the term “New York State Energy Code” means the New York State Energy Conservation Construction Code (the “New York State Energy Code”), constituting part 1240 of title 19 of the New York codes, rules and regulations (19 NYCRR Part 1240), and the publications incorporated by reference in such part, promulgated on November 18, 2014 by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law.*

§4. Section 28-1001.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2011, is REPEALED and a new section 28-1001.2 is added to read as follows:

§28-1001.2 New York city amendments to the New York state energy code. *The following New York city amendments to the New York state energy code are hereby adopted as set forth in sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3.*

§28-1001.2.1 New York city amendments to 19 NYCRR Part 1240.

1240.5 Exceptions.

Delete Exception (b) in its entirety and replace with a new Exception (b) to read as follows:

(b) Certain alterations. *The following need not comply with the provisions of the New York State Energy Code, provided that the energy use of the building is not increased:*

1. Storm windows installed over existing fenestration.
2. Glass-only replacements in an existing sash and frame, provided that the U-factor and the solar heat gain coefficient (SHGC) shall be equal to or lower than before the glass replacement.
3. Alterations, renovations or repairs to roof/ceiling, wall or floor cavities, including spaces between furring strips, provided that such cavities are insulated to the full existing cavity depth with insulation having a minimum nominal value of R-3.0/inch (R-2.0/cm).
4. Alterations, renovations or repairs to walls and floors in cases where the existing structure is without framing cavities and no new framing cavities are created.
5. Reroofing where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.
7. An alteration that replaces less than 50 percent of the luminaires in a space, provided that such alteration does not increase the installed interior lighting power.
8. An alteration that replaces only the bulb and ballast within the existing luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

§28-1001.2.2 New York city amendments to residential and commercial chapters of the New York state energy code

CHAPTER 1

GENERAL REQUIREMENTS

Chapter 1 is deleted in its entirety and a new Chapter 1 is added to read as follows:

**CHAPTER 1
ADMINISTRATION**

Introductory Statement

The New York City Energy Conservation Code ("NYCECC") is comprised of the New York State Energy Code ("NYSEC") with amendments as enacted into law by the New York City Council.

Reflecting changes in the New York State Energy Code, the NYCECC is divided into provisions relevant to residential buildings and provisions relevant to commercial buildings as follows:

1. The provisions of the NYCECC for residential buildings are reflected in the state publications incorporated by reference in 19 NYCRR section 1240.3, as amended by sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3 of the administrative code of the city of New York. Such state publications include (i) Chapters 1, 2, 3, 4, and 6 of the 2010 ECCCNY, as amended by Chapter 1 of the publication entitled the 2014 Supplement to the New York State Energy Conservation Construction Code (the "2014 Supplement"); and (ii) the referenced standards incorporated by reference in 19 NYCRR section 1240.3(b).
2. The provisions of the NYCECC for commercial buildings are reflected in the state publications incorporated by reference in 19 NYCRR section 1240.4, as amended by sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3 of the administrative code of the city of New York. Such state publications include (i) Chapter 1 of the 2010 ECCCNY, as amended by Chapter 1 of the 2014 Supplement; (ii) Chapters C2, C3, and C4 in the "commercial provisions" of the 2012 edition of the International Energy Conservation Code (the "2012 IECC"), as amended by Chapter 2 of the 2014 Supplement; (iii) the 2010 edition of Energy Standard for Buildings Except Low-Rise Residential Buildings ("ASHRAE 90.1-2010"), as amended by Chapter 3 of the 2014 Supplement; and (iv) reference standards incorporated by reference in 19 NYCRR section 1240.4(c).

SECTION ECC 101

SCOPE AND GENERAL REQUIREMENTS

101.1 General. These provisions shall be known and cited as the "New York City Energy Conservation Code," "NYCECC" or "ECC," and are referred to herein as "this code." All section numbers in this code shall be deemed to be preceded by the designation "ECC." Administration and enforcement of this code shall be in accordance with Title 28 of the Administrative Code.

101.1.1 Titles.

The 2010 edition of the Energy Conservation Construction Code of New York State shall be known as the "2010 ECCCNY."

The 2012 edition of the International Energy Code shall be known as the "2012 IECC."

The 2010 edition of the Energy Standard for Buildings Except Low-Rise Residential Buildings shall be known as "ASHRAE 90.1-2010." Where this code makes reference to ASHRAE 90.1-2010, such standard shall be as amended for New York City in accordance with Appendix A of this code.

The 2014 Supplement to the New York State Energy Conservation Construction Code shall be known as the "2014 Supplement."

Chapters 1, 2, 3, 4 and 6 of the 2010 ECCCNY (as amended by Chapter 1 of the 2014 Supplement) and the referenced standards incorporated by reference in 19 NYCRR Section 1240.3(b) shall be known collectively as the "New York State Residential Energy Code."

Chapter 1 of the 2010 ECCCNY (as amended by Chapter 1 of the 2014 Supplement), Chapters C2, C3, and C4 in the "commercial provisions" of the 2012 IECC (as amended by Chapter 2 of the 2014 Supplement), ASHRAE 90.1-2010 (as amended by Chapter 3 of the 2014 Supplement), and the referenced standards incorporated by reference in 19 NYCRR Section 1240.4(b), shall be known collectively as the "New York State Commercial Energy Code."

The New York State Residential Energy Code and the New York State

Commercial Energy Code shall be known collectively as the "New York State Energy Code."

The New York State Energy Code along with the New York City amendments to the New York State Energy Code shall be known collectively as the "New York City Energy Conservation Code."

101.2 Scope. This code applies to residential buildings and commercial buildings as defined in Chapter 2 and Chapter C2 of this code.

101.2.1 References. Where reference is made within this code to the Building Code of New York State, Existing Building Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Mechanical Code of New York State, Plumbing Code of New York State, Property Maintenance Code of New York State or Residential Code of New York State, the reference shall be deemed to be to the analogous provision(s) of Title 28 of the Administrative Code (the New York City Construction Codes), the 1968 Building Code, the New York City Fire Code or the New York City Electrical Code.

101.2.2 Occupancy classifications. For determination of occupancy classification and use within this code, a comparable occupancy classification shall be made to the New York City Building Code.

101.2.3 Reconciliation with New York State Energy Code. Whenever any provision of the New York State Energy Code provides for a more stringent requirement than imposed by this code, the more stringent requirement shall govern.

101.2.4 Other laws. The provisions of this code shall not be deemed to nullify any federal, state or local law, rule or regulation relating to any matter as to which this code does not provide.

101.3 Intent. This code shall regulate the design and construction of buildings for the effective use of energy. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances. To the fullest extent feasible, use of modern technical methods, devices and improvements that tend to minimize consumption of energy and utilize to the greatest extent practical solar and other renewable energy sources without abridging reasonable requirements for the safety, health and security of the occupants or users of buildings shall be permitted. As far as may be practicable, the improvement of energy conservation construction practices, methods, equipment, materials and techniques shall be encouraged.

101.4 Applicability. The provisions of this code shall apply to the construction of buildings. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

101.4.1 Existing buildings. Except as specified in this chapter, this code shall not be used to require the removal, alteration or abandonment of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code.

101.4.2 Historic buildings. An alteration or renovation to an existing building or structure that (1) is listed in the New York State Register of Historic Places, either individually or as a contributing building to a historic district, (2) is listed in the National Register of Historic Places, either individually or as a contributing building to a historic district, (3) has been determined to be eligible for listing in either the New York State or National Register of Historic Places, either individually or as a contributing building to a historic district, by the New York State Commissioner of Parks, Recreation and Historic Preservation, or (4) has been determined to be eligible for listing in the National Register of Historic Places, either individually or as a contributing building to a historic district, by the United States Secretary of the Interior, need not comply with this code.

101.4.3 Additions, alterations, renovations or repairs. It is intended that the residential provisions of the New York City Energy Conservation Code shall apply to additions, alterations, and renovations of existing residential buildings in all cases where the New York State Residential Energy Code would apply, and that the commercial provisions of the New York City Energy Conservation Code shall apply to additions, alterations, and renovations of existing commercial buildings in all cases where ASHRAE 90.1-2010 would apply. Additions, alterations, renovations or repairs to an existing building, building system, equipment or portion thereof, other than repairs of equipment, shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion of the existing building, building system or equipment to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing

building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exception: The following need not comply with the provisions of this code provided that the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass-only replacements in an existing sash and frame, provided that the U-factor and the solar heat gain coefficient (SHGC) shall be equal to or lower than before the glass replacement.
3. Alterations, renovations or repairs to roof/ceiling, wall or floor cavities, including spaces between furring strips, provided that such cavities are insulated to the full existing cavity depth with insulation having a minimum nominal value of R-3.0/inch (R-2.0/cm).
4. Alterations, renovations or repairs to walls and floors in cases where the existing structure is without framing cavities and no new framing cavities are created.
5. Reroofing where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.
7. An alteration that replaces less than 50 percent of the luminaires in a space, provided that such alteration does not increase the installed interior lighting power.
8. An alteration that replaces only the bulb and ballast within the existing luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

101.4.3.1 Prescriptive envelope compliance for additions. Additions shall comply with Sections 101.4.3.1.1 and 101.4.3.1.2 or alternatively with ASHRAE 90.1-2010 as amended by Appendix A of this code.

101.4.3.1.1 Vertical fenestration. New vertical fenestration area that results in a total building fenestration area less than or equal to that specified in Section C402.3.1 shall comply with Section C402.3. Additions with vertical fenestration that result in a total building fenestration area greater than Section C402.3.1 or additions that exceed the fenestration area greater than Section C402.3.1 shall comply with Section C402.3.1.1 for the addition only. Additions that result in a total building vertical glass area exceeding that specified in Section C402.3.1.1 shall comply with Section C407.

101.4.3.1.2 Skylight area. New skylight area that results in a total building fenestration area less than or equal to that specified in Section C402.3.1 shall comply with Section C402.3. Additions with skylight area that result in a total building skylight area greater than Section C402.3.1 or additions that exceed the skylight area greater than Section C402.3.1 shall comply with Section C402.3.1.2 for the addition only. Additions that result in a total building skylight area exceeding that specified in Section C402.3.1.2 shall comply with Section C407.

101.4.3.2 Alterations to building envelope. New building envelope assemblies that are part of the alteration shall comply with Sections 101.4.3.2.1 and 101.4.3.2.2 or alternatively with ASHRAE 90.1-2010 as amended by Appendix A of this code.

101.4.3.2.1 Vertical fenestration. The addition of vertical fenestration that results in a total building fenestration area less than or equal to that specified in Section C402.3.1 shall comply with Section C402.3. The addition of vertical fenestration that results in a total building fenestration area greater than Section C402.3.1 shall comply with Section C402.3.1.1 for the space adjacent to the new fenestration only. Alterations that result in a total building vertical glass area exceeding that specified in Section C402.3.1.1 shall comply with Section C407.

101.4.3.2.2 Skylight Area. The addition of skylight area that

results in a total building skylight area less than or equal to that specified in Section C402.3.1 shall comply with Section C402.3. The addition of skylight area that results in a total building skylight area greater than Section C402.3.1 shall comply with Section C402.3.1.2 for the space adjacent to the new skylights. Alterations that result in a total building skylight area exceeding that specified in Section C402.3.1.2 shall comply with Section C407.

101.4.4 Change in occupancy or use. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this code. Where the use of a space changes from one use in Table C405.5.2(1) or (2) to another use in Table C405.5.2(1) or C405.5.2(2), the installed lighting wattage shall comply with Section C405.5.

101.4.5 Change in space conditioning. Any non-conditioned space that is altered to become conditioned space shall comply with this code.

101.4.6 Mixed occupancy. Where a building includes both residential and commercial occupancies, each occupancy shall be separately considered and shall meet the applicable provisions of Chapter 4 for residential and Chapter C4 for commercial.

101.5 Compliance. Residential buildings shall comply with the provisions of the New York City Energy Conservation Code applicable to residential buildings. Commercial buildings shall comply with the provisions of the New York City Energy Conservation Code applicable to commercial buildings.

101.5.1 Compliance software The use of computer software to demonstrate compliance with this code shall be in accordance with the requirements of Sections 101.5.1.1 or 101.5.1.2.

101.5.1.1 Residential buildings. Compliance with the residential provisions of the New York City Energy Conservation Code can be demonstrated through the use of (i) computer software that is developed by the United States Department of Energy (such as REScheck, REM/Rate home energy rating or REM/Design Home energy analysis software) specifically for the New York State Residential Energy Code, or (ii) any other building energy modeling or home energy rating (HERS) software that shall have been expressly approved in writing by the New York Secretary of State as acceptable for demonstrating compliance with the New York State Residential Energy Code. Software programs used to show compliance with the residential provisions of the New York City Energy Conservation Code must indicate compliance with the New York State Residential Energy Code, and must reflect the actual requirements of the residential provisions of the New York City Energy Conservation Code. When using the software approach to show compliance, the mandatory code provisions of the residential provisions of the New York City Energy Conservation Code must be followed.

101.5.1.2 Commercial buildings. Compliance with the commercial provisions of the New York City Energy Conservation Code can be demonstrated through the use of (i) computer software that is developed by the United States Department of Energy (such as COMcheck) specifically for the New York State Commercial Energy Code (or specifically for ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement), or (ii) other software that shall have been expressly approved in writing by the New York Secretary of State as acceptable for demonstrating compliance with the New York State Commercial Energy Code (or for demonstrating compliance with ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement). Software programs used to show compliance with the commercial provisions of the New York City Energy Conservation Code must indicate compliance with the New York State Commercial Energy Code (or compliance with ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement), and must reflect the actual requirements of the commercial provisions of the New York City Energy Conservation Code (or the actual requirements of ASHRAE 90.1-2010, as amended by Appendix A of this code). When using the software approach to show compliance with the commercial provisions of the New York City Energy Conservation Code, the mandatory code provisions in Chapters C2 through C5 (or, if applicable, the mandatory provisions of ASHRAE 90.1-2010, as amended by Appendix A of the New York City Energy Conservation Code) must be followed.

101.5.2 Low-energy buildings. The following buildings, or portions thereof separated from the remainder of the building by building thermal envelope assemblies complying with this code, shall be exempt from the building thermal envelope provisions of this code:

1. Those with a peak design rate of energy use less than 3.4 Btu/h per square foot (10.7 W/m²) or 1.0 watt per square foot (10.7 W/m²) of floor area for space conditioning purposes.

2. Those that do not contain conditioned space.

101.5.3 Demonstration of compliance. For a building project application or applications required to be submitted to the department, the following documentation, as further described in the rules of the department, shall be required in order to demonstrate compliance with this code:

101.5.3.1 Professional statement. Any registered design professional or lead energy professional filing an application or applications for a new building or alteration project shall provide on a signed and sealed drawing a statement of compliance or exemption in accordance with the rules of the department.

101.5.3.2 Energy analysis. For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, an energy analysis shall be provided on a sheet or sheets within the construction drawing set. The energy analysis shall identify the compliance path followed, demonstrate how the design complies with this code and be in a format as prescribed in the rules of the department. The energy analysis shall meet the requirements of this code for the entire project. Projects that utilize trade-offs among disciplines shall use DOE2-based energy modeling programs or other energy-modeling programs as prescribed in the rules of the department and shall be signed and sealed by a lead energy professional.

101.5.3.3 Supporting documentation. For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, supporting documentation shall be required in the approved construction drawings. See Section 103 for further requirements.

101.6 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION ECC 102

ALTERNATE MATERIALS, METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS

102.1 General. This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such material, method of construction, design or insulating system has been approved by the commissioner as (1) meeting the intent of this code, (2) achieving energy savings that are equivalent to or greater than would be achieved using prescribed materials, methods of construction, designs or insulating systems, and (3) meeting the requirements of Article 113 of Chapter 1 of Title 28 of the Administrative Code and the remaining New York City Construction Codes.

102.1.1 Above-code programs. The commissioner shall be permitted to find that a national, state or local energy efficiency program exceeds the energy efficiency required by this code. Buildings approved in writing by such an energy efficiency program shall be considered in compliance with this code. Notwithstanding approval by such an energy efficiency program, the requirements identified as "mandatory" in Chapters 4 and C4 of this code shall still apply.

SECTION ECC 103

CONSTRUCTION DOCUMENTS

103.1 General. Construction documents shall be prepared in accordance with the provisions of Chapter 1 of Title 28 of the Administrative Code, the New York City Construction Codes, including this code, and the rules of the department.

103.2 Supporting documentation on construction documents. Supporting documentation shall include those construction documents that demonstrate compliance with this code.

103.2.1 Intent. Supporting documentation shall accomplish the following:

1. Demonstrate conformance of approved drawings to the energy analysis for every element and value of the energy analysis;
2. Demonstrate conformance of approved drawings to other mandatory requirements of this code, including, but not limited, to, sealing against air leakage from the building envelope and from ductwork as applicable, insulation of ducts and piping as applicable, mechanical and lighting controls with devices shown and operational narratives for each, and additional requirements as set forth in this section;
3. Identify required progress inspections in accordance with the scope of

work, this code, the Administrative Code, the New York City Building Code and the rules of the department; and

4. Comply with other requirements as may be set forth in the rules of the department.

103.2.2 Detailed requirements. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted in accordance with department procedures. Construction documents for a project shall be fully coordinated and of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, building systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their R-values; fenestration U-factors and SHGCs; area-weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment, types, sizes and efficiencies; economizer description; equipment and systems controls; fan motor horsepower and controls; duct sealing, duct and pipe insulation and location; lighting fixture schedule with wattages and control narrative; and air sealing details.

103.3 Examination of documents. In accordance with Article 104 of Chapter 1 of Title 28 of the Administrative Code, the department shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws, rules and regulations.

103.4 Changes during construction. Changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

SECTION ECC 104 INSPECTIONS

104.1 General. Except as otherwise specifically provided, inspections required by this code or by the department during the progress of work may be performed on behalf of the owner by an approved agency. All inspections shall be performed at the sole cost and expense of the owner. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to inspections. In addition to any inspections otherwise required by this code or the rules of the department, the following inspections shall be required:

1. Progress inspections. Progress inspections shall be performed in accordance with the rules of the department.
2. Final inspection. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code and the rules of the department.
3. Issuance of Certificate of Compliance. Refer to Section 28-116.4.1 of the Administrative Code.

The requirements of Section 104.1 shall not be read to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

104.1.1 Approved agencies. Refer to Article 114 of Chapter 1 of Title 28 of the Administrative Code and the rules of the department.

104.1.2 Inspection of prefabricated construction assemblies. Prior to the issuance of a work permit for a prefabricated construction assembly having concealed mechanical work, the department shall require the submittal of an evaluation report by the manufacturer or approved agency on each prefabricated construction assembly, indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated for energy use, test results and similar information, and other data as necessary for the commissioner to determine conformance to this code.

104.1.2.1 Test and inspection records. Required test and inspection records shall be made available to the commissioner at all times during the fabrication of the mechanical system and the erection of the building; or such records as the commissioner designates shall be filed.

104.2 Testing. Envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical systems shall be tested as required in this code and in accordance with Sections 104.2.1 through 104.2.3. Except as otherwise required in this code or in the rules of the department, tests shall be made by the permit holder

and witnessed by an approved agency.

104.2.1 New, altered, extended, renovated or repaired systems. New envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical installations or systems, and parts of existing systems that have been altered, extended, renovated or repaired, shall be tested as prescribed herein or in the rules of the department to disclose leaks and defects.

104.2.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an envelope, heating, ventilating, air conditioning, service water heating, lighting and/or electrical installation or system or part thereof shall be furnished by the permit holder.

104.2.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the New York City Construction Codes, including this code. The work or installation shall then be reinspected or retested by the approved agency.

104.3 Sign-off of completed work. In addition to the requirements of Article 116 of Chapter 1 of Title 28 of the Administrative Code, Section 103.4 of this code and other requirements for sign-off, the project team shall either certify that construction does not differ from the last approved energy analysis or provide a whole-project as-built energy analysis and supporting documents, signed and sealed, for approval prior to sign-off. The as-built energy analysis and supporting documents shall reflect the materials, equipment and values actually used in the construction of the project, and shall demonstrate compliance of the constructed project with this code. Such signed and sealed documents may be accepted with less than full examination by the department based on the professional certification of the registered design professional.

104.4 Temporary connection. The commissioner shall have the authority to allow the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of occupancy.

SECTION ECC 105 REFERENCED STANDARDS

105.1 Referenced standards. The standards referenced in Chapters 2, 3, and 4 of the New York City Energy Conservation Code shall be those that are listed in Chapter 6 of the New York City Energy Conservation Code, and in the rules of the department and such standards shall be considered part of the requirements of the residential provisions of the New York City Energy Conservation Code to the prescribed extent of each such reference. The standards referenced in Chapters C2, C3, and C4 of the New York City Energy Conservation Code shall be those that are listed in Chapter C5 of the New York City Energy Conservation Code, and in the rules of the department and such standards shall be considered part of the requirements of the commercial provisions of the New York City Energy Conservation Code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Refer to Article 103 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to referenced standards.

CHAPTER 2 DEFINITIONS

SECTION 202 GENERAL DEFINITIONS

Revise the definition of "Addition" after the definition of "Accessible," to read as follows:

ADDITION. An extension or increase in the conditioned space floor area or height of a building or structure.

Revise the definition of "Approved" after the definition of "Alteration," to read as follows:

APPROVED. See Section 28-101.5 of the Administrative Code.

Add a new definition of "Approved agency" after the definition of "Approved," to read as follows:

APPROVED AGENCY. See Section 28-101.5 of the Administrative Code.

Add a new definition of "Authority having jurisdiction" after the definition of "Area weighted average," to read as follows:

AUTHORITY HAVING JURISDICTION. The commissioner or the commissioner's designee.

Delete the definition "Basement Wall" after the definition of "Automatic."

Revise the term "Code enforcement official" and add the term "Code official" after the definition of "C-factor (thermal conductance)," to read as follows:

CODE ENFORCEMENT OFFICIAL. The commissioner or the commissioner's designee.

CODE OFFICIAL. The commissioner or the commissioner's designee.

Add a new definition of "Grade plane" after the definition of "F-factor," to read as follows:

GRADE PLANE. For the purposes of this code, a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Add a new definition of "Lead energy professional" after the definition of "Labeled," to read as follows:

LEAD ENERGY PROFESSIONAL. The registered design professional who signs and seals the energy analysis for an entire project. Such individual may be the same registered design professional who signs and seals the design drawings for the same project.

Add new definitions of "Professional certification" and "Project" after the definition of "Nameplate Horsepower," to read as follows:

PROFESSIONAL CERTIFICATION. See Section 28-101.5 of the Administrative Code.

PROJECT. A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 107 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

CHAPTER 3 CLIMATE ZONES, DESIGN CONDITIONS, MATERIALS, EQUIPMENT AND SYSTEMS

301.1 General.

Delete Section 301.1 in its entirety and replace with a new Section 301.1 to read as follows:

301.1 General. Climate zones from Table 301.1 shall be used in determining the applicable requirements from Chapter 4.

CHAPTER 4 RESIDENTIAL ENERGY EFFICIENCY

403.7 Systems serving multiple dwelling units.

Delete Section 403.7 in its entirety and replace with a new Section 403.7 to read as follows:

403.7 Systems serving multiple dwelling units. Systems serving buildings containing three or more dwelling units shall comply with Sections C403 and C404 in lieu of Section 403.

403.9 Pools.

Delete Section 403.9 in its entirety and replace with a new Section 403.9 to read as follows:

403.9 Pools. Pools shall be provided with energy-conserving measures in accordance with Sections 403.9.1 through 403.9.3.

403.9.1 Pool heaters. All pool heaters shall be equipped with a readily accessible on-off switch to allow shutting off the heater

without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.

403.9.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.

Exceptions:

1. Where public health standards require 24-hour pump operation.
2. Where pumps are required to operate solar- and waste-heat-recovery pool-heating systems.

403.9.3 Pool covers. Heated pools shall be equipped with a vapor-retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.

Exception: Pools deriving over 60 percent of the energy for heating from site-recovered energy or solar energy source.

**CHAPTER 6
REFERENCED STANDARDS**

At the end of the first paragraph, add the following sentence:

Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to the referenced standards set forth herein in accordance with Section 28-103.19 of the Administrative Code.

Delete the referenced standard titled "AAMA" in its entirety and replace with a new referenced standard titled "AAMA," to read as follows:

Standard reference number	Title	Referenced in code section number
AAMA	American Architectural Manufacturers Association 1827 Walden Office Square, Suite 550 Schaumburg, IL 60173-4268	
AAMA/WDMA/CSA 101/1.S.2/A440-08	Specifications for Windows, Doors and Unit Skylights	402.4.4

Delete the referenced standard titled "ACCA" in its entirety and replace with a new referenced standard titled "ACCA," to read as follows:

Standard reference number	Title	Referenced in code section number
ACCA	Air Conditioning Contractors of America 2800 Shirlington Road, Suite 300 Arlington, VA 22206	
Manual J-87	Residential Load Calculation Seventh Edition	403.6, 405.6.1

Delete the referenced standard titled "AFPA" in its entirety and replace with a new referenced standard titled "AFPA," to read as follows:

Standard reference number	Title	Referenced in code section number
AFPA	American Forest & Paper Association 1111 19th St, NW, Suite 800 Washington, DC 20036	
*NDS-05	National Design Specification (NDS) for Wood Construction with 2005 Supplement	Table 402.1.5.1, Table 402.1.5.2

Delete the referenced standard titled "AHRI" in its entirety.

Delete the referenced standard titled "AISI" in its entirety and replace with a new referenced standard titled "AISI," to read as follows:

Standard	Title	Referenced
AISI	American Iron and Steel Institute 1140 Connecticut Avenue, Suite 705 Washington, DC 20036	

reference number		in code section number
S230-07	Standard for Cold-Formed Steel Framing-Prescriptive Method for One- and Two-Family Dwellings	Table 402.1.5.1, Table 402.1.5.2

Delete the referenced standard titled "AMCA" in its entirety.

Delete the referenced standard titled "ANSI" in its entirety and replace with a new referenced standard titled "ANSI," to read as follows:

ANSI	American National Standards Institute 25 West 43rd Street, Fourth Floor New York, NY 10036	Referenced in code section number
Z21.50-07	Vented Gas Fireplace (CSA ANSI Z21.50/CSA 2.22)	303.1.5
Z21.60-03	Decorative Gas Burning Appliances for Installation in Solid-Fuel Burning Fireplaces with addenda Z21.60a-2003 (CSA ANSI Z21.50/CSA 2.26)	303.1.5
Z21.50/CSA 2.22-07	Vented Gas Fireplaces (ANSI Z21.50/CSA 2.22)	303.1.5
Z21.60/CSA 2.26-03	Decorative Gas Burning Appliances for Installation in Solid Fuel Burning Fireplaces with Addendum Z21.60a-2003 (ANSI Z21.60/CSA 2.26)	303.1.5
*Z65-96	Method for Measuring Floor Area in Office Buildings	402.4.2.1, 403.2.2

Delete the referenced standard titled "ASHRAE" in its entirety and replace with a new referenced standard titled "ASHRAE," to read as follows:

ASHRAE	American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. 1791 Tullie Circle, NE Atlanta, GA 30329-2305	Referenced in code section number
90.1-10	Energy Standard for Buildings Except Low-rise Residential Buildings (ANSI/ASHRAE/IESNA 90.1-2010)	101.1.1, 101.4.3, 101.4.3.1, 101.4.3.2, 101.5.1.2
*119-88 (RA 2004)	Air Leakage Performance for Detached Single-family Residential Buildings	Table 405.5.2(1)
*ASHRAE/ANSI-152-04	Method of Test for Determining the Design and Seasonal Efficiencies of Residential Thermal Distribution Systems	403.2.2
*ASHRAE-05	ASHRAE Handbook of Fundamentals-2005	402.1.4, Table 405.5.2(1)

Delete the referenced standard titled "ASME" in its entirety.

Delete the referenced standard titled "ASTM" in its entirety and replace with a new referenced standard titled "ASTM," to read as follows:

ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2859	Referenced in code section number
E 84-04	Standard Test Method for Surface Burning Characteristics of Building Materials	402.4.1(12)(c)
E 96-00	Standard Test Methods for Water Vapor Transmission of Materials	202
E 283-04	Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen	202, 402.4.3
*E 779-99	Standard Test Method for Determining Air Leakage Rate by Fan Pressurization	402.4.2.1

*E 1554—03	Standard Test Methods for Determining Air Leakage of Air Distribution Systems by Fan Pressurization	403.2.2
E 2178—03	Standard Test Method for Air Permeance of Building Materials	202
F 1667—03	Standard Specification for Driven Fasteners: Nails, Spikes, and Staples	Table 402.1.5.1, Table 402.1.5.2

Delete the referenced standard titled “CSA” in its entirety and replace with a new referenced standard titled “CSA,” to read as follows:

CSA	Canadian Standards Association 5060 Spectrum Way Mississauga, Ontario, Canada L4W 5N6	Referenced in code section number
Standard reference number	Title	Referenced in code section number
AAMA/WDMA/CSA 101/1.S.2/A440—08	Specifications for Windows, Doors and Unit Skylights	402.4.4

Delete the referenced standard titled “DOE” in its entirety and replace with a new referenced standard titled “DOE,” to read as follows:

DOE	U.S. Department of Energy c/o Superintendent of Printing U.S. Government Printing Washington, DC 20402-9325	Referenced in code section number
Standard reference number	Title	Referenced in code section number
(Current Edition)	State Energy Price and Expenditure Report	405.3

Delete the referenced standard titled “ICC” in its entirety and replace with a new referenced standard titled “ICC,” to read as follows:

ICC	International Code Council, Inc. 500 New Jersey Avenue, NW 6th Floor Washington, D.C. 20001	Referenced in code section number
Standard Reference Number	Title	Referenced in code section number
BCNYS-10	Building Code of New York State	101.2.1, 201.3, 303.1.5, 303.2, T402.1.1
EBNYS-10	Existing Building Code of New York State	101.2.1
ECCCNYS-10	Energy Conservation Construction Code of New York State	101.2.3, 101.5.1
FCNYS-10	Fire Code of New York State	101.2.1, 201.3
FGNYS-10	Fuel Gas Code of New York State	101.2.1, 201.3
MCNYS-10	Mechanical Code of New York State	101.2.1, 201.3
NYCECC-10	New York City Energy Conservation Code	101.1, 101.5.3.2, 101.5.3.3, 104.3
PCNYS-10	Plumbing Code of New York State	101.2.1, 201.3
PMNYS-10	Property Maintenance Code of New York State	101.2.1
RCNYS-10	Residential Code of New York State	101.2.1, 201.3, 202, 303.1.5, T402.1.1, 402.1.5.1, 402.1.5.2, 402.2.1.1, 402.4.1(12), 403.2.2, T405.5.2(1)

Delete the referenced standard titled “IESNA” in its entirety and replace with a new referenced standard titled “IESNA,” to read as follows:

IESNA	illuminating Engineering Society of North America 120 Wall Street, 17 th Floor New York, NY 10005-4001	Referenced in code
Standard reference	Title	Referenced in code

number	section number
ANSI/ASHRAE/IESNA 90.1—2010	Energy Standard for Buildings, Except Low-rise Residential Buildings
	101.1.1, 101.4.3, 101.4.3.1, 101.4.3.2, 101.5.1.2

Delete the referenced standard titled “NFRC” in its entirety and replace with a new referenced standard titled “NFRC,” to read as follows:

NFRC	National Fenestration Rating Council, Inc. 8484 Georgia Avenue, Silver Spring, MD 20910	Referenced in code section number
Standard reference number	Title	Referenced in code section number
100—01	Procedure for Determining Fenestration Product U-Factors—Second Edition	303.1.3
200—01	Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence—Second Edition	303.1.3
400—01	Procedure for Determining Fenestration Product Air Leakage—Second Edition	402.4.4

Add a new referenced standard titled “NYC” after “NFRC,” to read as follows:

NYC	New York City Department of Buildings 280 Broadway New York, NY 10007	Referenced in code section number
Standard Reference Number	Title	Referenced in code section number
NYCBC-68	1968 Building Code of the City of New York	101.2.1
NYCAC	New York City Administrative Code	101.1, 101.2.1, 101.5.3.2, 101.5.3.3, 102.1, 103.1, 103.2.1, 103.3, 104.1, 104.1.1, 104.3, 105.1
NYCBC	New York City Building Code	101.2.2, 102.1, 103.1, 103.2.1, 104.2.3, 201.3, 303.1.5, 303.2
NYCEC	New York City Electrical Code	101.2.1, 201.3
NYCFC	New York City Fire Code	101.2.1, 201.3
NYCFG	New York City Fuel Gas Code	102.1, 103.1, 103.2.1, 104.2.3, 201.3
NYCMC	New York City Mechanical Code	102.1, 103.1, 103.2.1, 104.2.3, 201.3, 403.2.2
NYCPC	New York City Plumbing Code	102.1, 103.1, 103.2.1, 104.2.3, 201.3

Delete the referenced standard titled “SMACNA” in its entirety.

Delete the referenced standard titled “UL” in its entirety.

Delete the referenced standard titled “WDMA” in its entirety and replace with a new referenced standard titled “WDMA,” to read as follows:

WDMA	Window and Door Manufacturers Association 1400 East Touhy Avenue, Suite 470 Des Plaines, IL 60018	Referenced in code section number
Standard reference number	Title	Referenced in code section number
AAMA/WDMA/CSA 101/1.S.2/A440—08	Specifications for Windows, Doors and Unit Skylights	402.4.4

**CHAPTER C2
DEFINITIONS**

**SECTION C202
GENERAL DEFINITIONS**

Revise the definition of “Approved” after the definition of “Alteration,” to

read as follows:

APPROVED. See Section 28-101.5 of the Administrative Code.

Add a new definition of “Approved agency” after the definition of “Approved,” to read as follows:

APPROVED AGENCY. See Section 28-101.5 of the Administrative Code.

Revise the definition of “ASHRAE 90.1-2010” after the definition of “Approved Agency,” to read as follows:

ASHRAE 90.1-2010. The 2010 edition of the Energy Standard for Buildings Except Low-rise Residential Buildings, Standard Reference Number 90.1-2010, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE 90.1-2010 is published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., is jointly sponsored by the Illuminating Engineering Society of North America and the American National Standards Institute, and is also known as “ANSI/ASHRAE/IES 90.1-2010.”)

Add a new definition of “Authority having jurisdiction” after the definition of “ASHRAE 90.1-2010,” to read as follows:

AUTHORITY HAVING JURISDICTION. The commissioner or the commissioner’s designee.

Add the term “Code enforcement official” and revise the term “Code official” after the definition of “C-factor (thermal conductance),” to read as follows:

CODE ENFORCEMENT OFFICIAL. The commissioner or the commissioner’s designee.

CODE OFFICIAL. The commissioner or the commissioner’s designee.

Add a new definition of “Electrical design load” after the definition of “Economizer, water,” to read as follows:

ELECTRICAL DESIGN LOAD. The electrical load that feeders and branch circuits are required to support pursuant to the relevant provisions of the New York City Electrical Code for the category of equipment loads being supported.

Add a new definition of “Grade plane” after the definition of “General lighting,” to read as follows:

GRADE PLANE. For the purposes of this code, a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Add a new definition of “Lead energy professional” after the definition of “Labeled,” to read as follows:

LEAD ENERGY PROFESSIONAL. The registered design professional who signs and seals the energy analysis for an entire project. Such individual may be the same registered design professional who signs and seals the design drawings for the same project.

Add a new definition of “Occupancy sensor” after the definition of “Nonstandard part load value (NPLV),” to read as follows:

OCCUPANCY SENSOR. A device that detects the presence or absence of people within an area and causes lighting, equipment, or appliances to be regulated accordingly.

Add new definitions of “Photosensor” and “Professional certification” and “Project” after the definition of “On-Site renewable energy,” to read as follows:

PHOTOSENSOR. A device that detects the presence of visible light.

PROFESSIONAL CERTIFICATION. See Section 28-101.5 of the Administrative Code.

PROJECT. A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 107 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

Revise the definition of “Vapor Retarder Class” after the definition of “Vapor Retarder,” to read as follows:

VAPOR RETARDER CLASS. A vapor retarder shall be classified in accordance with its permeance rating measured in “perm” ($1 \text{ perm} = 5.7 \times 10^{-11} \text{ kg/Pa} \cdot \text{s} \cdot \text{m}^2$) when tested in accordance with the desiccant method using Procedure A of ASTM E 96-00, as follows:

Class I vapor retarder: a vapor retarder having a permeance rating of 0.1 perm or less.

Class II vapor retarder: a vapor retarder having a permeance rating that is more than 0.1 perm and less than or equal to 1.0 perm.

Class III vapor retarder: a vapor retarder having a permeance rating that is more than 1.0 perm and less than or equal to 10.0 perm.

CHAPTER C4

COMMERCIAL ENERGY EFFICIENCY

SECTION C401

GENERAL

C401.2 Application.

Delete Item 1 and replace with a new Item 1 to read as follows:

1. The requirements of ASHRAE 90.1-2010, as amended by Appendix A of the New York City Energy Conservation Code; or

Delete Item 3 and replace with a new Item 3 to read as follows:

3. Performance. The requirements of Section C407.

C401.2.1 Application to existing buildings.

Delete Item 3 and replace with a new Item 3 to read as follows:

3. The requirements of ASHRAE 90.1-2010, as amended by Appendix A of the New York City Energy Conservation Code.

SECTION C402

BUILDING ENVELOPE REQUIREMENTS

C402.1.1 Insulation and fenestration criteria.

The reference to “ASHRAE 90.1-2010, as amended by Chapter 3 of the 2014 Supplement” shall be deemed to be a reference to “ASHRAE 90.1-2010, as amended by Appendix A of the New York City Energy Conservation Code.”

C402.4.4 Doors and access openings to shafts, chutes, stairways, and elevator lobbies.

Delete Section C402.4.4 in its entirety and replace with a new Section C402.4.4 to read as follows:

C402.4.4 Doors and access openings to shafts, chutes, stairways, and elevator lobbies. Doors and access openings from conditioned space to shafts, chutes, stairways and elevator lobbies shall either meet the requirements of Section C402.4.3 or shall be gasketed, weatherstripped or sealed.

Exception: Door openings required to comply with Section 715 or 715.3 of the New York City Building Code; or doors and door openings required by the New York City Building Code to comply with UL 1784 shall not be required to comply with Section C402.4.4.

C402.4.9.1 Class III vapor retarders.

Delete Section C402.4.9.1 in its entirety and replace with a new Section C402.4.9.1 to read as follows:

C402.4.9.1 Class III vapor retarders. When a vapor retarder is required by Section C402.4.9, a Class III vapor retarder may be provided in lieu of a Class I or II vapor retarder for framed walls, floors, and ceilings made of the materials indicated in Table C402.4.9.1.

Exception: Nothing in this section C402.4.9.1 or in Table C402.4.9.1 shall be construed as permitting a Class III vapor retarder in any situation where a Class I or Class II vapor retarder is required by the 2010 Building Code of New York State, the Residential Code of New York State or the Building Code of New York City, as applicable.

C402.4.9.2 Material vapor retarder class.

Delete Section C402.4.9.2 in its entirety and replace with a new Section C402.4.9.2 to read as follows:

C402.4.9.2 Material vapor retarder class. A vapor retarder shall be classified in accordance with its permeance rating measured in “perm” ($1 \text{ perm} = 5.7 \times 10^{-11} \text{ kg/Pa} \cdot \text{s} \cdot \text{m}^2$) when tested in accordance with the desiccant method using Procedure A of ASTM E 96, as follows:

Class I vapor retarder: a vapor retarder having a permeance rating of 0.1 perm or less.

Class II vapor retarder: a vapor retarder having a permeance rating that is more than 0.1 perm and less than or equal to 1.0 perm.

Class III vapor retarder: a vapor retarder having a permeance rating that is more than 1.0 perm and less than or equal to 10.0 perm.

The vapor retarder class shall be based on the testing of the vapor retarder or an assembly that includes the vapor retarder, such testing to be performed and certified by the manufacturer of the vapor retarder or by an approved independent testing organization. However, in the absence of certified test results indicating that a different class is appropriate, the following materials shall be deemed to be in the class specified:

Class I: Sheet polyethylene, non-perforated aluminum foil

Class II: Kraft faced fiberglass batts

Class III: Latex or enamel paint

**SECTION C403
BUILDING MECHANICAL SYSTEMS**

C403.1 General.

Delete Section C403.1 in its entirety and replace with a new Section C403.1 to read as follows:

C403.1 General. Mechanical systems and equipment serving the building heating, cooling or ventilating needs shall comply with Sections C403.2.1, C403.2.2, C403.2.3, C403.2.4, C403.2.5, C403.2.7, C403.2.8, C403.2.9, and C403.2.11 (referred to as the mandatory provisions) and either:

1. Section C403.3 (Simple systems); or
2. Section C403.4 (Complex systems).

C403.2 Provisions applicable to all mechanical systems (Mandatory).

Amend the first sentence of Section C403.2 to read as follows:

C403.2 Provisions applicable to all mechanical systems (Mandatory). Mechanical systems and equipment serving the building heating, cooling or ventilating needs shall comply with Sections C403.2.1, C403.2.2, C403.2.3, C403.2.4, C403.2.5, C403.2.7, C403.2.8, C403.2.9, and C403.2.11.

TABLE C403.2.3(1)

Delete Table C403.2.3(1) in its entirety and replace with a new Table C403.2.3(1) to read as follows:

**TABLE C403.2.3(1)
MINIMUM EFFICIENCY REQUIREMENTS:**

ELECTRICALLY OPERATED UNITARY AIR CONDITIONERS AND CONDENSING UNITS

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a		
				Before 6/1/2011	As of 6/1/2011			
Air conditioners, air cooled	< 65,000 ^b Btu/h	All	Split System	13.0 SEER	13.0 SEER	AHRI 210/240		
			Single Package	13.0 SEER	14.0 SEER			
Through-the-wall (air cooled)	□ 30,000 ^b Btu/h	All	Split system	12.0 SEER	13.0 SEER	AHRI 210/240		
			Single Package	12.0 SEER	14.0 SEER			
Small-duct high-velocity (air cooled)	< 65,000 ^b Btu/h	All	Split System	10.0 SEER	11.0 SEER			
Air conditioners, air cooled	□ □ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.2 EER	11.2 EER	AHRI 340/360		
			All other	11.0 EER	11.0 EER			
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	11.0 EER			
			All other	10.8 EER	10.8 EER			
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.0 EER	10.0 EER			
			All other	9.8 EER	9.8 EER			
	□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.7 EER	9.7 EER			
			All other	9.5 EER	9.5 EER			
	Air conditioners, water cooled	< 65,000 ^b Btu/h	All	Split System and Single Package	12.1 EER		12.1 EER	AHRI 210/240
				Split System and Single Package	12.3 IEER		12.3 IEER	
		□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.5 EER		12.1 EER	
				All other	11.3 EER		11.9 EER	
□ 135,000 Btu/h and < 240,000 Btu/h		Electric Resistance (or None)	Split System and Single Package	11.0 EER	12.5 EER			
			All other	10.8 EER	12.3 EER			
□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	12.4 EER				
		All other	10.9 EER	12.4 EER				
□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	12.0 EER				
		All other	10.8 EER	12.0 EER				

(continued)

**TABLE C403.2.3(1)—continued
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED UNITARY AIR CONDITIONERS AND CONDENSING UNITS**

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUB-CATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
				Before 6/1/2011	As of 6/1/2011	
Air conditioners, evaporatively cooled	< 65,000 ^b Btu/h	All	Split System and Single Package	12.1 EER	12.1 EER	AHRI 210/240
			Split System and Single Package	12.3 IEER	12.3 IEER	
	□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.5 EER	12.1 EER	
			All other	11.3 EER	11.9 EER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	12.0 EER	
			All other	10.8 EER	11.8 EER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	11.9 EER	
			All other	10.8 EER	11.5 EER	
	□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	11.7 EER	
			All other	10.8 EER	11.7 EER	

		All other	Split System and Single Package	10.8 EER 10.9 IEER	11.5 EER 11.7 IEER	
Condensing units, air cooled	□ 135,000 Btu/h			10.1 EER 11.4 IEER	10.5 EER 14.0 IEER	AHRI 365
Condensing units, water cooled	□ 135,000 Btu/h			13.1 EER 13.6 IEER	13.5 EER 14.0 IEER	
Condensing units, evaporatively cooled	□ 135,000 Btu/h			13.1 EER 13.6 IEER	13.5 EER 14.0 IEER	

For SI: 1 British thermal unit per hour = 0.2931 W.

- a. Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.
- b. Single-phase, air-cooled air conditioners less than 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

TABLE C403.2.3(2)

Delete Table C403.2.3(2) in its entirety and replace with a new Table C403.2.3(2) to read as follows:

TABLE C403.2.3(2)
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED UNITARY AND APPLIED HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY	TEST PROCEDURE ^a
Air cooled (cooling mode)	< 65,000 ^b Btu/h	All	Split System	14.0 SEER	AHRI 210/240
			Single Packaged	14.0 SEER	
Through-the-wall, air cooled	□ 30,000 ^b Btu/h	All	Split System	14.0 SEER	AHRI 210/240
			Single Packaged	14.0 SEER	
Single-duct high-velocity air cooled	< 65,000 ^b Btu/h	All	Split System	13.0 SEER	
Air cooled (cooling mode)	□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.2 IEER	AHRI 340/360
		All other	Split System and Single Package	10.8 EER 11.0 IEER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.6 EER 10.7 IEER	
		All other	Split System and Single Package	10.4 EER 10.5 IEER	
	□ 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.5 EER 9.6 IEER	
		All other	Split System and Single Package	9.3 EER 9.4 IEER	
Water source (cooling mode)	< 17,000 Btu/h	All	86°F entering water	11.2 EER	ISO 13256-1
	□ 17,000 Btu/h and < 65,000 Btu/h	All	86°F entering water	12.0 EER	
	□ 65,000 Btu/h and < 135,000 Btu/h	All	86°F entering water	12.0 EER	
Ground water source (cooling mode)	< 135,000 Btu/h	All	59°F entering water	16.2 EER	
		All	77°F entering water	13.4 EER	
Water-source water to water (cooling mode)	< 135,000 Btu/h	All	86°F entering water	10.6 EER	ISO 13256-2
			59°F entering water	16.3 EER	
Ground water source Brine to water (cooling mode)	< 135,000 Btu/h	All	77°F entering fluid	12.1 EER	
Air cooled (heating mode)	< 65,000 ^b Btu/h	—	Split System	8.2 HSPF	AHRI 210/240

		—	Single Package	8.0 HSPF
Through-the-wall, (air cooled, heating mode)	□ 30,000 ^b Btu/h (cooling capacity)	—	Split System	8.2 HSPF
		—	Single Package	8.0 HSPF
Small-duct high velocity (air cooled, heating mode)	< 65,000 ^b Btu/h	—	Split System	7.7 HSPF

(continued)

TABLE C403.2.3(2)—continued
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED UNITARY AND APPLIED HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUB-CATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY	TEST PROCEDURE ^a
Air cooled (heating mode)	□ 65,000 Btu/h and < 135,000 Btu/h (cooling capacity)	—	47°F db/43°F wb Outdoor Air	3.3 COP	AHRI 340/360
			17°F db/15°F wb Outdoor Air	2.25 COP	
	□ 135,000 Btu/h (cooling capacity)	—	47°F db/43°F wb Outdoor Air	3.2 COP	
			17°F db/15°F wb Outdoor Air	2.05 COP	
Water source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	68°F entering water	4.2 COP	ISO 13256-1
Ground water source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	50°F entering water	3.6 COP	
Ground source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	32°F entering fluid	3.1 COP	
Water-source water to water (heating mode)	< 135,000 Btu/h (cooling capacity)	—	68°F entering water	3.7 COP	
			50°F entering water	3.1 COP	
Ground source brine to water (heating mode)	< 135,000 Btu/h (cooling capacity)	—	32°F entering fluid	2.5 COP	

For SI: 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8.

- a. Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the reference year version of the test procedure.
- b. Single-phase, air-cooled air conditioners less than 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

TABLE C403.2.3(3)

Delete Table C403.2.3(3) in its entirety and replace with a new Table C403.2.3(3) to read as follows:

TABLE C403.2.3(3)
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED PACKAGED TERMINAL AIR CONDITIONERS, PACKAGED TERMINAL HEAT PUMPS, SINGLE-PACKAGE VERTICAL AIR CONDITIONERS, SINGLE VERTICAL HEAT PUMPS, ROOM AIR CONDITIONERS AND ROOM AIR-CONDITIONER HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
			Before 10/08/2012	As of 10/08/2012	
PTAC (cooling mode) new construction	All Capacities	95°F db outdoor air	12.5 - (0.213 × Cap/1000) EER	13.8 - (0.300 × Cap/1000) EER	AHRI 310/380
PTAC (cooling mode) ^b replacements	All Capacities	95°F db outdoor air	10.9 - (0.213 × Cap/1000) EER	10.9 - (0.213 × Cap/1000) EER	
PTHP (cooling mode) new construction	All Capacities	95°F db outdoor air	12.3 - (0.213 × Cap/1000) EER	14.0 - (0.300 × Cap/1000) EER	

PTHP (cooling mode) replacements ^b	All Capacities	95°F db outdoor air	10.8 - (0.213 × Cap/1000) EER	10.8 - (0.213 × Cap/1000) EER	
PTHP (heating mode) new construction	All Capacities	—	3.2 - (0.026 × Cap/1000) COP	3.2 - (0.026 × Cap/1000) COP	
PTHP (heating mode) replacements ^b	All Capacities	—	2.9 - (0.026 × Cap/1000) COP	2.9 - (0.026 × Cap/1000) COP	
SPVAC (cooling mode)	< 65,000 Btu/h	95°F db/ 75°F wb outdoor air	9.0 EER	9.0 EER	AHRI 390
	□ 65,000 Btu/h and < 135,000 Btu/h	95°F db/ 75°F wb outdoor air	8.9 EER	8.9 EER	
	□ 135,000 Btu/h and < 240,000 Btu/h	95°F db/ 75°F wb outdoor air	8.6 EER	8.6 EER	
SPVHP (cooling mode)	< 65,000 Btu/h	95°F db/ 75°F wb outdoor air	9.0 EER	9.0 EER	AHRI 390
	□ 65,000 Btu/h and < 135,000 Btu/h	95°F db/ 75°F wb outdoor air	8.9 EER	8.9 EER	
	□ 135,000 Btu/h and < 240,000 Btu/h	95°F db/ 75°F wb outdoor air	8.6 EER	8.6 EER	
SPVHP (heating mode)	< 65,000 Btu/h	47°F db/ 43°F wb outdoor air	3.0 COP	3.0 COP	AHRI 390
	□ 65,000 Btu/h and < 135,000 Btu/h	47°F db/ 43°F wb outdoor air	3.0 COP	3.0 COP	
	□ 135,000 Btu/h and < 240,000 Btu/h	47°F db/ 75°F wb outdoor air	2.9 COP	2.9 COP	

(continued)

TABLE C403.2.3(3)—continued
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED PACKAGED TERMINAL AIR CONDITIONERS, PACKAGED TERMINAL HEAT PUMPS, SINGLE-PACKAGE VERTICAL AIR CONDITIONERS, SINGLE VERTICAL HEAT PUMPS, ROOM AIR CONDITIONERS AND ROOM AIR-CONDITIONER HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
			Before 10/08/2012	As of 10/08/2012	
Room air conditioners, with lowered slides	< 6,000 Btu/h	—	9.7 SEER	11.0 SEER	ANSI/AHAM RAC-1
	□ 6,000 Btu/h and < 8,000 Btu/h	—	9.7 EER	11.0 EER	
	□ 8,000 Btu/h and < 14,000 Btu/h	—	9.8 EER	10.9 EER	
	□ 14,000 Btu/h and < 20,000 Btu/h	—	9.7 SEER	10.7 SEER	
	□ 20,000 Btu/h	—	8.5 EER	9.4 EER	
Room air conditioners, without lowered slides	< 8,000 Btu/h	—	9.0 EER	10.0 EER	ANSI/AHAM RAC-1
	□ 8,000 Btu/h and < 20,000 Btu/h	—	8.5 EER	9.5 EER	
	□ 20,000 Btu/h	—	8.5 EER	9.4 EER	
Room air-conditioner heat pumps with lowered slides	< 20,000 Btu/h	—	9.0 EER	9.8 EER	ANSI/AHAM RAC-1
	□ 20,000 Btu/h	—	8.5 EER	9.3 EER	
Room air-conditioner heat pumps without lowered slides	< 14,000 Btu/h	—	8.5 EER	9.3 EER	ANSI/AHAM RAC-1
	□ 14,000 Btu/h	—	8.0 EER	8.7 EER	
Room air conditioner casement only	All capacities	—	8.7 EER	9.5 EER	ANSI/AHAM RAC-1
Room air conditioner casement-slider	All capacities	—	9.5 EER	10.4 EER	ANSI/AHAM RAC-1

For SI: 1 British thermal unit per hour = 0.2931 W, °C = [(°F) - 32]/1.8.

“Cap” = The rated cooling capacity of the project in Btu/h. If the unit’s capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit’s capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculations.

- Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- Replacement unit shall be factory labeled as follows: “MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY: NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS.” Replacement efficiencies apply only to units with existing sleeves less than 16 inches (406 mm) in height and less than 42 inches (1067 mm) in width.

TABLE C403.2.3(4)

Delete Table C403.2.3(4) in its entirety and replace with a new Table C403.2.3(4) to read as follows:

TABLE 403.2.3(4)
WARM AIR FURNACES AND COMBINATION WARM AIR FURNACES/AIR-CONDITIONING UNITS, WARM AIR DUCT FURNACES AND UNIT HEATERS, MINIMUM EFFICIENCY REQUIREMENTS

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^{d,e}	TEST PROCEDURE ^a
Warm air furnaces, gas fired	< 225,000 Btu/h	—	80% AFUE or 80%E _t	DOE 10 CFR Part 430 or ANSI Z21.47
	□ 225,000 Btu/h	Maximum capacity ^c	81%E _t ^f	ANSI Z21.47
Warm air furnaces, oil fired	< 225,000 Btu/h	—	80% AFUE or 80%E _t	DOE 10 CFR Part 430 or UL 727
	□ 225,000 Btu/h	Maximum capacity ^b	82%E _t ^g	UL 727
Warm air duct furnaces, gas fired	All capacities	Maximum capacity ^b	80%E _c	ANSI Z83.8
Warm air unit heaters, gas fired	All capacities	Maximum capacity ^b	80%E _c	ANSI Z83.8
Warm air unit heaters, oil fired	All capacities	Maximum capacity ^b	80%E _c	UL 731

For SI: 1 British thermal unit per hour = 0.2931 W.

- Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- Minimum and maximum ratings as provided for and allowed by the unit’s controls.
- Combination units not covered by the National Appliance Energy Conservation Act of 1987 (NAECA) (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) shall comply with either rating.
- E = Thermal efficiency. See test procedure for detailed discussion.
- E_c = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.
- E_c = Combustion efficiency. Units must also include an IID, have jackets not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.
- E_t = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

TABLE C403.2.3(5)

Delete Table C403.2.3(5) in its entirety and replace with a new Table C403.2.3(5) to read as follows:

TABLE C403.2.3(5)
MINIMUM EFFICIENCY REQUIREMENTS: GAS- AND OIL-FIRED BOILERS

EQUIPMENT TYPE ^a	SUBCATEGORY OR RATING CONDITION	SIZE CATEGORY (INPUT)	MINIMUM EFFICIENCY	TEST PROCEDURE
Boilers, hot water	Gas-fired	< 300,000 Btu/h	82% AFUE	10 CFR Part 430
		□ 300,000 Btu/h and < 2,500,000 Btu/h	83%E _t	10 CFR Part 431
		> 2,500,000 Btu/h	85%E _c	
Boilers, steam	Gas-fired	< 300,000 Btu/h	80% AFUE	10 CFR Part 430
		□ 300,000 Btu/h and < 2,500,000 Btu/h	84% AFUE	10 CFR Part 431
		> 2,500,000 Btu/h	85%E _c	
Boilers, steam	Gas-fired- all, except natural draft	< 300,000 Btu/h	80%E _t	10 CFR Part 431
		□ 300,000 Btu/h and < 2,500,000 Btu/h	80%E _t	
	Gas-fired-natural draft	□ 300,000 Btu/h and < 2,500,000 Btu/h	79%E _t	

		^a > 2,500,000 Btu/h	79% E _t	
		< 300,000 Btu/h	82% AFUE	10 CFR Part 430
	^c Oil-fired	□ 300,000 Btu/h and ^b	83% E _t	10 CFR Part 431
		□ 2,500,000 Btu/h		
		^a > 2,500,000 Btu/h	83% E _t	

For SI: 1 British thermal unit per hour = 0.2931 W.

E_c = Combustion efficiency (100 percent less flue losses). E_t = Thermal efficiency.
See referenced standard document for detailed information.

- a. These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.
- b. Maximum capacity – minimum and maximum ratings as provided for and allowed by the unit's controls.
- c. Includes oil-fired (residual).

TABLE C403.2.3(8)

Delete Table C403.2.3(8) in its entirety and replace with a new Table C403.2.3(8) to read as follows:

TABLE C403.2.3(8)
MINIMUM EFFICIENCY REQUIREMENTS:
HEAT REJECTION EQUIPMENT

EQUIPMENT TYPE ^a	TOTAL SYSTEM HEAT REJECTION CAPACITY AT RATED CONDITIONS	SUBCATEGORY OR RATING CONDITION	PERFORMANCE REQUIRED ^{b,c,d}	TEST PROCEDURE ^{e,f}
Propeller or axial fan open circuit cooling towers	All	95°F Entering Water 85°F Leaving Water 75°F Entering wb	> 38.2 gpm/hp	CTI ATC-105 and CTI STD-201
Centrifugal fan open circuit cooling towers	All	95°F Entering Water 85°F Leaving Water 75°F Entering wb	> 20.0 gpm/hp	CTI ATC-105 and CTI STD-201
Propeller or axial fan closed circuit cooling towers	All	102°F Entering Water 90°F Leaving Water 75°F Entering wb	> 14.0 gpm/hp	CTI ATC-105S and CTI STD-201
Centrifugal closed circuit cooling towers	All	102°F Entering Water 90°F Leaving Water 75°F Entering wb	> 7.0 gpm/hp	CTI ATC-105S and CTI STD-201
Air-cooled condensers	All	125°F Condensing Temperature R-22 Test Fluid 190°F Entering Gas Temperature 15°F Subcooling 95°F Entering db	> 176,000 Btu/h-hp	AHRI 460

For SI: °C = [(°F)-32]/1.8, L/s · kW = (gpm/hp)/(11.83), COP = (Btu/h · hp)/(2550.7).

db = dry bulb temperature, °F, wb = wet bulb temperature, °F.

- a. The efficiencies and test procedures for both open and closed circuit cooling towers are not applicable to hybrid cooling towers that contain a combination of wet and dry heat exchange sections.
- b. For purposes of this table, open circuit cooling tower performance is defined as the water flow rating of the tower at the thermal rating condition listed in Table 403.2.3(8) divided by the fan nameplate rated motor power.
- c. For purposes of this table, closed circuit cooling tower performance is defined as the water flow rating of the tower at the thermal rating condition listed in Table 403.2.3(8) divided by the sum of the fan nameplate rated motor power and the spray pump nameplate rated motor power.
- d. For purposes of this table, air-cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan nameplate rated motor power.
- e. Chapter 6 of the referenced standard contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- f. If a certification program exists for a covered product, and it includes provisions for verification and challenge of equipment efficiency ratings, then the product shall be listed in the certification program, or, if a certification program exists for a covered product, and it includes provisions for verification and challenge of equipment efficiency ratings, but the product is not listed in the existing certification program, the ratings shall be verified by an independent laboratory test report.

C403.2.4.4.2 Outdoor air intakes and exhausts.

Delete Section C403.2.4.4.2 in its entirety and replace with a new Section C403.2.4.4.2 to read as follows:

C403.2.4.4.2 Outdoor air intakes and exhausts. Outdoor air supply and exhaust openings in the building envelope, ducts, or equipment shall be provided with Class I motorized dampers with a maximum leakage rate of 4 cfm/ft² (20.3 L/s · m²) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D. Outdoor air supply and exhaust motorized dampers shall be configured to close automatically when the systems or spaces served are not in use.

Exceptions:

1. Gravity (nonmotorized) dampers having a maximum leakage rate of 20 cfm/ft² (101.6 L/s · m²) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D are permitted to be used as follows:

1.1. In buildings less than three stories in height above grade for exhaust and relief dampers.

1.2. Where the design outdoor air intake or exhaust capacity does not exceed 300 cfm (141 L/s).

Gravity (nonmotorized) dampers for ventilation air intakes shall be protected from direct exposure to wind.

2. Gravity (nonmotorized) dampers smaller than 24 inches (610 mm) in either dimension shall be permitted to have a leakage of 40 cfm/ft² (203.2 L/s · m²) at 1.0 inch water gauge (w.g.) (249 Pa) when tested in accordance with AMCA 500D.

3. Dampers are not required for:

3.1. Ventilation or exhaust systems serving unconditioned spaces.

3.2. Exhaust systems serving Type 1 kitchen exhaust hoods.

C403.2.7.1.3 High-pressure duct systems.

Delete Section C403.2.7.1.3 in its entirety and replace with a new Section C403.2.7.1.3 to read as follows:

C403.2.7.1.3 High-pressure duct systems. Ducts designed to operate at static pressures in excess of 3 inches water gauge (w.g.) (750 Pa) shall be insulated and sealed in accordance with Section C403.2.7. In addition, ducts and plenums shall be leak-tested in accordance with the SMACNA HVAC Air Duct Leakage Test Manual with the rate of air leakage (CL) less than or equal to 6.0 as determined in accordance with Equation C4-3.

$$CL = F/P^{0.65}$$

(Equation C4-3)

where:

F = The measured leakage rate in cfm per 100 square feet of duct surface.

P = The static pressure of the test.

Documentation shall be furnished by the designer demonstrating that representative sections totaling at least 25 percent of the duct area have been tested and that all tested sections meet the requirements of this section.

TABLE C403.3.1

Delete Table 403.3.1 in its entirety and replace with a new Table C403.3.1 to read as follows:

TABLE C403.3.1
EQUIPMENT EFFICIENCY PERFORMANCE EXCEPTION FOR ECONOMIZERS

CLIMATE ZONE	COOLING EQUIPMENT EFFICIENCY IMPROVEMENT (%) ^a
4	4
A	2
5	4
A	9
6	5
A	6

a. A system qualifies for Exception 8 to the requirements of Section C403.3.1 if:

(1) the energy efficiency of the HVAC unit is rated with a “part load” metric (such as IPLV, IEER or SEER); Tables C403.2.3(1) through C403.2(8) specify a required minimum cooling efficiency for such HVAC unit using the same “part load” metric; and the rated efficiency of the HVAC unit exceeds the required minimum efficiency (expressed in the same “part load” metric) by at least the percentage shown in this Table; or

(2) the energy efficiency of the HVAC unit is not rated with any “part load” metric but is rated with a “full load” metric (such as EER or COP); Tables C403.2.3(1) through C403.2(8) specify a required minimum cooling efficiency for such HVAC unit using the same “full load” metric; and the rated efficiency of the HVAC unit exceeds the required minimum efficiency (expressed in the same “full load” metric) by at least the percentage shown in this Table.

C403.3.1.1.5 Dampers

Delete Section C403.3.1.1.5 in its entirety and replace with a new Section C403.3.1.1.5 to read as follows:

C403.3.1.1.5 Dampers. Exhaust/relief and outdoor air dampers shall meet the requirements of Section C403.2.4.4.2.

C403.4.2 Fan airflow control.

Delete Section C403.4.2 in its entirety and replace with a new Section C403.4.2 to read as follows:

C403.4.2 Fan airflow control. HVAC systems with fans shall meet the requirements of C403.3.3 or C403.4.2.1.

C403.4.2.1 Variable air volume (VAV) fan control. Individual VAV fans with motors of 5 horsepower (3.7 kW) or greater shall be:

1. Driven by a mechanical or electrical variable speed drive;
2. Driven by a vane-axial fan with variable-pitch blades; or
3. The fan shall have controls or devices that will result in fan motor demand of no more than 30 percent of their design wattage at 50 percent of design airflow when static pressure set point equals one-third of the total design static pressure, based on manufacturer’s certified fan data.

C403.4.2.1.1 Static pressure sensor location. Static pressure sensors used to control VAV fans shall be placed in a position such that the controller setpoint is no greater than one-third the total design fan static pressure, except for systems with zone reset control complying with Section C403.4.2.1.2. For sensors installed down-stream of major duct splits, at least one sensor shall be located on each major branch to ensure that static pressure can be maintained in each branch.

C403.4.2.1.2 Set points for direct digital control. For systems with direct digital control of individual zone boxes reporting to the central control panel, the static pressure set point shall be reset based on the zone requiring the most pressure, i.e., the set point is reset lower until one zone damper is nearly wide open.

SECTION C405

ELECTRICAL POWER AND LIGHTING SYSTEMS (MANDATORY)

C405.2.2.2 Occupancy sensors.

Delete Section C405.2.2.2 in its entirety and replace with a new Section C405.2.2.2 to read as follows:

C405.2.2.2 Occupancy sensors. Automatic control devices shall be installed in the following spaces to automatically turn off lights within 30 minutes of all occupants leaving the space as follows:

1. Occupancy sensors shall be installed in all classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms), conference/meeting rooms, employee lunch and break rooms, and offices smaller than 200 square feet (18.5 m²) in area. These shall be manual-on switches. Such sensors and controls shall not have an override switch that converts from manual-on to

automatic-on functionality. The occupancy sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.

2. Occupancy sensors shall be installed in restrooms, storage rooms, private offices 200 square feet (18.5 m²) in area or greater, janitorial closets, and other spaces 300 square feet in area or less enclosed by floor-to-ceiling height partitions, except for spaces listed in Item 1. These automatic control devices shall be installed to automatically turn off lights within 30 minutes of all occupants leaving the space, and shall either be manual-on or shall be controlled to automatically turn the lighting on to not more than 50 percent power.

Exception: Full automatic-on controls shall be permitted to control lighting in public corridors, stairways, restrooms, primary building entrance areas and lobbies, and areas where manual-on operation would endanger the safety or security of the room or building occupants.

C405.3 Reserved.

Add a new Section C405.3 to read as follows:

C405.3 Reserved.

C405.5.1.2 Reserved.

Add a new Section C405.5.1.2 to read as follows:

C405.5.1.2 Reserved.

C405.6.1 Reserved.

Add a new Section C405.6.1 to read as follows:

C405.6.1 Reserved.

C405.6.2 Exterior building lighting power.

Delete Section C405.6.2 in its entirety and replace with a new Section C405.6.2 to read as follows:

C405.6.2 Exterior building lighting power.

The total exterior lighting power allowance for all exterior building applications is the sum of the base site allowance plus the individual allowances for areas that are to be illuminated and are permitted in Table C405.6.2(2) for the applicable lighting zone. Tradeoffs are allowed only among exterior lighting applications listed in Table C405.6.2(2), Tradable Surfaces section. The lighting zone for the building exterior is determined from Table C405.6.2(1) unless otherwise specified by the local jurisdiction. Exterior lighting for all applications (except those included in the exceptions to Section C405.6.2) shall comply with the requirements of Section C405.6.

Exception: Lighting used for the following exterior applications is exempt where equipped with a control device independent of the control of the nonexempt lighting:

1. Specialized signal, directional and marker lighting associated with transportation;
2. Advertising signage or directional signage;
3. Integral to equipment or instrumentation and is installed by its manufacturer;
4. Theatrical purposes, including performance, stage, film production and video production;
5. Athletic playing areas;
6. Temporary lighting;
7. Industrial production, material handling, transportation sites and associated storage areas;
8. Theme elements in theme/amusement parks; and
9. Used to highlight features of public monuments and registered historic landmark structures or buildings.

C405.7.1 Electrical sub-metering (mandatory).

Add a new section C405.7.1 to read as follows:

C405.7.1 Measurement of electrical consumption of tenant spaces in covered buildings constructed on and after January 1, 2016. The terms meter, submeter, covered building, tenant space and covered tenant space shall be as defined in Section 28-311.2 of the Administrative Code of the city of New York. Each covered tenant space in a building where plans were filed with the department on and after January 1, 2016 shall be equipped with a separate

meter or sub-meter to measure the electrical consumption of such space when let or sublet. Where the covered tenant space is a floor with multiple tenancies, each tenancy that is 10,000 gross square feet (929 m²) in area or less shall (i) be equipped with a separate meter or sub-meter, (ii) share a meter or sub-meter with other tenant spaces on the floor, or (iii) share a meter or sub-meter covering the entire floor. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section.

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

**SECTION C407
TOTAL BUILDING PERFORMANCE**

Delete Section C407 in its entirety and replace with a new section C407 to read as follows:

**SECTION C407
TOTAL BUILDING PERFORMANCE**

C407.1 Scope. This section establishes criteria for compliance using total building performance. Buildings following the total building performance path must comply with ASHRAE 90.1-2010 as amended by Appendix A of this code, demonstrating compliance under Section 11 or Appendix G of such standard.

**SECTION C408
SYSTEM COMMISSIONING**

Section C408.1 General.

Delete Section C408.1 in its entirety and replace with a new Section C408.1 to read as follows:

C408.1 General. This section covers the commissioning of building mechanical systems in Section C403, service water heating systems in Section C404, and electrical power and lighting systems in Section C405.

C408.2 Mechanical systems commissioning and completion requirements.

Delete Section C408.2 in its entirety and replace with a new Section C408.2 with a new title, to read as follows:

C408.2 Mechanical, renewable energy, and service water heating systems commissioning and completion requirements. Prior to passing the final mechanical inspection, the registered design professional shall provide evidence of mechanical systems commissioning and completion in accordance the provisions of this section.

Construction document notes shall clearly indicate provisions for commissioning and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements. Copies of all documentation shall be given to the owner and shall be made available to the code official upon request in accordance with Sections C408.2.4 and C408.2.5.

Mechanical systems, renewable energy, and service water heating systems shall include but are not limited to, at a minimum, the following heating, ventilating, air conditioning, service water heating, indoor air quality and refrigeration systems (mechanical and/or passive) and associated controls:

1. Heating, cooling, air handling and distribution, ventilation, and exhaust systems, and their related air quality monitoring systems.
2. Air, water, and other energy recovery systems.
3. Manual or automatic controls, whether local or remote, on energy using systems including but not limited to temperature controls, setback sequences, and occupancy based control, including energy management functions of the building management system.
4. Plumbing, including insulation of piping and associated valves, domestic and process water pumping, and mixing systems.
5. Mechanical heating systems and service water heating systems.
6. Refrigeration systems.
7. Renewable energy and energy storage systems.

8. Other systems, equipment and components that are used for heating, cooling or ventilation and that affect energy use.

Exception: Mechanical, renewable energy, and service hot water systems in buildings where the total mechanical equipment capacity being installed is less than 480,000 Btu/h (140 690 W) cooling capacity and 600,000 Btu/h (175 860 W) heating capacity are exempt from the commissioning requirements.

C408.2.1 Commissioning plan.

Delete Item 2 and replace with a new Item 2 to read as follows:

2. A listing of the specific equipment, appliances or systems to be tested, their full sequences of operation, and a description of the tests to be performed, including prerequisite activities and reference to specific checklists or worksheets which are necessary or required by the department.

C408.2.3.1 Equipment.

Delete the exception in this section and replace with a new exception to read as follows:

Exception: Unitary or packaged HVAC equipment listed in Tables C403.2.3(1) through C403.2.3(3) that do not require supply air economizers shall only be required to demonstrate functioning under full-load and part-load conditions.

C408.2.5.4 Final commissioning report.

Delete the language in the first sentence before the colon and replace with new language to read as follows:

Within 30 months for buildings 500,000 gross square feet (46 452 m²) or greater, excluding R-2 occupancies, or within 18 months for R-2 occupancies and all other buildings, of the issuance of the certificate of occupancy or letter of completion, a registered design professional or approved agency shall prepare a report of test procedures and results, including test procedures and results performed after occupancy, identified as the "Final Commissioning Report", provide such report to the building owner, and submit a certification to the department with applicable fees in accordance with department rules. The owner of a building 500,000 gross square feet (46 452 m²) or greater may apply for an extension of time to the code official based on good cause, in accordance with department rules. Such report shall include:

**CHAPTER C5
REFERENCED STANDARDS**

Delete Chapter C5 in its entirety and replace with a new Chapter C5 to read as follows:

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 105.

American Architectural Manufacturers Association

1827 Walden Office Square

Suite 550

AAMA Schaumburg, IL 60173-4268

Standard reference number	Title	Referenced in code section number
	North American Fenestration Standard/	
AAMA/WDMA/CSA 101/I.S.2/A A440—11	Specifications for Windows, Doors and Unit Skylights	Table C402.4.3

Association of Home Appliance Manufacturers

1111 19th Street, NW, Suite 402

AHAM *Washington, DC 20036*

<i>Standard reference number</i>	<i>Title</i>	<i>Referenced in code section number</i>
<i>ANSI/AHAM RAC-1—2008</i>	<i>Room Air Conditioners</i>	<i>Table C403.2.3(3)</i>

Air Conditioning, Heating, and Refrigeration Institute

4100 North Fairfax Drive

Suite 200

AHRI *Arlington, VA 22203*

<i>Standard reference number</i>	<i>Title</i>	<i>Referenced in code section number</i>
<i>ISO/AHRI/ASHRAE 13256-1 (2005)</i>	<i>Water-source Heat Pumps—Testing and Rating for Performance—Part 1: Water-to-air and Brine-to-air Heat Pumps</i>	<i>Table C403.2.3(2)</i>
<i>ISO/AHRI/ASHRAE 13256-2 (1998)</i>	<i>Water-source Heat Pumps—Testing and Rating for Performance—Part 2: Water-to-water and Brine-to-water Heat Pumps</i>	<i>Table C403.2.3(2)</i>
<i>210/240—08</i>	<i>Unitary Air Conditioning and Air-source Heat Pump Equipment</i>	<i>Table C403.2.3(1), Table C403.2.3(2)</i>
<i>310/380—04</i>	<i>Standard for Packaged Terminal Air Conditioners and Heat Pumps</i>	<i>Table C403.2.3(3)</i>
<i>340/360—2007</i>	<i>Commercial and Industrial Unitary Air-conditioning and Heat Pump Equipment</i>	<i>Table C403.2.3(1), Table C403.2.3(2)</i>
<i>365—09</i>	<i>Commercial and Industrial Unitary Air-conditioning Condensing Units</i>	<i>Table C403.2.3(1), Table C403.2.3(6)</i>
<i>390—03</i>	<i>Performance Rating of Single Package Vertical Air Conditioners and Heat Pumps</i>	<i>Table C403.2.3(3)</i>
<i>400—01</i>	<i>Liquid to Liquid Heat Exchangers with Addendum 2</i>	<i>Table C403.2.3(9)</i>
<i>440—08</i>	<i>Room Fan Coil</i>	<i>C403.2.8</i>
<i>460—05</i>	<i>Performance Rating Remote Mechanical Draft Air-cooled Refrigerant Condensers</i>	<i>Table C403.2.3(8)</i>
<i>550/590—03</i>	<i>Water Chilling Packages Using the Vapor Compression Cycle—with Addenda</i>	<i>C403.2.3.1, Table C403.2.3(7), Table C406.2(6)</i>
<i>560—00</i>	<i>Absorption Water Chilling and Water-heating Packages</i>	<i>Table C403.2.3(7), Table C406.2(6)</i>
<i>*AHRI 840-98</i>	<i>Unit Ventilators</i>	<i>C403.2.8</i>
<i>1160—08</i>	<i>Performance Rating of Heat Pump Pool Heaters</i>	<i>Table C404.2</i>

**Denotes standard that is incorporated by reference into 19 NYCRR Part 1240*

Air Movement and Control Association International

30 West University Drive

AMCA *Arlington Heights, IL 60004-1806*

<i>Standard reference number</i>	<i>Title</i>	<i>Referenced in code section number</i>
<i>500D—10</i>	<i>Laboratory Methods for Testing Dampers for Rating</i>	<i>C403.2.4.4.1, C403.2.4.4.2</i>

American National Standards Institute

25 West 43rd Street

Fourth Floor

ANSI *New York, NY 10036*

<i>Standard reference number</i>	<i>Title</i>	<i>Referenced in code section number</i>
<i>Z21.10.3/CSA 4.3—04</i>	<i>Gas Water Heaters, Volume III—Storage Water Heaters with Input Ratings Above 75,000 Btu per Hour, Circulating Tank and Instantaneous</i>	<i>Table C404.2</i>
<i>Z21.47/CSA 2.3—06</i>	<i>Gas-fired Central Furnaces</i>	<i>Table C403.2.3(4), Table C406.2(4)</i>
<i>Z21.50—07</i>	<i>Vented Gas Fireplace (CSA ANSI Z21.50/CSA 2.22)</i>	<i>C402.2.9</i>
<i>Z21.60—03</i>	<i>Decorative Gas Burning Appliances for Installation in Solid-Fuel Burning Fireplaces with addenda Z21.60a—2003 (CSA ANSI Z21.50/CSA 2.26)</i>	<i>C402.2.9</i>
<i>Z83.8/CSA 2.6—09</i>	<i>Gas Unit Heaters, Gas Packaged Heaters, Gas Utility Heaters and Gas-fired Duct Furnaces</i>	<i>Table C403.2.3(4), Table C406.2(4)</i>

American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

1791 Tullie Circle, NE

ASHRAE *Atlanta, GA 30329-2305*

<i>Standard reference number</i>	<i>Title</i>	<i>Referenced in code section number</i>
<i>ANSI/ASHRAE/ACCA Standard 183—2007</i>	<i>Peak Cooling and Heating Load Calculations in Buildings, Except Low-rise Residential Buildings</i>	<i>C403.2.1</i>
<i>ASHRAE—2004</i>	<i>ASHRAE HVAC Systems and Equipment Handbook—2004</i>	<i>C403.2.1</i>
<i>111—08</i>	<i>Measurement, Testing, Adjusting, and Balancing of Building Heating, Ventilation and Air-Conditioning Systems</i>	<i>C408.2.2</i>
<i>ISO/AHRI/ASHRAE 13256-1 (2005)</i>	<i>Water-source Heat Pumps—Testing and Rating for Performance—Part 1: Water-to-air and Brine-to-air Heat Pumps</i>	<i>Table C403.2.3(2)</i>
<i>ISO/AHRI/ASHRAE 13256-2 (1998)</i>	<i>Water-source Heat Pumps—Testing and Rating for Performance—Part 2: Water-to-water and Brine-to-water Heat Pumps</i>	<i>Table C403.2.3(2)</i>
<i>90.1—2010</i>	<i>Energy Standard for Buildings Except Low-rise Residential Buildings</i>	<i>101.1.1, 101.4.3, 101.4.3.1, 101.4.3.2, 101.5.1.2, C202, C401.2, C401.2.1, C402.1.1, Table C402.1.2, Table C402.2, C403.2.3.1, C407.1</i>
<i>146—2006</i>	<i>Testing and Rating Pool Heaters</i>	<i>Table C404.2</i>

ASTM International

100 Barr Harbor Drive

ASTM

West Conshohocken, PA 19428-2859

Standard reference number	Title	Referenced in code section number
C 90—08	Specification for Load-bearing Concrete Masonry Units	Table C402.2
C 1371—04	Standard Test Method for Determination of Emittance of Materials Near Room Temperature Using Portable Emissometers	Table C402.2.1.1
C 1549—04	Standard Test Method for Determination of Solar Reflectance Near Ambient Temperature Using A Portable Solar Reflectometer	Table C405.2.1.1
D 1003—07e1	Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics	C402.3.2.2
*ASTM E96-00	Standard Test Methods for Water Vapor Transmission of Materials (Vapor Retarder)	C202, C402.4.9.2
E 283—04	Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen	C202, C402.4.1.2.2, Table C402.4.3, C402.4.8
E 408—71(2002)	Test Methods for Total Normal Emittance of Surfaces Using Inspection-meter Techniques	Table C402.2.1.1
E 779—03	Standard Test Method for Determining Air Leakage Rate by Fan Pressurization	C402.4.1.2.3
E 903—96	Standard Test Method Solar Absorptance, Reflectance and Transmittance of Materials Using Integrating Spheres (Withdrawn 2005)	Table C402.2.1.1
E 1677—05	Standard Specification for an Air-retarder (AR) Material or System for Low-rise Framed Building Walls	C402.4.1.2.2
E 1918—97	Standard Test Method for Measuring Solar Reflectance of Horizontal or Low-sloped Surfaces in the Field	Table C402.2.1.1
E 1980—(2001)	Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-sloped Opaque Surfaces	Table C402.2.1.1
E 2178—03	Standard Test Method for Air Permanence of Building Materials	C202, C402.4.1.2.1
E 2357—05	Standard Test Method for Determining Air Leakage of Air Barriers Assemblies	C402.4.1.2.2

*Denotes standard that is incorporated by reference into 19 NYCRR Part 1240

Canadian Standards Association
5060 Spectrum Way

CSA Mississauga, Ontario, Canada L4W 5N6

Standard reference number	Title	Referenced in code section number
AAMA/WDMA/CSA 101/1.S.2/A440—11	North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights	Table C402.4.3

Cooling Technology Institute
2611 FM 1960 West, Suite A-101

CTI Houston, TX 77068

Standard reference number	Title	Referenced in code section number
ATC 105/105S (00)	Acceptance Test Code for Water Cooling Tower	Table C403.2.3(8)
STD 201—09	Standard for Certification of Water Cooling Towers Thermal Performances	Table C403.2.3(8)

Door and Access Systems Manufacturers Association
1300 Sumner Avenue

DASMA Cleveland, OH 44115-2851

Standard reference number	Title	Referenced in code section number
105—92 (R2004)	Test Method for Thermal Transmittance and Air Infiltration of Garage Doors	Table C402.4.3

U.S. Department of Energy
c/o Superintendent of Documents
U.S. Government Printing Office

DOE Washington, DC 20402-9325

Standard reference number	Title	Referenced in code section number
10 CFR, Part 430—1998	Energy Conservation Program for Consumer Products: Test Procedures and Certification and Enforcement Requirement for Plumbing Products; and Certification and Enforcement Requirements for Residential Appliances; Final Rule	Table C403.2.3(4), Table C403.2.3(5), Table C404.2, Table C406.2(4), Table C406.2(5)

*Appendix N to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations - 2009
Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers
C202

10 CFR, Part 431—2004
Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards; Final Rules
Table C403.2.3(5), Table C406.2(5)

NAECA 87—(88)
National Appliance Energy Conservation Act 1987
Tables C403.2.3(1), (2), (4)
[(Public Law 100-12 (with Amendments of 1988-P.L. 100-357)]

*Denotes standard that is incorporated by reference into 19 NYCRR Part 1240

International Code Council, Inc.
500 New Jersey Avenue, NW
6th Floor

ICC Washington, DC 20001

Standard reference number	Title	Referenced in code section number
EBNYS-10	Existing Building Code of New York State	101.2.1
ECCCNYS-10	Energy Conservation Construction Code of New York State	101.1.1
BCNYS-10	Building Code of New York State	101.2.1, C402.2.9, C402.4.9.1
FCNYS-10	Fire Code of New York State	101.2.1

FGNYS-10	Fuel Gas Code of New York State	101.2.1
IECC-12	International Energy Conservation Code	101.1.1
NYSCEC-14	New York State Commercial Energy Code	101.1.1, 101.5.1.2
NYSEC-14	New York State Energy Code	101.1.1, 101.2.3, 101.5.1.2, C202
NYSREC-14	New York State Residential Energy Code	101.1.1, 101.4.3, 101.5.1.1
PCNYS-10	Plumbing Code of New York State	101.2.1
PMNYS-10	Property Maintenance Code of New York State	101.2.1
RCNYS-10	Residential Code of New York State	101.2.1, 101.4.3, 101.5.1.1, C402.2.9, C402.4.9.1

Illuminating Engineering Society of North America
 120 Wall Street, 17th Floor
 IESNA
 New York, NY 10005-4001

Standard reference number	Title	Referenced in code section number
ANSI/ASHRAE/IESNA 90.1—2010	Energy Standard for Buildings, Except Low-rise Residential Buildings	101.1.1, 101.4.3, 101.4.3.1, 101.4.3.2, 101.5.1.2, C202, C401.2, C401.2.1, C402.1.1, Table C402.1.2, Table C402.2, C403.2.3.1, C407.1

*Denotes standard that is incorporated by reference into 19 NYCRR Part 1240

International Organization for Standardization
 1, rue de Varembe, Case postale 56, CH-1211
 ISO
 Geneva, Switzerland

Standard reference number	Title	Referenced in code section number
ISO/AHRI/ASHRAE 13256-1 (2005)	Water-source Heat Pumps—Testing and Rating for Performance— Part 1: Water-to-air and Brine-to-air Heat Pumps	C403.2.3(2)
ISO/AHRI/ASHRAE 13256-2 (1998)	Water-Source Heat Pumps—Testing and Rating for Performance— Part 2: Water-to-water and Brine-to-water Heat Pumps	C403.2.3(2)

National Fenestration Rating Council, Inc.
 6305 Ivy Lane, Suite 140
 NFRC
 Greenbelt, MD 20770

Standard reference number	Title	Referenced in code section number
100—2010	Procedure for Determining Fenestration Products U-factors—Second Edition	C303.1.3, C402.2.1
200—2010	Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence—	C303.1.3, C402.3.1.1

400—2010	Second Edition Procedure for Determining Fenestration Product Air Leakage—Second Edition	Table C402.4.3
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NYC
 New York City Department of Buildings
 280 Broadway
 New York, NY 10007

Standard reference number	Title	Referenced in code section number
NYCBC-68	1968 Building Code of the City of New York	101.2.1, C201.3
NYCAC	New York City Administrative Code	101.1, 101.2.1, 101.5.3.2, 101.5.3.3, 102.1, 103.1, 103.2.1, 103.3, 104.1, 104.1.1, 104.2.3, 104.3, 105.1, C202, C405.7.1
NYCBC	New York City Building Code	101.2.2, 102.1, 103.1, 103.2.1, 104.2.3, C201.3, C202, C303.2, C402.2.9, C402.4.4, C402.4.9.1, C402.4.9.3, C403.3.3
NYCEC	New York City Electrical Code	101.2.1, C202
NYCFC	New York City Fire Code	101.2.1, C201.3
NYCFGC	New York City Fuel Gas Code	102.1, 103.1, 103.2.1, 104.2.3, C201.3
NYCMC	New York City Mechanical Code	102.1, 103.1, 103.2.1, 104.2.3, C201.3, C403.2.5, C403.2.5.1, C403.2.6, C403.2.7, C403.2.7.1, C403.2.7.1.1, C403.2.7.1.2, C403.3.3, C403.4.5, C408.2.2.1
NYCPC	New York City Plumbing Code	102.1, 103.1, 103.2.1, 104.2.3, C201.3

Sheet Metal and Air Conditioning Contractors National Association, Inc.
 4021 Lafayette Center Drive
 SMACNA
 Chantilly, VA 20151-1209

Standard reference number	Title	Referenced in code section number
SMACNA—85	HVAC Air Duct Leakage Test Manual	C403.2.7.1.3

Underwriters Laboratories
 333 Pfingsten Road
 UL
 Northbrook, IL 60062-2096

Standard reference number	Title	Referenced in code section number
727—06	Oil-fired Central Furnaces—with Revisions through April 2010	Table C403.2.3(4), Table C406.2(4)
731—95	Oil-fired Unit Heaters—with Revisions through April 2010	Table C403.2.3(4), Table C406.2(4)
1784—01	Standard for Air Leakage Tests of Door Assemblies	C402.4.4

US—FTC
 United States - Federal Trade Commission

600 Pennsylvania Avenue NW
Washington, DC 20580

Standard reference number	Title	Referenced in code section number
CFR Title 16 (May 31, 2005)	R-value Rule	C303.1.4

Window and Door Manufacturers Association
1400 East Touhy Avenue, Suite 470

WDMA Des Plaines, IL 60018

Standard reference number	Title	Referenced in code section number
AAMA/WDMA/CSA 101/1.S.2/A440—11	North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights	Table C402.4.3

§28-1001.2.3 New York city amendments to the 2010 edition of Energy Standard for Buildings Except Low-Rise Residential Buildings (“ASHRAE 90.1-2010”), as amended by Chapter 3 of the 2014 Supplement. The New York City amendments to ASHRAE 90.1-2010 are as follows:

For the purpose of applying ASHRAE 90.1-2010 in the NYCECC, modifications to ASHRAE 90.1-2010 pursuant to Chapter 3 of the 2014 supplement and New York City amendments of such standard pursuant to this section are deemed to be incorporated in a new Appendix A to be inserted after chapter C5 of the NYCECC and to read as follows:

APPENDIX A

MODIFIED ENERGY STANDARD FOR BUILDINGS, EXCEPT FOR LOW-RISE RESIDENTIAL BUILDINGS

**SECTION ECC A101
SCOPE**

A101.1 Scope. This appendix provides the modifications to the nationally recognized standard ASHRAE 90.1-2010, governing commercial energy efficiency. Where a referenced publication has been modified for the City of New York as by the New York City Construction Codes and the New York City Energy Conservation Code, every reference to such publication shall be deemed to include all such modifications.

SECTION ECC A102

ENERGY STANDARD FOR COMMERCIAL BUILDINGS

A102.1 General. The standards for energy efficiency in commercial buildings, as defined in Section C202 of this code, shall be in accordance with Chapter C4 of this code or in accordance with ASHRAE 90.1-2010 as amended by chapter 3 of the 2014 Supplement and Section 28-1001.2.3 of the Administrative Code. Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to this standard in accordance with Section 28-103.19 of the Administrative Code.

A102.2 New York City amendments. The following New York City amendments to ASHRAE 90.1-2010, as amended by chapter 3 of the 2014 Supplement, are hereby adopted as set forth in this section.

Chapter 6 – Heating, Ventilation, and Air-Conditioning

6.7.2.4 Delete Section 6.7.2.4 in its entirety and replace with a new Section 6.7.2.4 to read as follows:

6.7.2.4. Projects complying with this standard shall also comply with Section C408 of the New York City Energy Conservation Code in regards to system commissioning. When demonstrating compliance with Section C408.3.1, projects following ASHRAE 90.1-2010 must demonstrate compliance with Chapter 9 of ASHRAE 90.1-2010 as required, in lieu of Section C405 of the New York City Energy Conservation Code.

Table 6.8.1A Delete Table 6.8.1A in its entirety and replace with a new Table 6.8.1A to read as follows:

**TABLE 6.8.1A
ELECTRICALLY OPERATED UNITARY AIR CONDITIONERS AND
CONDENSING UNITS - MINIMUM EFFICIENCY REQUIREMENTS**

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^a		TEST PROCEDURE ^b
				Before 6/1/2011	As of 6/1/2011	
Air conditioners, air cooled	< 65,000 ^c Btu/h	All	Split System	13.0 SEER	13.0 SEER	AHRI 210/240
			Single Package	14.0 SEER	14.0 SEER	
Through-the-wall (air cooled)	□ 30,000 ^c Btu/h	All	Split system	13.0 SEER	13.0 SEER	AHRI 210/240
			Single Package	14.0 SEER	14.0 SEER	
Small-duct high-velocity (air cooled)	< 65,000 ^c Btu/h	All	Split System	10.0 SEER	11.0 SEER	
Air conditioners, air cooled	□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.2 EER	11.2 EER	AHRI 340/360
			All other	11.4 IEER	11.4 IEER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	11.0 EER	
			All other	11.2 IEER	11.2 IEER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.8 EER	10.8 EER	
			All other	11.0 IEER	11.0 IEER	
	□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.0 EER	10.0 EER	
			All other	10.1 IEER	10.1 IEER	
	□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.8 EER	9.8 EER	
			All other	9.9 IEER	9.9 IEER	
□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.7 EER	9.7 EER		
		All other	9.8 IEER	9.8 IEER		
□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.5 EER	9.5 EER		
		All other	9.6 IEER	9.6 IEER		
Air conditioners, water cooled	< 65,000 ^b Btu/h	All	Split System and Single Package	12.1 EER	12.1 EER	AHRI 210/240
			All other	12.3 IEER	12.3 IEER	
	□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.5 EER	11.5 EER	AHRI 340/360
			All other	11.7 IEER	12.3 IEER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.3 EER	11.9 EER	
			All other	11.5 IEER	12.1 IEER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	12.5 EER	
			All other	11.2 IEER	12.5 IEER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.8 EER	12.3 EER	
			All other	11.0 IEER	12.5 IEER	
□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	12.4 EER		
		All other	11.1 IEER	12.6 IEER		
□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.8 EER	12.2 EER		
		All other	10.9 IEER	12.4 IEER		
□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	12.2 EER		
		All other	11.1 IEER	12.4 IEER		
□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.8 EER	12.0 EER		
		All other	10.9 IEER	12.2 IEER		

(continued)

**TABLE 6.8.1A
ELECTRICALLY OPERATED UNITARY AIR CONDITIONERS AND
CONDENSING UNITS - MINIMUM EFFICIENCY REQUIREMENTS**

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUB-CATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
				Before 6/1/2011	As of 6/1/2011	
Air conditioners, evaporatively cooled	< 65,000 ^b Btu/h	All	Split System and Single Package	12.1 EER	12.1 EER	AHRI 210/240
			All other	12.3 IEER	12.3 IEER	
	□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.5 EER	12.1 EER	AHRI 340/360
			All other	11.7 IEER	12.3 IEER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.3 EER	11.9 EER	
			All other	11.5 IEER	12.1 IEER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	12.0 EER	
			All other	11.2 IEER	12.2 IEER	
	□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.8 EER	11.8 EER	
			All other	11.0 IEER	12.0 IEER	
□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	11.9 EER		
		All other	11.1 IEER	12.1 EER		
□ 240,000 Btu/h and < 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER	11.9 EER		
		All other	11.1 IEER	12.1 EER		

	Btu/h	All other	Split System and Single Package	10.8 EER 10.9 IEER	12.2 EER 11.9 IEER	
	□ 760,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.1 IEER	11.7 EER 11.9 IEER	
		All other	Split System and Single Package	10.8 EER 10.9 IEER	11.5 EER 11.7 IEER	
Condensing units, air cooled	□ 135,000 Btu/h			10.1 EER 11.4 IEER	10.5 EER 11.8 IEER	AHRI 365
Condensing units, water cooled	□ 135,000 Btu/h			13.1 EER 13.6 IEER	13.5 EER 14.0 IEER	
Condensing units, evaporatively cooled	□ 135,000 Btu/h			13.1 EER 13.6 IEER	13.5 EER 14.0 IEER	

- a. IPLVs and part-load rating conditions are only applicable to equipment with capacity modulation.
- b. Section 12 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- c. Single-phase, air-cooled air conditioners <65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

Table 6.8.1B Delete Table 6.8.1B in its entirety and replace with a new Table 6.8.1B to read as follows:

**TABLE 6.8.1B
ELECTRICALLY OPERATED UNITARY AND APPLIED HEAT PUMPS -
MINIMUM EFFICIENCY REQUIREMENTS**

EQUIPMENT TYPE	SIZE CATEGORY	HEATING SECTION TYPE	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^a	TEST PROCEDURE ^b
Air cooled (cooling mode)	< 65,000 ^c Btu/h	All	Split System	14.0 SEER	AHRI 210/240
			Single Packaged	14.0 SEER	
Through-the-wall, air cooled	□ 30,000 ^c Btu/h	All	Split System	14.0 SEER	AHRI 210/240
			Single Packaged	14.0 SEER	
Single-duct high-velocity air cooled	< 65,000 ^c Btu/h	All	Split System	13.0 SEER	
Air cooled (cooling mode)	□ 65,000 Btu/h and < 135,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	11.0 EER 11.2 IEER	AHRI 340/360
		All other	Split System and Single Package	10.8 EER 11.0 IEER	
	□ 135,000 Btu/h and < 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	10.6 EER 10.7 IEER	
		All other	Split System and Single Package	10.4 EER 10.5 IEER	
	□ 240,000 Btu/h	Electric Resistance (or None)	Split System and Single Package	9.5 EER 9.6 IEER	
		All other	Split System and Single Package	9.3 EER 9.4 IEER	
Water source (cooling mode)	< 17,000 Btu/h	All	86°F entering water	11.2 EER	ISO 13256-1
	□ 17,000 Btu/h and < 65,000 Btu/h	All	86°F entering water	12.0 EER	
	□ 65,000 Btu/h and < 135,000 Btu/h	All	86°F entering water	12.0 EER	
Ground water source (cooling mode)	< 135,000 Btu/h	All	59°F entering water	16.2 EER	ISO 13256-1
		All	77°F entering water	13.4 EER	
Water-source water to water (cooling mode)	< 135,000 Btu/h	All	86°F entering water	10.6 EER	ISO 13256-2
		All	59°F entering water	16.3 EER	
Ground water source Brine to water (cooling mode)	< 135,000 Btu/h	All	77°F entering fluid	12.1 EER	

Air cooled (heating mode)	< 65,000 ^c Btu/h	—	Split System	8.2 HSPF	AHRI 210/240
		—	Single Package	8.0 HSPF	
Through-the-wall, (air cooled, heating mode)	□ 30,000 ^c Btu/h (cooling capacity)	—	Split System	8.2 HSPF	AHRI 210/240
		—	Single Package	8.0 HSPF	
Small-duct high velocity (air cooled, heating mode)	< 65,000 ^c Btu/h	—	Split System	7.7 HSPF	
Air cooled (heating mode)	□ 65,000 Btu/h and < 135,000 Btu/h (cooling capacity)	—	47°F db/43°F wb Outdoor Air	3.3 COP	AHRI 340/360
			17°F db/15°F wb Outdoor Air	2.25 COP	
	□ 135,000 Btu/h (cooling capacity)	—	47°F db/43°F wb Outdoor Air	3.2 COP	
			17°F db/15°F wb Outdoor Air	2.05 COP	
Water source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	68°F entering water	4.2 COP	ISO 13256-1
Ground water source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	50°F entering water	3.6 COP	
Ground source (heating mode)	< 135,000 Btu/h (cooling capacity)	—	32°F entering fluid	3.1 COP	
Water-source water to water (heating mode)	< 135,000 Btu/h (cooling capacity)	—	68°F entering water	3.7 COP	ISO 13256-2
			50°F entering water	3.1 COP	
Ground source brine to water (heating mode)	< 135,000 Btu/h (cooling capacity)	—	32°F entering fluid	2.5 COP	

- a. IPLVs and part-load rating conditions are only applicable to equipment with capacity modulation.
- b. Section 12 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- c. Single-phase, air-cooled air conditioners <65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

Table 6.8.1D Delete Table 6.8.1D in its entirety and replace with a new Table 6.8.1D to read as follows:

**TABLE 6.8.1D
ELECTRICALLY OPERATED PACKAGED TERMINAL AIR
CONDITIONERS, PACKAGED TERMINAL HEAT PUMPS, SINGLE-
PACKAGE VERTICAL AIR CONDITIONERS, SINGLE VERTICAL HEAT
PUMPS, ROOM AIR CONDITIONERS AND ROOM AIR-CONDITIONER
HEAT PUMPS -MINIMUM EFFICIENCY REQUIREMENTS**

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
			Before 10/08/2012	As of 10/08/2012	
PTAC (cooling mode) standard size	All Capacities	95°F db outdoor air	12.5 - (0.213 × Cap/1000) ^c EER	13.8 - (0.300 × Cap/1000) ^c EER	AHRI 310/380
PTAC (cooling mode) nonstandard size	All Capacities	95°F db outdoor air	10.9 - (0.213 × Cap/1000) ^c EER	10.9 - (0.213 × Cap/1000) ^c EER	
PTHP (cooling mode) standard size	All Capacities	95°F db outdoor air	12.3 - (0.213 × Cap/1000) ^c EER	14.0 - (0.300 × Cap/1000) ^c EER	
PTHP (cooling mode) nonstandard size	All Capacities	95°F db outdoor air	10.8 - (0.213 × Cap/1000) EER	10.8 - (0.213 × Cap/1000) EER	
PTHP (heating mode) standard size	All Capacities	—	3.2 - (0.026 × Cap/1000) COP	3.7 - (0.052 × Cap/1000) COP	
PTHP (heating mode) nonstandard size	All Capacities	—	2.9 - (0.026 × Cap/1000) COP	2.9 - (0.026 × Cap/1000) COP	
SPVAC (cooling mode)	< 65,000 Btu/h	95°F db/ 75°F wb outdoor air	9.0 EER	9.0 EER	AHRI 390

	□□65,000 Btu/h and < 135,000 Btu/h	95°F db/ 75°F wb outdoor air	8.9 EER	8.9 EER	
	□□135,000 Btu/h and < 240,000 Btu/h	95°F db/ 75°F wb outdoor air	8.6 EER	8.6 EER	
SPVHP (cooling mode)	< 65,000 Btu/h	95°F db/ 75°F wb outdoor air	9.0 EER	9.0 EER	
	□□65,000 Btu/h and < 135,000 Btu/h	95°F db/ 75°F wb outdoor air	8.9 EER	8.9 EER	
	□□135,000 Btu/h and < 240,000 Btu/h	95°F db/ 75°F wb outdoor air	8.6 EER	8.6 EER	
SPVHP (heating mode)	< 65,000 Btu/h	47°F db/ 43°F wb outdoor air	3.0 COP	3.0 COP	AHRI 390
	□□65,000 Btu/h and < 135,000 Btu/h	47°F db/ 43°F wb outdoor air	3.0 COP	3.0 COP	
	□ 135,000 Btu/h and < 240,000 Btu/h	47°F db/ 75°F wb outdoor air	2.9 COP	2.9 COP	

(continued)

**TABLE 6.8.1D
ELECTRICALLY OPERATED PACKAGED TERMINAL AIR CONDITIONERS, PACKAGED TERMINAL HEAT PUMPS, SINGLE-PACKAGE VERTICAL AIR CONDITIONERS, SINGLE VERTICAL HEAT PUMPS, ROOM AIR CONDITIONERS AND ROOM AIR-CONDITIONER HEAT PUMPS -MINIMUM EFFICIENCY REQUIREMENTS**

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY		TEST PROCEDURE ^a
			Before 10/08/2012	As of 10/08/2012	
Room air conditioners, with louvered slides	< 6,000 Btu/h	—	9.7 SEER	11.0 SEER	ANSI/AHAM RAC-1
	□ 6,000 Btu/h and < 8,000 Btu/h	—	9.7 EER	11.0 EER	
	□ 8,000 Btu/h and < 14,000 Btu/h	—	9.8 EER	10.9 EER	
	□□14,000 Btu/h and < 20,000 Btu/h	—	9.7 SEER	10.7 SEER	
	□ 20,000 Btu/h	—	8.5 EER	9.4 EER	
Room air conditioners, without louvered slides	< 8,000 Btu/h	—	9.0 EER	10.0 EER	ANSI/AHAM RAC-1
	□ 8,000 Btu/h and < 20,000 Btu/h	—	8.5 EER	9.5 EER	
	□ 20,000 Btu/h	—	8.5 EER	9.4 EER	
Room air-conditioner heat pumps with louvered slides	< 20,000 Btu/h	—	9.0 EER	9.8 EER	ANSI/AHAM RAC-1
	□ 20,000 Btu/h	—	8.5 EER	9.3 EER	
Room air-conditioner heat pumps without louvered slides	< 14,000 Btu/h	—	8.5 EER	9.3 EER	ANSI/AHAM RAC-1
	□ 14,000 Btu/h	—	8.0 EER	8.7 EER	
Room air conditioner, casement only	All capacities	—	8.7 EER	9.5 EER	ANSI/AHAM RAC-1
Room air conditioner, casement-slider	All capacities	—	9.5 EER	10.4 EER	ANSI/AHAM RAC-1

- Section 12 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- Nonstandard size units must be factory labeled as follows: "MANUFACTURED FOR NONSTANDARD SIZE APPLICATIONS ONLY: NOT TO BE INSTALLED IN NEW STANDARD PROJECTS." Nonstandard size efficiencies apply only to units being installed in existing sleeves having an external wall opening of less than 16 in. high or less than 42 in. wide and having a cross-sectional area less than 670 in².
- Cap means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

Table 6.8.1E Delete Table 6.8.1E in its entirety and replace with a new Table 6.8.1E to read as follows:

**TABLE 6.8.1E
WARM-AIR FURNACES AND COMBINATION WARM-AIR FURNACES/AIR-CONDITIONING UNITS, WARM-AIR DUCT FURNACES AND UNIT HEATERS**

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY	TEST PROCEDURE ^a
Warm-air furnace, gas fired	< 225,000 Btu/h	Maximum capacity ^c	80% AFUE or 80%E _t ^{b,d}	DOE 10 CFR Part 430 or Section 2.39, Thermal Efficiency, ANSI Z21.47
	□ 225,000 Btu/h	Maximum capacity ^c	81%E _t ^d	Section 2.39, Thermal Efficiency, ANSI Z21.47
Warm air furnaces, oil fired	< 225,000 Btu/h	Maximum capacity ^c	80% AFUE or 80%E _t ^{b,d}	DOE 10 CFR Part 430 Or Section 42, Combustion, UL 727
	□ 225,000 Btu/h	Maximum capacity ^c	82%E _t ^d	Section 42, Combustion, UL 727
Warm air duct furnaces, gas fired	All capacities	Maximum capacity ^c	80%E _c ^e	Section 2.10, Efficiency, ANSI Z83.8
Warm air unit heaters, gas fired	All capacities	Maximum capacity ^c	80%E _c ^{e,f}	Section 2.10, Efficiency, ANSI Z83.8
Warm air unit heaters, oil fired	All capacities	Maximum capacity ^c	80%E _c ^{e,f}	Section 40, Combustion, UL 731

- Section 12 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- Combination units not covered by the NAECA (3-phase power or cooling capacity greater than or equal to 19 kW) may comply with either rating.
- Compliance of multiple firing rate units shall be at the maximum firing rate.
- E_t = thermal efficiency. Units must also include an interrupted or intermittent ignition device (IID), have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.
- E_c = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.
- As of August 8, 2008, according to the Energy Policy Act of 2005, units must also include an interrupted or intermittent ignition device (IID) and have either power venting or an automatic flue damper.

Table 6.8.1F Delete Table 6.8.1F in its entirety and replace with a new Table 6.8.1F to read as follows:

**TABLE 6.8.1F
GAS- AND OIL-FIRED BOILERS, MINIMUM EFFICIENCY REQUIREMENTS**

EQUIPMENT TYPE ^a	SUBCATEGORY OR RATING CONDITION	SIZE CATEGORY (INPUT)	MINIMUM EFFICIENCY ^{b,c}	EFFICIENCY as of 3/2/2010 (Date 3yrs after ASHRAE Board Approval)	EFFICIENCY as of 3/2/2010 (Date 3yrs after ASHRAE Board Approval)	TEST PROCEDURE
Boilers, hot water	Gas-fired	< 300,000 Btu/h	82% AFUE	82% AFUE	82% AFUE	10 CFR Part 430
		□ 300,000 Btu/h and □ 2,500,000 Btu/h	83%E _t ^d	83%E _t	83%E _t	10CFR Part 431
		> 2,500,000 Btu/h ^a	85%E _c	85%E _c	85%E _c	
	Oil-fired ^e	< 300,000 Btu/h	84% AFUE	84% AFUE	84% AFUE	10 CFR Part 430
		□ 300,000 Btu/h and □ 2,500,000 Btu/h	84%E _t ^d	84%E _t	84%E _t	10 CFR Part 431
		> 2,500,000 Btu/h ^a	85%E _c	85%E _c	85%E _c	
Boilers, steam	Gas-fired	< 300,000 Btu/h	80% AFUE	80% AFUE	80% AFUE	10 CFR Part 430
		□ 300,000 Btu/h and □ 2,500,000 Btu/h	80%E _t ^d	80%E _t	80%E _t	10CFR Part 431
	Gas-fired-natural draft	> 2,500,000 Btu/h ^a	80%E _t	80%E _t	80%E _t	
		Gas-fired-natural draft	□ 300,000 Btu/h and □ 2,500,000 Btu/h	79%E _t ^d	79%E _t	
	Gas-fired-natural draft		> 2,500,000 Btu/h ^a	79%E _t	79%E _t	

		< 300,000 Btu/h	82% AFUE	82% AFUE	82% AFUE	10 CFR Part 430
Oil-fired ^e	□ 300,000 Btu/h and □ 2,500,000 Btu/h ^d		83% E _t	83% E _t	83% E _t	10CFR Part 431
	> 2,500,000 Btu/h ^a	83% E _t	83% E _t	83% E _t		

For SI: 1 British thermal unit per hour = 0.2931 W.

- a. These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.
- b. E_c = Combustion efficiency (100% less flue losses). See reference document for detailed information.
- c. E_t = Thermal efficiency. See reference document for detailed information.
- d. Maximum capacity – minimum and maximum ratings as provided for and allowed by the unit’s controls.
- e. Includes oil-fired (residual).

Chapter 8 - Power

8.5 Delete Section 8.5 in its entirety and replace with a new Section 8.5 to read as follows:

8.5 Mandatory Provisions.

8.5.1 Measurement of electrical consumption of tenant spaces in covered buildings constructed on and after January 1, 2016. The terms meter, submeter, covered building, tenant space and covered tenant space shall be as defined in Section 28-311.2 of the Administrative Code of the city of New York. Each covered tenant space in a building where plans were filed with the department on and after January 1, 2016 shall be equipped with a separate meter or sub-meter to measure the electrical consumption of such space when let or sublet. Where the covered tenant space is a floor with multiple tenancies, each tenancy that is 10,000 gross square feet (929 m²) in area or less shall (i) be equipped with a separate meter or sub-meter, (ii) share a meter or sub-meter with other tenant spaces on the floor, or (iii) share a meter or sub-meter covering the entire floor. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section.

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

Chapter 9 - Lighting

9.1.1 Delete Exception b and replace with a new Exception b to read as follows:

b. dwelling units within commercial buildings shall not be required to comply with this section provided that a minimum of 75 percent of the lamps in permanently installed lighting fixtures, other than low voltage lighting, shall be high-efficacy lamps, or a minimum of 75 percent of the permanently installed lighting fixtures shall contain only high-efficacy lamps.

9.4.1 Delete Section 9.4.1 in its entirety and replace with a new Section 9.4.1 to read as follows:

9.4.1 Lighting Control. Automatic control devices shall be installed in the following spaces to automatically turn off lights within 30 minutes of all occupants leaving the space as follows:

1. Occupant sensors shall be installed in all classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms), conference/meeting rooms, employee lunch and break rooms, and offices smaller than 200 square feet (18.5 m²) in area. These shall be manual-on switches. Such sensors and controls shall not have an override switch that converts from manual-on to automatic-on functionality. The occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.
2. Occupant sensors shall be installed in restrooms, storage rooms, private offices 200 square feet (18.5 m²) in area or greater, janitorial closets, and other spaces 300 square feet (28 m²) in area or less enclosed by floor-to-ceiling height partitions, except for spaces listed in Item 1. These automatic control devices shall be installed to automatically turn off lights within 30 minutes of all occupants leaving the space, and shall either be manual on or shall be controlled to automatically turn the lighting on to not more than 50 percent power.

Exception: Full automatic-on controls shall be permitted to control lighting in public corridors, stairways, restrooms, primary building entrance areas and lobbies, and areas where manual-on operation would endanger the safety or security of the room or building occupants.

§5. This local law shall take effect on January 1, 2015 and shall apply to work for which applications for construction document approval are submitted to the department of buildings on or after such date; provided that the commissioner of buildings may take all actions necessary to implement this local law, including the promulgation of rules, on or before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES; Committee on Housing and Buildings, December 8, 2014. Other Council Members Attending: Richards.

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

Reports of the Committee on Land Use

Report for L.U. No. 135

Report of the Committee on Land Use in favor of filing 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.

The Committee on Land Use, to which the annexed Land Use item was referred on October 22, 2014, (Minutes, page 3821) and which was subsequently coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16

C 140360 PSK

City Planning Commission decision approving an application submitted by the Mayor’s Office of the Criminal Justice Coordinator and the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 444 Thomas S. Boyland Street (Block 3496, Lot 4) for use as a Community Justice Center in Community District 16.

PUBLIC HEARING

DATE: November 10, 2014

Witnesses in Favor: Twenty-one

Witnesses Against: None

Subsequent to the public hearing held on November 10, 2014, by letter dated November 13, 2014 and submitted to the City Council on November 13, 2014, the Applicant withdrew the application.

SUBCOMMITTEE RECOMMENDATION

DATE: December 2, 2014

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

In Favor: Koo, Arroyo, Mendez, Levin, Barron, Kallos

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 4, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Dickens, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None

Abstain: None

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

Res. No. 513

Resolution approving a motion to file pursuant to withdrawal of the decision of the City Planning Commission on ULURP No. C 140360 PSK (L.U. No. 135), for the site selection of property located at 444 Thomas S. Boyland Street (Block 3496, Lot 4) for use as a Community Justice Center in Community District 16, Borough of Brooklyn.

By Council Members Greenfield and Koo.

WHEREAS, the City Planning Commission filed with the Council on October 2, 2014 its decision dated September 29, 2014 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the Mayor's Office of the Criminal Justice Coordinator and the Department of Citywide Administrative Services (DCAS), for the site selection of property located at 444 Thomas S. Boyland Street (Block 3496, Lot 4) for use as a Community Justice Center (the "Site"), Community District 16 (ULURP No. C 140360 PSK), Borough of Brooklyn (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 10, 2014;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 14DAS003K) issued April 28, 2014 (the "Negative Declaration");

WHEREAS, by submission dated November 13, 2014 and submitted to the Council on November 13, 2014, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, December 4, 2014.

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. No. 138

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on October 22, 2014, (Minutes, page 3822) and which was subsequently coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**MANHATTAN CB - 11
HHM**

20155169

Application submitted by New York City 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.

INTENT

To approve the lease of a parcel of land by HHC consisting of approximately 105,682 square feet on the campus of Metropolitan Hospital Center to facilitate the development of housing for low-income elderly and/or disabled persons.

PUBLIC HEARING

DATE: December 2, 2014

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2014

The Subcommittee recommends that the Land Use Committee approve the Lease by HHC to Draper Homes Housing Development Fund Corporation as Nominee for Draper Hall Apartments, LLC, pursuant to the agreement.

In Favor: Koo, Mendez, Levin, Barron, Kallos

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 4, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Dickens, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None

Abstain: None

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

Res. No. 514

Resolution approving the leasing of a parcel of land on the Metropolitan Hospital Center Campus, located at 1918 First Avenue, Borough of Manhattan (20155169 HHM; L.U. No. 138).

By Council Members Greenfield and Koo.

WHEREAS, the New York City Health and Hospitals Corporation, filed with the Council on October 8, 2014 notice of the Board of Directors authorization dated October 6, 2014 of the leasing agreement of a parcel of land consisting of 105,682 square feet, known as Draper Hall, on the Metropolitan Hospital Center campus located at 1918 First Avenue to Draper Homes Housing Development Fund Corporation as Nominee for Draper Hall Apartments, LLC, as tenant, upon the terms and conditions set forth in the Health and Hospitals Corporation resolution authorizing said leasing, a copy of which is attached hereto (the "Leasing"), Community District 11, Borough of Manhattan;

WHEREAS, the Leasing is subject to review and action by the Council pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act;

WHEREAS, upon due notice, the Council held a public hearing on the Leasing on December 2, 2014; and

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

RESOLVED:

Pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act, the Council approves the Leasing upon the terms and conditions set forth in the Board of Directors' resolution authorizing the Leasing, a copy of which is attached hereto.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, INEZ E. DICKENS, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ,

PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, December 4, 2014.

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

Report for L.U. No. 152

Report of the Committee on Land Use in favor of approving Application No. C 140411 HAK, submitted by the Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law and Section 197-c of the Charter, for an Urban Development Action Area Project located at 695 Grand Street (Block 2782, Lot 36), and the disposition of such property to a developer to be selected by HPD, Borough of Brooklyn, Community Board 1, Council District 34.

The Committee on Land Use, to which the annexed Land Use item was referred on November 25, 2014, (Minutes, page 4184) and which was subsequently coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB – 1 C 140411 HAK

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 695 Grand Street (Block 2782, Lot 36), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of an eight-story mixed-use building with approximately 51 residential dwelling units, including 41 units of affordable housing, and ground floor commercial space.

INTENT

This action would facilitate development of an eight-story mixed-use building with approximately 51 residential dwelling units and ground floor commercial space.

PUBLIC HEARING

DATE: December 2, 2014

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 2, 2014

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

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

COMMITTEE ACTION

DATE: December 4, 2014

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Dickens, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Weprin, Williams, Wills, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: None **Abstain:** None

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

Res. No. 515

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 140411 HAK, approving the designation of property located at 695 Grand Street (Block 2782, Lot 36), Borough of Brooklyn, as an Urban Development Action Area, approving the Urban Development Action Area Project, and approving the disposition of the property located at 695 Grand Street (Block 2782, Lot 36), Borough of Brooklyn, to a developer selected by HPD (L.U. No. 152; C 140411 HAK).

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on November 21, 2014 its decision dated November 19, 2014 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 695 Grand Street (Block 2782, Lot 36), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for disposition of the property located at 695 Grand Street (Block 2782, Lot 36) to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the development of an 8-story mixed-use building with 51 rental units, including 41 units of affordable housing, and ground floor commercial space (the "Disposition"), Community District 1, Borough of Brooklyn (ULURP No. C 140411 HAK) (the "Application");

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, by letter dated December 1, 2014 and submitted December 2, 2014, the New York City Department of Housing Preservation and Development (HPD) submitted its requests respecting the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on December 2, 2014;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 14HPD044K) issued on May 28, 2014 (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 140411 HAK) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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

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

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

The Project shall be developed in a manner consistent with the Project Summary submitted to the Council by HPD on December 2, 2014, a copy of which is attached hereto.

The Council approves the disposition of the property located at 695 Grand Street (Block 2782, Lot 36) to a developer selected by HPD.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, INEZ E. DICKENS, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, December 4, 2014.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

<i>Approved New Applicant's Report</i>		
<u>Name</u>	<u>Address</u>	<u>District #</u>
Denisse Paulino	946 Anderson Avenue #1 Bronx, N.Y. 10452	8
Cassandra L. Fenkel	241 West 113th Street #5D New York, N.Y. 10026	9
Christine Robertson	985 Simpson Street #6C Bronx, N.Y. 10459	17
Lizabeth Maldonado	820 Harding Park Bronx, N.Y. 10473	18
Cherrell White	749 Lafayette Avenue #2B Brooklyn, N.Y. 11221	36
Angela Yancey-Foster	118 McKinley Avenue #2B Brooklyn, N.Y. 11208	37
Yvonne L. Wiggins	1261 East 80th Street #46 Brooklyn, N.Y. 11236	46
John Ferrara	2534 East 14th Street #1 Brooklyn, N.Y. 11235	48
Yin Shen Liang	255 Maryland Avenue Staten Island, N.Y. 10305	49
Jennifer Miller	104 Evergreen Street Staten Island, N.Y. 10308	51

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Renee Cofer	211 West 144th Street #2C New York, N.Y. 10030	9
Jacqueline Guzman	226 West 122nd Street #4A New York, N.Y. 10027	9
LaVonne C. Bost-Barsdale	900 Baychester Avenue #18F Bronx, N.Y. 10475	12
Ann Maria Ortiz	1055 Esplanade Avenue #3A Bronx, N.Y. 10461	13
Nathy Saavedra	544 Claremont Parkway #3 Bronx, N.Y. 10457	16
Sandra Beauchanp	212 Betts Avenue Bronx, N.Y. 104733	18
Natasha Davis	134-35 166th Place 38A Queens, N.Y. 11434	28
Lisa Gill	837 Lincoln Place Brooklyn, N.Y. 11216	35

Nancy Lan Tran	145 Logan Street Brooklyn, N.Y. 11208	37
Nancy Lazaro	303 East 3rd Street Brooklyn, N.Y. 11218	39
Alex Sheldon	465 Utica Avenue Brooklyn, N.Y. 11203	41
Tzvi Scher	903 Avenue M Brooklyn, N.Y. 11230	44
Lisa Turman	24 Bailey Place Staten Island, N.Y. 10303	49
Concetta Riches	132 Geldner Avenue Staten Island, N.Y. 10306	50
Cathy Aranzullo	14 Montreal Avenue Staten Island, N.Y. 10306	51

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

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

- (1) **Int 491-A -** Amending sex designation on birth records.
- (2) **Int 492-A -** Reporting and an advisory board on gender marker change requirement.
- (3) **Int 530 -** Authorizing an increase in the amount to be expended annually in ten business improvement districts.
- (4) **Int 550-A -** Conforming the New York city energy conservation code to the New York state energy code.
- (5) **L.U. 135 & Res 513 -** App. **C 140360 PSK** community justice center, Borough of Brooklyn, Community Board 16, Council District 41 (**Filed pursuant to a Letter of Withdrawal**).
- (6) **L.U. 138 & Res 514 -** App. **20155169 HHM**, development of low-income housing, Community Board 11, Council District 9.
- (7) **L.U. 152 & Res 515 -** App. **C 140411 HAK**, Borough of Brooklyn, Community Board 1, Council District 34.
- (8) **L.U. 153 & Res 508 -** Pio/VIP HDFC, Block 2762, Lot 1; Block 2946, Lot 1; Bronx, Community District No. 2, Council District No. 17.
- (9) **L.U. 154 & Res 509 -** Crotona Estates HDFC, Block 2940, Lots 11 and 32; Bronx, Community District No. 3, Council District No. 17.
- (10) **L.U. 155 & Res 510 -** Longfellow Avenue HDFC, Block 3010, Lots 12 and 17; Bronx, Council District No. 17.
- (11) **L.U. 156 & Res 511 -** Evergreen Estates HDFC, Block 3737, Lots 49, 54, 58, 62, 66, and 70; Bronx, Council District No. 17.
- (12) **L.U. 157 & Res 512 -** The Mascot Flats HDFC, Block 375, Lot 30; Manhattan, Community District No. 3, Council District No. 2.
- (13) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Menchaca, Mendez, Miller, Palma, Reynoso, Richards,

Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – 46.

Abstention – King -1.

The General Order vote recorded for this Stated Meeting was 46-0-1 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 491-A**:

Affirmative – Arroyo, Chin, Cohen, Constantinides, Cornegy, Crowley, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Weprin, Van Bramer, and the Speaker (Council Member Mark-Viverito) – 39.

Negative – Cabrera, Deutsch, Greenfield, Matteo and Ignizio – 5.

Abstention – King, Williams and Wills – 3.

The following was the vote recorded for **Int No. 492-A** :

Affirmative – Arroyo, Chin, Cohen, Constantinides, Cornegy, Crowley, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Weprin, Williams, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – 43.

Negative – Cabrera, Deutsch, Greenfield - 3.

Abstention – King – 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 491-A, 492-A, 530, and 550-A

INTRODUCTION AND READING OF BILLS

Int. No. 571

By Council Members Cohen, Koo and Vallone.

A Local Law to amend the New York city charter, in relation to the early intervention program.

Be it enacted by the Council as follows:

Section 1. Paragraph (7) of subdivision d of section 556 of chapter 22 of the New York city charter is amended to read as follows:

(7) administer [within the division of mental hygiene,] the unit responsible for early intervention services pursuant to the public health law; and

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

Referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services.

Int. No. 572

By Council Members Crowley, Cabrera, Eugene, Gentile and Koo

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to post daily shelter census data by borough.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§ 21-316 Daily census data. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Adult" means any person who is eighteen years of age or older;
2. "Adult families" means families comprised of adults and no children;
3. "Adult Family Intake Center (AFIC)" means the intake facility where adult families must apply for shelter with the department;
4. "Children" means people under 18 years of age;
5. "Drop-in centers" means city-administered facilities that provide single adults with hot meals, showers, laundry facilities, clothing, medical care,

recreational space, employment referrals and/or housing placement services, but not overnight housing;

6. "Faith-beds" means city-administered facilities that provide overnight housing to individuals, are affiliated with one or more religious groups, and receive client referrals through organizations under contract with the department;

7. "Families with children" means families with adults and children, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual;

8. "Outreach" means the efforts by the department to encourage street homeless individuals to move from the streets into shelter;

9. "Prevention Assistance and Temporary Housing (PATH)" means the intake facility where families with children must apply for shelter with the department;

10. "Safe havens" means city-administered facilities that provide low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a department outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing;

11. "Shelter" means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department;

12. "Short-term housing for veterans" means city-administered facilities that provide short-term housing for people who actively served in the United States military;

13. "Single adult" means individuals without an accompanying adult or child.

b. No later than January 1, 2015, and daily thereafter, the department shall post on its website a daily shelter census report for the prior calendar day. All information provided in such report shall be disaggregated by borough. Such report shall include but not be limited to the following information regarding individuals in shelter each day:

1. The total number of individuals, including the number of adults and the number of children;

2. The number of single adults, including the number of single men and the number of single women;

3. The number of families with children, including the number of adults in such families with children, the number of children in such families with children, and the total number of individuals comprising such families with children;

4. The number of adult families in shelter, including the number of individuals comprising such adult families;

5. The following information on family intake centers, including but not limited to:

(a) The number of families requesting temporary housing at PATH;

(b) The number of adult families requesting temporary housing at AFIC;

(c) The number of families placed in overnight accommodations; and

(d) The number of families with children at PATH overnight;

6. The following information on single adults, including but not limited to:

(a) The number of drop-in center clients served;

(b) The number of individuals in a drop-in center overnight;

(c) The number of individuals in faith-beds;

(d) The number of individuals contacted through outreach;

(e) The number of individuals placed through outreach;

(f) The number of individuals utilizing safe havens; and

(g) The number of individuals in short-term housing for veterans; and

7. The total number of available beds for single adults or shelter units for adult families and families with children.

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

Referred to the Committee on General Welfare.

Int. No. 573

By Council Members Dromm, Rodriguez, Arroyo, Chin, Levine and Rosenthal (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the operation of horse drawn cabs, displaced worker training and payment of HAIL license fees for accessible vehicles, and to repeal subdivisions c, o, p, q and r of section 17-330, relating to regulations for working carriage horses; subdivision a of section 17-334, relating to construction of subchapter 3 of chapter 3 of title 17, concerning carriage horses; section 17-334.1, relating to training and examination of horse drawn carriage drivers; section 19-174, relating to passengers boarding horse drawn cabs; section 19-175, relating to variances for special events; subdivisions 5 through 8 of section 20-372, relating to definitions concerning horse drawn cabs; subdivisions c and d of section 20-373, relating to license fees and duration for horse drawn cabs; subdivision c of section 20-374, relating to granting and transferring of licenses for horse drawn cabs; section 20-377, relating to inspection of horse drawn cabs; section 20-377.1, relating to insurance for horse drawn cabs; section 20-380, relating to rates of horse drawn cabs; section 20-381, relating to horse drawn cab driver's licenses; section 20-381.1, relating to area and time restrictions on operation of horse drawn cabs; section 20-381.2, relating to

lighting and safety equipment for horse drawn cabs; section 20-382, relating to unlawful agreements by owners or horse drawn cab drivers; subdivisions b, c and d of section 20-383, relating to suspensions and revocations of licenses; and subdivision b of section 24-330, relating to watering horses attached to commercial vehicles.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 10-127 of the administrative code of the city of New York is amended to read as follows:

1. The word “commercial vehicle,” shall mean any vehicle[, either horse drawn or motor driven,] used, constructed or equipped for the transportation of goods, wares or merchandise in trade or commerce.

§ 2. Section 17-326 of the administrative code of the city of New York is amended to read as follows:

§ 17-326 Definitions. Whenever used in this subchapter the following terms shall have the following meanings:

(a) “Person” means an individual, partnership, corporation, association or other legal entity.

(b) “Veterinarian” means a person licensed to practice veterinary medicine in the state of New York.

(c) “Work”, a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, [pulling carriages, vehicles or other devices,] or when it is saddled or in harness or when it is being ridden [or is pulling a carriage, vehicle or device].

(d) “Owner” means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.

(e) “Riding horse” means a horse which is available to the public for a fee for the purpose of riding.

(f) [“Carriage horse” means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter.

(g) “Rental horse business” means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding [or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab].

[(h)] (g) “Rental horse” means a horse which is used in a rental horse business.

[(i)] (h) “Under tack” means that a horse is equipped for riding [or driving].

[(j)] (i) “ASPCA” means the American Society for the Prevention of Cruelty to Animals.

[(k)] (j) “Stable” means any place, establishment or facility where one or more rental horses are housed or maintained.

§ 3. Subdivision d of section 17-327 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

d. Application for a license or the renewal of a license shall be made to the department of health and mental hygiene. Such application shall contain the name and address of the owner of the horse and of the owner of the rental horse business in which such horse is to be used if such person is not the owner of the horse, the age, sex, color, markings and any other identifying marks such as brands or tattoos of the horse, the location of the stable where the horse is to be kept, *a certification that the horse will not be sold or donated to an individual or organization for purposes of sale or resale for slaughter, or holding or transport for slaughter* and any other information which the commissioner of health and mental hygiene may require. An application with respect to a horse which is used in the operation of a “horse drawn cab” as defined in subchapter twenty-one of chapter two of title twenty of this code shall include the identification number required to be inscribed on such [horses] *horse’s* hoof pursuant to the rules and regulations of the department of consumer affairs. The application shall be accompanied by the license or renewal fee. *No application for a license, application to renew a license, or an existing license with respect to a horse which is used in the operation of a “horse drawn cab” as defined in subchapter twenty-one of chapter two of title twenty of this code shall be valid after May thirty-first, two thousand sixteen.*

§ 4. Subdivisions a and d of section 17-327 of the administrative code of the city of New York, subdivision d as amended by section 3 of this local law, are amended to read as follows:

a. On and after January first, nineteen hundred eighty-two no person shall use or offer the use of a horse in a rental horse business unless such horse is licensed pursuant to the provisions of this subchapter. For purposes of this subchapter the use of a horse in a rental horse business means that a horse is used or offered for use by the public for a fee for the purpose of riding [or drawing a horse drawn vehicle or is used in the operation of a horse drawn vehicle for hire such as a horse drawn cab].

d. Application for a license or the renewal of a license shall be made to the department of health and mental hygiene. Such application shall contain the name and address of the owner of the horse and of the owner of the rental horse business in which such horse is to be used if such person is not the owner of the horse, the age, sex, color, markings and any other identifying marks such as brands or tattoos of the horse, the location of the stable where the horse is to be kept, a certification that the horse will not be sold or donated to an individual or organization for purposes of sale or resale for slaughter, or holding or transport for slaughter and any other information which the commissioner of health and mental hygiene may require. [An application with respect to a horse which is used in the operation of a “horse drawn cab” as defined in subchapter twenty-one of chapter two of title twenty of this code shall include the identification number required to be inscribed on such horse’s hoof

pursuant to the rules and regulations of the department of consumer affairs.] The application shall be accompanied by the license or renewal fee. No application for a license, application to renew a license, or an existing license with respect to a horse which is used in the operation of a “horse drawn cab” as defined in subchapter twenty-one of chapter two of title twenty of this code shall be valid after May thirty-first, two thousand sixteen.

§ 5. Section 17-327 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. *Carriage rides prohibited. As of June first, two thousand sixteen, it shall be unlawful to operate a horse-drawn vehicle in the city of New York or offer rides to the public on a vehicle drawn or pulled by a carriage horse. Notwithstanding the preceding sentence, horse-drawn vehicles may be permitted pursuant to a parade, special event or filming permit under conditions imposed by the agency issuing the permit and where the street or location permitted is otherwise closed to regular vehicular traffic. The horse and vehicle must be transported by another appropriate vehicle or vehicles to and from the site of the parade, special event or filming location.*

§ 6. Section 17-329 of the administrative code of the city of New York is amended to read as follows:

§ 17-329 Disposition of licensed horse. a. The department shall be notified of the transfer of ownership or other disposition of a licensed horse [within] *at least* ten days [thereafter] *prior to such transfer of ownership or other disposition*. Such notice shall include the date of disposition *or sale* and [if sold in New York city,] the name [and], address *and telephone number* of the buyer or other transferee and such other information as the commissioner may prescribe.

b. A horse shall not be sold or disposed of except in a humane manner, *which, for the purposes of this subchapter, shall mean a horse may not be sold or donated to an individual or organization for purposes of slaughter, resale for slaughter, or holding or transport for slaughter. A horse owner shall provide a statement in a form prescribed by the commissioner certifying that the horse will be sold or donated for personal use and not for purposes of slaughter, resale for slaughter, or holding or transporting the horse for slaughter.*

c. *Records indicating the name, address and telephone number of the individual or organization to whom the horse was sold or donated together with the certification required by subdivision b of this section shall be sent by the owner to the department at least ten days before such sale or donation. A copy of such record shall be maintained by the department.*

§ 7. Subdivision b of section 17-330 of the administrative code of the city of New York, as amended by local law number 10 for the year 2010, is amended to read as follows:

b. [1.] Horses shall not be left untethered or unattended except when confined in a stable or other enclosure. When tethered, all horses shall be secured by the use of a rope attached to the halter, not to the bit or bridle.

[2. Horse bridles and halters shall be used on carriage horses at all times when operating a carriage.]

§ 7-a. Subdivision c of section 17-330 of the administrative code of the city of New York is REPEALED.

§ 8. Subdivisions d, e and f of section 17-330 of the administrative code of the city of New York are relettered subdivisions c, d and e.

§ 9. Subdivisions g and h of section 17-330 of the administrative code of the city of New York, subdivision g as amended by local law number 10 for the year 2010 and subdivision h as added by local law number two for the year 1994, are amended to read as follows:

[g.] f. [1. Carriage horses shall not be at work for more than nine hours in any continuous twenty-four hour period.] Riding horses shall not be at work for more than eight hours in any continuous twenty-four hour period. Rest periods for [carriage horses and] riding horses shall be of such duration and at such intervals as the commissioner shall prescribe[, but rest periods for carriage horses shall in no event be for less than fifteen minutes after each two hour working period, and the time of such rest period shall be included in calculating the number of hours the horse has worked in any twenty-four hour period. During such rest periods, the person in charge of such carriage horses shall make fresh water available to the horse.

2. Carriage horses shall receive no less than five weeks of vacation or furlough every twelve months at a horse stable facility which allows daily access to paddock or pasture turnout. Proof of such vacation or furlough shall be provided upon request to the department and/or the ASPCA].

[h.] g. [Carriage horses shall not be driven at a pace faster than a trot.] Riding horses may be ridden at a canter but shall not be galloped.

§ 10. Subdivisions i, j and k of section 17-330 of the administrative code of the city of New York are relettered subdivisions h, i and j.

§ 11. Subdivision l of section 17-330 of the administrative code of the city of New York, as amended by local law number 10 for the year 2010, is amended to read as follows:

[l.] k. An owner of a rental horse business shall keep such records as the commissioner of health shall prescribe including but not limited to a consecutive daily record of the movements of each licensed horse including the [driver’s name and identification number, if applicable,] rider’s name, the horse’s identification number, [vehicle license plate number, if applicable,] time of leaving stable and time of return to stable. An owner of a rental horse business shall also keep written protocols for emergencies, including but not limited to primary and secondary emergency contact information for each horse owner and insurance company information, if applicable. Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. The commissioner may, in his or her discretion, require a time clock, date stamp or time stamp where such commissioner believes it is appropriate.

§ 12. Subdivisions m and n of section 17-330 of the administrative code of the city of New York are relettered subdivisions l and m, and subdivisions o, p, q and r are REPEALED.

§ 13. Subdivisions a and b of section 17-331 of the administrative code of the city of New York are amended to read as follows:

a. The commissioner shall appoint an advisory board consisting of five members as follows:

1. [Two members] *One member* shall be appointed from among the owners of rental horse businesses operating within the city [, one of whom shall be representative of the interests of owners of riding horses and one of whom shall be representative of the interests of owners of carriage horses].

2. [Two] *Three* members shall be appointed from the public at large. However, in no event shall more than one person so appointed to the board be a member of the board of directors or an employee of any animal humane society or association.

3. One member shall be a veterinarian.

b. The terms of office of the members of the board shall be three years [except that the terms of office of the members first appointed shall be as follows:

1. Two of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-two.

2. Two of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-three.

3. One of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-four].

§ 14. Section 17-332 of the administrative code of the city of New York, as added by local law number 2 for the year 1994, is amended to read as follows:

§ 17-332 Violations. a. Any violation of this subchapter, or of any of the rules promulgated hereunder, shall *be considered a misdemeanor and* upon conviction thereof be punishable by a fine of not less than one hundred dollars nor more than [five hundred] *twenty-five thousand* dollars or by imprisonment not exceeding fifteen days, or both.

b. In lieu of criminal prosecution, any violation of this subchapter or any of the rules promulgated hereunder may be prosecuted as civil violations subject to a civil penalty of not less than twenty-five dollars nor more than [five hundred] *twenty-five thousand* dollars or by the suspension or revocation of a license and the suspension from work of the horse with respect to which the act *that* caused the violation was committed or by both such civil penalty and suspension. Civil violations, under this section, shall be adjudicated before the [administrative tribunal of the department]] *at the environmental control board or any tribunal established within the office of administrative trials and hearings designated by the commissioner.*

§ 15. Subdivision a of section 17-334 of the administrative code of the city of New York is REPEALED and subdivisions b and c are relettered subdivisions a and b.

§ 16. Sections 17-334.1, 19-174 and 19-175 of the administrative code of the city of New York are REPEALED.

§ 17. Section 20-371 of the administrative code of the city of New York, as amended by local law number 31 for the year 1995, is amended to read as follows:

§ 20-371 Licensing of sight-seeing buses[, horse drawn cabs and horse drawn cab drivers]. Legislative findings. The legislative findings heretofore made in relation to the business of sight-seeing buses [and horse drawn cabs] in the city of New York and set forth in local law number ten of nineteen hundred sixty-four continue to be valid; such businesses are vested with a public interest and their regulation and control continue to be necessary and essential in order to cope with certain evils and hazards which existed in the absence of governmental supervision. The supervision formerly was reposed in the police commissioner, but recent experience and study indicate that jurisdiction over such businesses should be transferred to the commissioner. [It is further found that the present number of horse drawn cabs licensed in the city of New York is adequate to meet the public need and demand and should be preserved, unless the commissioner finds that additional licenses are necessary and advisable.]

§ 18. Subdivisions 1 and 3 of section 20-372 of the administrative code of the city of New York, as amended by local law number 31 for the year 1995, are amended to read as follows:

1. "Owner" shall include any person, firm, partnership, corporation or association owning and operating a sight-seeing bus or buses[, or horse drawn cab or cabs,] and shall include a purchaser under a reserve title contract, conditional sales agreement or vendor's agreement and the lessee of such vehicle or vehicles under a written lease or similar contract provided such purchaser or lessee of sight-seeing bus or buses shall be entitled to obtain in his or her name a license or licenses therefor from the commissioner of motor vehicles of the state of New York.

3. "Inspection card" shall designate the card issued by the commissioner for the sight-seeing bus licensed [or horse drawn cab licensed], which card shall display the license number and capacity of such vehicle.

§ 19. Subdivisions 5 through 8 of section 20-372 of the administrative code of the city of New York are REPEALED and subdivisions 9 and 10 are renumbered subdivisions 5 and 6.

§ 20. Subdivisions a and b of section 20-373 of the administrative code of the city of New York are amended to read as follows:

a. It shall be unlawful to operate or permit another to operate for hire a sight-seeing bus [or horse-drawn cab] within the city unless the owner shall have first obtained a license therefor from the commissioner. [An applicant for a horse-drawn cab license shall be at least eighteen years of age.]

b. Fees. The original and renewal license fee for each sight-seeing bus shall be fifty dollars [and for each horse-drawn cab shall be fifty dollars].

§ 21. Subdivisions c and d of section 20-373 of the administrative code of the city of New York are REPEALED.

§ 22. Section 20-374 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Licenses to operate a horse-drawn cab that would otherwise expire on March thirty-first, two thousand sixteen shall be valid until May thirty-first, two thousand sixteen, and shall not be renewable thereafter.

§ 23. Subdivisions a and b of section 20-374 of the administrative code of the city of New York are amended to read as follows:

a. Any person, firm, partnership, corporation or association, owning or operating a sight-seeing bus, or buses[, or horse-drawn cab, or cabs] engaging in the business of transporting passengers in, about, over and upon any of the streets, avenues, bridges, highways, boulevards or public places within the limits of the city of New York, shall be issued a license for each bus [or cab] so operating, provided, however any such person, firm, partnership, corporation or association owning or operating a sight-seeing bus or buses, shall first have obtained a license or licenses, as he or she shall be entitled to receive from the commissioner of motor vehicles of the state of New York as made and provided by law.

b. It shall be unlawful for a license, after being issued by the commissioner, to be transferred to any person, firm, partnership, corporation or association for any cause whatsoever[, except that licenses for horse-drawn cabs may be transferred with the approval of the commissioner. Upon voluntary sale or transfer of a licensed horse-drawn cab by the holder of a license or his or her legal representative, the licensee shall immediately notify the commissioner of his or her intention to replace such horse-drawn cab, or shall surrender his or her license. If the license is surrendered, the vendee or transferee may make application to the commissioner for the licensing of the horse-drawn cab so purchased. A new license shall then be issued by the commissioner in place of the license so surrendered, provided the applicant has demonstrated to the satisfaction of the commissioner that he or she is qualified to assume the duties and obligations of a horse-drawn cab license.]

§ 24. Subdivision c of section 20-374 of the administrative code of the city of New York is REPEALED.

§ 25. Section 20-375 of the administrative code of the city of New York, as amended by local law number 2 for the year 1994, is amended to read as follows:

§ 20-375 License plate. Upon the payment of the license fee the commissioner shall issue a license to the owner of the sightseeing bus [or horse drawn cab] together with a license plate to be securely affixed to a conspicuous and indispensable part of such sightseeing bus [or securely and conspicuously affixed to the rear axle of such horse drawn cab], on which shall be clearly set forth the license number of such sightseeing bus [or horse drawn cab]. The license plate issued to the licensee may, in the discretion of the commissioner, be a plate of a permanent nature with a replaceable date tag attached thereto, indicating the expiration date of the plate during each license year and the issuance of such a plate with such date tag to a person possessing such a plate, shall be deemed issuance of a license plate. Such license plate and the replaceable date tag to be issued from year to year to be attached thereto, shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe. The commissioner upon renewal of the license hereunder, may continue the use of the license plate for as many additional license years as he or she in his or her discretion may determine, in which event he or she shall issue and deliver to the licensee a replaceable date tag as evidence of renewal of the license, which shall be attached or affixed in such manner as he or she may prescribe by rule. The failure to affix or display such date tag in a manner prescribed by the commissioner shall constitute a violation of this section. In the event of the loss, mutilation or destruction of any license plate or date tag issued hereunder, the owner may file such statement and proof of facts as the commissioner shall require, with a fee of twenty-five dollars, at the department, and the department shall issue a duplicate or substitute license plate or date tag.

§ 26. Sections 20-377 and 20-377.1 of the administrative code of the city of New York are REPEALED.

§ 27. Section 20-378 of the administrative code of the city of New York is amended to read as follows:

§ 20-378 Periodic inspection. The [license] department shall cause all sight-seeing buses [and horse-drawn cabs] now, or hereafter licensed, to be inspected at least once every four months. The date of such inspection and the signature of the person making the inspection shall be recorded upon the inspection card in the spaces provided therefor.

§ 28. Section 20-379 of the administrative code of the city of New York is amended to read as follows:

§ 20-379 Form of inspection card. The commissioner shall prescribe an appropriate form of inspection card for sight-seeing buses [and horse-drawn cabs] and the manner in which such card and the sight-seeing bus driver's [and horse-drawn cab driver's] identification cards shall be displayed.

§ 29. Sections 20-380, 20-381, 20-381.1, 20-381.2 and 20-382 of the administrative code of the city of New York are REPEALED.

§ 30. Subdivisions b, c and d of section 20-383 of the administrative code of the city of New York are REPEALED.

§ 31. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-384.1 to read as follows:

§ 20-384.1 *Displaced worker training for former horse drawn cab drivers, owners and those employed in stables housing or maintaining carriage horses. a. Persons holding a horse drawn cab driver's license, a horse carriage license, a license for a horse used in the operation of a horse drawn cab and those employed in a stable that houses or maintains a horse used in the operation of a horse drawn cab shall be offered training similar to other displaced workers to transition into a different industry or industries. Training shall be offered at such times and in such manner as shall be prescribed by the commissioner of small business services.*

b. Such training shall be available only to persons holding a horse drawn cab driver's license, a horse carriage license, a license for a horse used in the operation of a horse drawn cab valid between June first, two thousand fourteen and May thirty-first, two thousand sixteen, or to persons employed in a stable that houses or maintains a horse used in the operation of a horse drawn cab between June first, two thousand fourteen and May thirty-first, two thousand sixteen.

c. The commissioner of small business services shall promulgate such rules as are necessary to carry out the provisions of this section.

§ 32. Subdivision b of section 24-330 of the administrative code of the city of New York is REPEALED.

§ 33. Persons or entities holding a horse drawn cab driver's license or a horse carriage license valid between June first, two thousand fourteen and May thirty-first, two thousand sixteen who otherwise meet all of the requirements established by law, rule or regulation for issuance of a HAIL license under chapter 9 of the laws of 2012, shall be eligible for payment by the city of New York of the initial HAIL license fee required by subdivision d of section 5 of chapter 9 of the laws of 2012. Provided, that such payment shall be made only with respect to the initial fee for HAIL licenses that are restricted to accessible vehicles. Such HAIL licenses shall otherwise be subject to all of the requirements established by law, rule or regulation applicable to HAIL licenses.

§ 34. Separability. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that was adjudged to be invalid.

§ 35. a. This local law shall take effect on June 1, 2016, except that sections three, six, fourteen and twenty two of this local law shall take effect immediately, and except that the commissioners of health and mental hygiene, transportation, consumer affairs, and the police commissioner shall take all actions necessary, including the promulgation or repeal of rules, if necessary, to implement this local law on the date upon which it shall take effect. Section three of this local law shall expire and be deemed repealed as of May 31, 2016.

b. Any provision of law amended or repealed by this local law as of June 1, 2016 shall, to the extent necessary for the sole purpose of adjudicating any violation issued before June 1, 2016, be deemed to remain in effect as such provision was in effect before June 1, 2016. Adjudication shall include the imposition of liability for and the collection of any civil penalty for any such violation.

Referred to the Committee on Transportation.

Res. No. 499

Resolution calling for the establishment of a commission to study the potential creation of a national Lesbian, Gay, Bisexual and Transgender History Museum.

By Council Members Dromm, Van Bramer, Chin, Constantinides, Mendez and Palma

Whereas, According to the United States Census, approximately 594,000 same-sex couple households lived in the United States in 2010, with 32,972 of these households in New York, up from 25,906 in 2000; and

Whereas, In fact, New York City recorded a 27 percent increase in the number of same-sex couples over the last ten years, according to the latest data from the 2010 Census; and

Whereas, According to the Williams Institute at UCLA School of Law's LGBT (Lesbian, Gay, Bisexual and Transgender) Demographics Report published September 2014, findings from various national surveys showed that the percent of adults who identify as LGBT ranged from 2.2% to 4.0%, implying that between 5.2 million and 9.5 million individuals aged 18 and older identify as part of the LGBT community in the United States; and

Whereas, The growing LGBT community deserves equal recognition for its contributions to society designated in a place where all feel welcome, but does not have a specific museum to celebrate this community; and

Whereas, Although the Smithsonian Institution in Washington, D.C. is embracing the LGBT community by including materials documenting the history of the community to a collection within its museum as of August 2014, a national LGBT Museum is necessary to give full recognition to the contributions of the LGBT community in a specific and permanent allocated environment; and

Whereas, In response to this lack of celebration and inclusiveness to LGBT communities, it is important to embrace diversity by establishing a Congressional Commission (the "Commission") to study the potential creation of a LGBT History Museum; and

Whereas, The location of New York City for such Museum is significant as New York City is considered the birthplace for global gay rights movements which paved the way for future members of the LGBT community to stand against oppression and to become recognized as equal members in society; and

Whereas, The Commission would be required to report recommendations for a plan of feasibility for creating a LGBT History Museum in New York City; and

Whereas, According to the Velvet Foundation, a nonprofit organization dedicated to promoting a National LGBT Museum, as a result of the LGBT culture being invisible to most mainstream museums, the location of New York City for such museum to tell the LGBT story would most effectively reach both national and international audiences; and

Whereas, Creating the Commission would guarantee a commitment to embracing the importance of cultural diversity found within New York City while celebrating the contributions of the growing LGBT population; and

Whereas, It is of great importance to support the establishment of the Museum in order to create a place where individuals can share and take pride in learning about LGBT history; now, therefore, be it

Resolved, That the Council of the City of New York calls for the establishment of a commission to study the potential creation of a national Lesbian, Gay, Bisexual and Transgender History Museum.

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

Res. No. 500

Resolution calling upon the State of New York to include in its curriculum requirements, swimming lessons and water safety education to all students in public schools from kindergarten through 12th grade where appropriate and swimming-related instruction, such as water safety and dry land strokes to all students in public schools from kindergarten through 12th grade when their school does not have a pool in the building or is not within 10 miles of a pool where appropriate.

By Council Members Eugene, Chin, Koo, Mendez, Palma, Rose and Rodriguez.

Whereas, According to the New York State Department of Health (NYS DOH), regardless of their age group, drowning is a leading cause of injury-related death in children; and

Whereas, According to the NYS DOH, African American males and females have a significantly higher drowning rate than White and Hispanic males and females; and

Whereas, Out of all of the 1,477,146 youth ages 5 years old to 19 years old in NYC in 2010, 26.2% are African American youth; and

Whereas, New York City is home to a multitude of beaches and pools which provide free recreation and enjoyment for millions of New Yorkers and visitors each year; and

Whereas, Exercising water safety measures can prevent drownings and water-related injuries and ensure that fun does not unnecessarily turn into tragedy; and

Whereas, Swimming is also a valuable component in a number of efforts to maintain good health and can aid in preventing potential life threatening conditions, such as obesity and diabetes, and learning to swim can provide beneficial opportunities such as participation on a team or employment as a lifeguard; and

Whereas, The New York City Administration for Children's Service and the New York City Department of Health and Mental Hygiene recommend enrolling children in swimming lessons by a qualified instructor, usually at age 4 or older; and

Whereas, New York City has 12 recreational centers with indoor pools and 56 free outdoor pools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State of New York to include in its curriculum requirements, swimming lessons and water safety education to all students in public schools from kindergarten through 12th grade where appropriate and swimming-related instruction, such as water safety and dry land strokes to all students in public schools from kindergarten through 12th grade when their school does not have a pool in the building or is not within 10 miles of a pool where appropriate.

Referred to the Committee on Education.

Res. No. 501

Resolution declaring Youth Day in New York City, to be held annually each year on August 12th, coinciding with International Youth Day.

By Council Members Eugene, Arroyo, Koo, Mendez, Palma, Rose, Rosenthal and Rodriguez.

Whereas, Youth Day (YD) is a special day celebrated by many countries around the world to appreciate and celebrate the achievement of youth in each country; and

Whereas, YD is celebrated also to promote the contributions made by young persons to the development of their nations; and

Whereas, There is no one day selected around the world for Youth Day, as this varies among the countries that celebrate Youth Day, often aligned to a certain occasion or event in the past significant to that country; and

Whereas, The Altius Directory (AD) states that there is also a celebration of youth around the world known as International Youth Day (IYD), celebrated since 1999 annually on August 12; and

Whereas, According to the AD, the aim of IYD is to endorse consciousness, particularly among youth aged 10 to 24; and

Whereas, According to the United Nations (UN), the theme of IYD in 2014 was "Youth and Mental Health"; and

Whereas, The UN advises that youth with mental health conditions can often experience stigma and discrimination, which can lead to exclusion and/or discourage people from seeking treatment for fear of being negatively "labeled"; and

Whereas, The UN further notes that the 2014 observance of IYD was to raise awareness on this important topic, as well as highlight the experiences of brave, young individuals who have chosen to speak out about these issues; and

Whereas, The AD also notes that the particular consciousness sought to be raised among youth by participating in International Youth Days includes consciousness in the particular fields of starvation, poverty, education, employment, health, drug exploitation, childhood felony, recreational events, child and young women, and the environment; and

Whereas, According to Global Youth Service Day (GYSD), in the United States, GYSD is a coordinated annual event, held each April, which gathers young people from around the world in a program of conducting community service, service learning, youth voice, and other activities that benefit the youth's communities, their countries and the world; and

Whereas, Speaking about GYSD, Jane Goodall commented, "I have often said that every individual counts, every individual has a role to play, and every individual makes a difference. Global Youth Day proves it.", and

Whereas, According to the Archdiocese of New York's Office of Youth Ministry (ANY), New York Catholic Youth Day is their annual Catholic youth celebration, a day filled with prayer, music, fun, games, and powerful speakers and conversations; and

Whereas, A Youth day in New York City could be used to draw attention to the need for more youth programs than currently exist, and to underline the important need for such programs to be available for young New Yorkers for all walks of life; now, therefore, be it

Resolved, That the Council of the City of New York hereby declares Youth Day in New York City, to be held annually each year on August 12th, coinciding with International Youth Day.

Referred to the Committee on Youth Services.

Res. No. 502

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to ensure an equal number of employers and union representatives on the New York City Deferred Compensation Board.

By Council Members Gibson and Palma

Whereas, The New York City Office of Labor Relations ("OLR") administers the New York City Deferred Compensation Plan ("Plan") on behalf of City employees; and

Whereas, The Plan is designed to encourage New York City employees to make pre-tax payroll contributions to designated pension plans; and

Whereas, Participation in the Plan helps New York City employees plan for their future financial needs; and

Whereas, The Plan is administered by OLR, and overseen by a Board of Directors, which is also responsible for determining its investment strategy; and

Whereas, Current law does not require equal representation of employers and employee representatives on the Board of Directors; and

Whereas, A.8752 (Sponsored by Assemblyman Peter Abbate) and S.6684 (Sponsored by Senator Martin Golden) has been introduced to amend State Finance Law to require that employers and labor union representatives have equal representation on the Board; and

Whereas, City employees should have an equal voice in determining the management of their Deferred Compensation Plan; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation to ensure an equal number of employers and union representatives on the New York City Deferred Compensation Board.

Referred to the Committee on Civil Service and Labor.

Int. No. 574

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

A Local Law to amend the administrative code of the city of New York, in relation to requiring a universal mobile application to enable customers to electronically hail taxicabs and street hail livery vehicles.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that improvements can be made to the process in which taxis and HAIL vehicles are hailed which will help passengers, drivers, and the environment, and improve pedestrian safety. One way to improve service for passengers and improve the working conditions of drivers is through the use of a universal e-hail application. Passengers would benefit from the improved ease of hailing a taxi or eligible HAIL vehicle and would be protected from unexpected increases in the fare, also known as "surge pricing."

The Council also finds that such a universal e-hail application would have a broader beneficial effect than just making it easier to hail a taxi or HAIL vehicle, but will also help further the Vision Zero goals of reducing pedestrian fatalities and injuries by requiring the use of technology that will reduce distractions to drivers, in addition to making the process for picking up a hail more orderly. The implementation of an e-hail system would also provide environmental benefits because drivers would not have to cruise as much to pick up their next passengers.

The Council further finds that a universal e-hail application would improve driver incomes because an e-hail application would make a larger pool of passengers available to drivers, so there is less time driving an empty vehicle. Such an e-hail application would also allow the commission to improve taxi and HAIL vehicle service by providing it with information on when and where passengers use such vehicles and the commission can use such data from the universal e-hail application to route taxis and HAIL vehicles.

§ 2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-544 to read as follows:

§ 19-544 *E-hail mobile application. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

1. "Accessible vehicle" means any vehicle approved for use by the commission as a taxicab or HAIL vehicle that meets the specifications and requirements for accessible vehicles pursuant to the Americans with disabilities act of 1990, as amended, and rules promulgated by the commission.

2. "Application program interface (API)" means a software intermediary that makes it possible for application programs to interact with each other and share data.

3. "E-hail application" means a software program approved by the commission residing on a computer, smartphone, tablet, or other mobile device with wireless internet connectivity which performs one or more of the following functions: (1) allows a passenger to identify the location(s) of available taxicabs and eligible HAIL vehicles in a given area and allows a driver to identify the location of a passenger who is currently ready to travel; (2) allows a passenger to hail a taxicab or eligible HAIL vehicle via the electronic device; (3) allows a driver to receive a hail request from such a passenger; and (4) allows customers to make electronic payments.

4. "Payment Card Industry (PCI)-certified" means compliance with the policies and procedures developed by Visa, Master Card, Discover and American Express and any other relevant credit or debit card companies in order to optimize the security of credit, debit and cash card transactions.

5. "Street hail livery technology system (L-PEP)" means an integrated system of hardware and software that complies with the technical requirements set forth in the rules of the city of New York regarding such system, and provides the following core services in HAIL vehicles: (1) credit, debit and prepaid card payment; (2) text messaging; (3) trip data collection and transmission; (4) passenger information monitor, screen, or other credit/debit card device; and (5) automatic vehicle location system and location services.

6. "Taxicab technology system (T-PEP)" means an integrated system of hardware and

software that complies with the technical requirements set forth in the rules of the city of New York regarding such system and provides the following core services to taxicabs: (1) credit, debit and prepaid card payment; (2) text messaging; (3) trip data collection and transmission; (4) data transmission by means of the passenger information monitor; and (5) automatic vehicle location system and location services.

7. "Third-party e-hail application" means any e-hail application other than an e-hail application developed or caused to be developed by the commission.

b. The commission shall develop or cause to be developed an e-hail application which shall enable customers to electronically hail taxicab or eligible HAIL vehicles, including the ability to electronically hail an accessible vehicle. Such e-hail application shall be the sole method to electronically hail an accessible vehicle. The T-PEP and L-PEP systems shall be the sole systems authorized by the commission for taxicabs and HAIL vehicles to receive electronic hails. Any application, provided it meets the following minimum criteria, shall be eligible for an e-hail license:

1. There shall be no charge to a passenger or driver for the use of such e-hail application.

2. The e-hail application shall only dispatch e-hails to HAIL vehicles within the geographic boundaries set by state law for HAIL vehicle pickups.

3. The e-hail application shall allow passengers to provide comments to the commission regarding the ride, including but not limited to, compliments and complaints, as well as allow passengers to rate their drivers.

4. The e-hail application shall display all available taxicabs and HAIL vehicles within a certain radius of the passenger to be determined by the commission and shall be capable of transmitting to the passenger the vehicle number and name of the driver of the first vehicle to accept the hail, the estimated time of arrival as close to real time as feasible, and the location of the vehicle accepting the hail.

5. All payments made through the e-hail application for fares shall be processed through a T-PEP or L-PEP system.

6. The e-hail application shall allow passengers to electronically hail an accessible vehicle.

7. The e-hail application shall be capable of allowing drivers to accept an e-hail while the vehicle is in motion with a single touch or with voice activation. The e-hail application must be locked while the vehicle is in motion.

c. A taxicab or HAIL vehicle driver shall not be required to accept a passenger through the e-hail application provided that once such driver accepts a hail through the e-hail application, such driver must pick up the e-hail passenger. Any driver

found in violation of this subdivision shall be subject to penalties pursuant to paragraph b of section 19-507 of this chapter.

d. Upon accepting an e-hail through the e-hail application, a taxicab or eligible HAIL vehicle shall cause the roof light of such vehicle to indicate that such vehicle is not available for incoming passengers. Such vehicle cannot begin charging a fare until the passenger has been picked up.

e. A taxicab or eligible HAIL vehicle shall only be permitted to charge the passenger picked up through the e-hail application the metered rates provided by law or rule.

f. To use the e-hail application, a passenger must create and manage an account through the e-hail application, as well as on a website approved by the commission. Passengers shall have the option of entering payment information for credit or debit cards or other approved forms of electronic payment. The e-hail application and website shall be capable of offering users the option to save such payment information.

g. The commission may ban passengers who it determines have misused the e-hail application.

h. The commission, or an entity approved by the commission, shall maintain the e-hail application and website, including compiling data on its use. Such data shall include, but not be limited to, the number of passengers who have hailed a taxicab or HAIL vehicle through the application and the geographic area from which each e-hail originates.

i. The commission shall advertise and promote the e-hail application for no less than 30 seconds during its allotted time for public service announcements on a T-PEP or L-PEP display from 90 days prior to the e-hail application going into service and until, at a minimum, one year after the e-hail application goes into service. The commission may adopt additional promotional methods.

j. The commission shall provide training for all drivers applying for a taxicab driver's license or for-hire vehicle driver's license to drive a HAIL vehicle on the use of the e-hail application mandated under paragraph b of this section. The commission shall further provide training for such drivers as necessary, but at least every time such drivers' licenses are to be renewed.

k. Any tip or gratuity shall, in its entirety, be provided to the driver.

l. The commission shall develop an API that allows third-party e-hail applications approved by the commission based on this section and rules of the commission to submit hail requests for fulfillment by taxicabs and eligible HAIL vehicles through the e-hail application. The API shall be reviewed by the commission, or a commission approved entity when necessary, but no less than once every three months, to update the API if the commissioner determines that such API is not meeting the requirements of third-party applications. The commission shall not adopt any rules regulating the dispatch practices used by such third-party e-hail applications, provided that such methodology does not otherwise violate any rules of the commission. Such third-party e-hail applications:

1. may charge a fee for their use;
2. shall not influence a passenger attempting to e-hail a taxicab or eligible HAIL vehicle to use another class of for-hire vehicle;
3. shall meet the requirements of paragraphs b through f of this section, but shall be exempt from the requirements of sub-paragraphs (b)(1) and (b)(4) of this section; and
4. shall be responsible for recruiting drivers and passengers, and marketing such applications.

m. The API mandated under paragraph l of this section shall, at a minimum, be capable of the following:

1. receiving vehicle location data from T-PEP and L-PEP and transmitting such information to approved third-party applications;
2. receiving dispatch requests from commission approved third-party e-hail applications and forwarding requests to appropriate taxicabs and eligible HAIL vehicles;
3. accepting dispatch requests and forwarding an acceptance to the e-hail application; and
4. securely transmitting fare payment instructions from commission approved third-party e-hail applications to the T-PEP or L-PEP system.

n. The commission shall create a privacy policy for the use of the API mandated under paragraph k of this section. This privacy policy shall, at a minimum:

1. prohibit third-party applications from obtaining information about taxicab drivers, other than their name, commission drivers' license numbers and vehicle numbers; and
2. prohibit drivers from obtaining personally identifiable information about their passengers, provided however, a passenger may be given the option of waiving such privacy protection.

o. The following integration shall be required of T-PEP and L-PEP systems via the API mandated under paragraph l of this section; however third-party e-hail application developers shall not be required to use the following information:

1. driver/medallion login information;
2. itemized fare information; and
3. e-payments via a PCI-certified processing in order for such T-PEP and L-PEP systems to be capable of accepting from the application payment information necessary to capture the trip record and to provide a printed receipt.

p. The commission may by rule establish additional functions of the e-hail application other than those required by and consistent with this section.

§ 3. This local law shall take effect 90 days after its enactment, except that the commission shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 575

By Council Members Lancman, Gibson, Mendez, Palma, Rose and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain city contractors to implement workplace violence prevention programs.

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. *Social Services Workplace Violence Prevention Act. a. Definitions. For purposes of this section, the following terms have the following meanings:*

"Contracting agency" means the following city agencies: the administration for children's services, the department for the aging, the department of homeless services and the human resources administration/department of social services.

"Covered contractor" means a person that contracts with a contracting agency in order to provide social services directly to members of the public and that has one or more employees, except that a covered contractor does not include any person required to comply with section twenty-seven-b of the New York labor law.

"Employee" means a non-public employee who performs work for a covered contractor.

"Retaliatory action" means an adverse employment action taken against an employee in the terms and conditions of employment, including but not limited to discharge, suspension, demotion, penalization or discrimination.

"Supervisor" means any person within a covered contractor's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding a violation of a law, rule or regulation of which an employee submits written notice.

"Workplace" means any location away from an employee's domicile where an employee performs any work-related duty in the course of his or her employment by a covered contractor.

"Workplace violence" includes any homicide, assault or other physical violence or any attempted or threatened use of physical violence that occurs in a workplace.

b. Risk evaluation and determination. Every covered contractor shall evaluate its workplace or workplaces for factors or situations that might place employees at risk of workplace violence. Examples of such factors include but are not limited to the following:

1. Working in emotionally escalated situations.
2. Working with potentially aggressive individuals in health care, social service or criminal or juvenile justice settings.
3. Handling or exchanging money.
4. Working late night or early morning hours.
5. Working in areas with exits secured from the inside.
6. Working alone or in small numbers.
7. Working in high-crime areas.
8. Working in locations with uncontrolled public access.
9. Areas of previous security problems.

c. Written workplace violence prevention program. Every covered contractor shall develop and implement a written workplace violence prevention program for its workplace or various workplaces that includes all of the following:

1. A list of the risk factors identified pursuant to subdivision b of this section that are present in such workplace or workplaces.

2. The methods the covered contractor will use to prevent workplace violence. Such methods shall include, but need not be limited to, the following:

- (a) Making high-risk areas more visible to more people;
- (b) Providing training in conflict resolution and nonviolent self-defense responses;

(c) Installing and maintaining appropriate security features, such as locks and exterior lighting where appropriate; and

(d) Establishing and implementing reporting systems for instances of aggressive behavior.

3. A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls and personal protective equipment.

4. The methods by which the covered contractor will address each specific risk factors identified in the workplace evaluation.

5. A system for reporting, in writing, incidents of workplace violence.

6. A written outline or lesson plan for employee program training.

7. A plan for program review and update on at least an annual basis that includes any mitigating steps taken in response to previous incidents of workplace violence.

d. *Employee information and training.* 1. Every covered contractor shall make its workplace violence prevention program available upon request to employees, their designated representatives and the contracting agency with which the covered contractor contracts.

2. Every covered contractor shall provide its employees with all of the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:

(a) Employees shall be informed of the requirements of this section, the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention program required by this section.

(b) Employee training shall include at least: (i) the measures employees can take to protect themselves from such risks, including specific procedures the covered contractor has implemented to protect employees, such as appropriate work practices, emergency procedures and use of security alarms and other devices, and (ii) the details of the written workplace violence prevention program developed by the covered contractor.

e. *Reporting violations.* 1. An employee or representative of employees who believes that a serious violation of a workplace violence prevention program exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the covered contractor a reasonable opportunity to correct the violative activity, policy or practice. This requirement does not apply where an imminent danger or threat exists to the safety of a specific employee or to the general health of a specific person and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

2. If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct the violative activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program exists, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice of such violation or danger to the contracting agency with which the covered contractor contracts. Each contracting agency shall designate by rule an individual responsible for receiving and handling such complaints. A notice and request pursuant to this paragraph shall be in writing, shall set forth with reasonable particularity the grounds for the notice and shall be signed by such employee or representative of employees. The contracting agency shall provide a copy of the notice to the covered contractor no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made as soon as practicable after receipt of such a request.

3. A contracting agency's representative conducting an inspection shall allow a representative of the covered contractor and an authorized employee representative to accompany such representative during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the contracting agency's representative conducting the inspection shall consult with a reasonable number of employees concerning matters of safety in the workplace.

4. The authority of a contracting agency to inspect a premises pursuant to an employee complaint under this section is not limited to the alleged violation contained in such complaint. The contracting agency's representative conducting the inspection may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this section exists.

5. No covered contractor may take retaliatory action against an employee as a result of the employee having done any of the following:

(a) Provided written notice pursuant to paragraph 1 of this subdivision.

(b) Requested an inspection pursuant to paragraph 2 of this subdivision.

(c) Accompanied a contracting agency's representative during an inspection as authorized in paragraph 3 of this subdivision or otherwise assisted such representative in the course of an inspection.

6. In addition to conducting inspections pursuant to employee complaints, a contracting agency may establish a general schedule of inspections for purposes of enforcing this section.

7. A contracting agency's representative conducting an inspection may inspect any premises occupied by a covered contractor if such representative has reason to believe that a violation of this section has occurred or if the contracting agency has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspections.

8. Any information obtained by a contracting agency pursuant to this subdivision shall be obtained with a minimal burden on any affected covered contractor.

9. When a request for an inspection alleges the existence of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of a hazardous condition in the workplace, the applicable contracting agency shall give the request the highest priority and shall perform an inspection immediately.

f. *Incident reports.* 1. A covered contractor shall report any instance of workplace violence involving such covered contractor's employees to the applicable contracting agency no later than ten days after its occurrence.

2. No later than sixty days after the end of each fiscal year, each contracting agency shall (i) post a report on its website containing the total number of

occupational assaults and homicides occurring that year against employees of its covered contractors and (ii) provide a copy of such report to the council.

g. Each contracting agency shall promulgate rules as necessary to implement and carry out the provisions of this section.

§ 2. This local law shall become effective one hundred twenty days after its enactment, except that prior to such effective date the administration for children's services, the department for the aging, the department of homeless services and the human resources administration/department of social services shall take any steps necessary for its implementation, including the promulgation of rules.

Referred to the Committee on Contracts.

Res. No. 503

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2819, which would establish a hospitality gift fund for the homeless.

By Council Members Levin, Chin, Eugene, Gibson and Mendez

Whereas, Homelessness in New York City has increased dramatically in recent years, while our nation has continued to face challenging economic conditions; and

Whereas, In New York City it is particularly difficult for people of modest means to secure reasonably affordable housing; and

Whereas, As of November 2014, there were an all-time record 58,562 homeless people sleeping each night in the New York City shelter system; and

Whereas, Over the course of Fiscal Year 2013, more than 111,000 different individuals slept in the shelter system, including more than 40,000 different children; and

Whereas, A.2819, sponsored by Assembly Member Keith L.T. Wright, would establish a voluntary hotel unit fee of two dollars per day that would fund a "Hospitality Gift Fund for the Homeless"; and

Whereas, The fund would help not-for profit tax-exempt entities deliver services to the homeless and those at risk of becoming homeless, with the goal of reducing homelessness in New York State; and

Whereas, Every New Yorker deserves a decent place to live and more should be done to eliminate homelessness in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.2819, which would establish a hospitality gift fund for the homeless.

Referred to the Committee on General Welfare.

Res. No. 504

Resolution calling upon the Governor and Mayor to approve a fourth "New York/New York Agreement" to create permanent supportive housing.

By Council Members Levin, Chin, Eugene, Mendez, Palma, Torres, Rosenthal, Rodriguez and Reynoso.

Whereas, On November 10, 2014, the New York City Department of Homeless Services, identified over 57,000 New Yorkers in its homeless shelters, including 24,946 children and 12,048 families; and

Whereas, The Coalition for the Homeless claims that another 5,000 homeless New Yorkers sleep in other public or private shelters that house domestic violence survivors, people living with HIV and AIDS, runaway youth and other homeless individuals; and

Whereas, According to the Coalition for the Homeless, there are also thousands of homeless people sleeping on the street, parks, or other public locations; and

Whereas, Cities and states have invested in supportive housing to reduce the homeless population; and

Whereas, Supportive housing is a blend of affordable housing and support services to help individuals and families who have a chronic history of being homeless; and

Whereas, This model provides tenants with housing stability while on-site support services helps individuals and families overcome obstacles to independent living such as psychosocial, intellectual, or physical health problems; and

Whereas, Advocates from the "Campaign 4 NY/NY" have estimated that two-thirds of the street homeless, 30 to 40 percent of homeless sheltered adults without children, and 10 to 15 percent of homeless families with children need permanent supportive housing; and

Whereas, Under the "New York/New York" (NY/NY) housing agreements, New York City and New York State have committed to build supportive housing units; and

Whereas, The NY/NY agreements have resulted in the creation of over 14,000 new supportive housing units since 1990; and

Whereas, According to the New York City Department of Health (DOH), all of the 9,000 supportive housing units planned under the current agreement, New York/New York III (NY/NY III), will be completed by 2016; and

Whereas, There is not enough supportive housing to house the eligible homeless population; and

Whereas, According to a New York Observer article titled “Advocates Gather to Urge De Blasio, Cuomo Toward New Supportive Housing Agreement,” over 20,000 households qualify for supportive housing each year but only one supporting housing unit is available for every six eligible applicants; and

Whereas, The shortage of supportive housing will worsen when the NY/NY III agreement ends; and

Whereas, Advocates from the “Campaign 4 NY/NY” are requesting that the City and State create and fully fund 30,000 units of supportive housing over the next ten years; and

Whereas, A 2013 DOH report titled “New York/New York III Supportive Housing Evaluation” compared the costs of government subsidized healthcare, social services and jail utilization of eligible applicants placed in NY/NY III supportive housing to those of NY/NY III applicants not placed over the period of 2007 to 2009 and found that the NY/NY III tenants spent fewer days in such institutions and cost the City and State \$10,100 less on average; and

Whereas, Supportive housing has been demonstrated to be a humane and economical way to house formerly homeless people and other populations; and

Whereas, A new NY/NY agreement can help reduce the current homeless shelter population, and would allow formerly homeless New Yorkers to live with as much independence as possible; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and Mayor to approve a fourth “New York/New York Agreement” to create permanent supportive housing.

Referred to the Committee on Housing and Buildings.

Int. No. 576

By Council Members Levine, Chin, Gibson, Palma, Rose and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of information regarding buyout agreements.

Be it enacted by the Council as follows:

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

CHAPTER 11

BUYOUT AGREEMENT DISCLOSURE REQUIREMENTS

§ 26-1101 Application.

§ 26-1102 Definitions.

§ 26-1103 Owner filing requirements.

§ 26-1104 Department reporting requirements.

§ 26-1105 Penalties and enforcement.

§ 26-1101 Application. This chapter applies to all buyout agreements executed on or after the effective date of this chapter.

§ 26-1102 Definitions. As used in this chapter:

“Buyout agreement” means an agreement wherein the owner of a rent-regulated unit agrees to pay the tenant of such unit money or other consideration in exchange for such tenant vacating such unit.

“Department” means the department of housing preservation and development and any successor thereto.

“Rent-regulated unit” means a dwelling unit or a rooming unit, as such terms are defined in section 12-10 of the New York city zoning resolution, for which the rent is regulated by law or rule.

§ 26-1103 Owner filing requirements. Within forty five days after the execution of a buyout agreement for a rent-regulated unit, the owner of such unit must provide the following to the department upon forms prescribed by the commissioner of the department: (1) name of the owner; (2) name of the tenant executing such agreement; (3) address of the rent-regulated unit which is the subject of the buyout agreement; (4) amount of money or consideration agreed upon in the buyout agreement; (5) date that the buyout agreement was executed; and (6) a copy of the executed buyout agreement.

§ 26-1104 Department reporting requirements. The department shall provide a report to the mayor and the council by January 31 of each year providing, at a minimum, the following information for each buyout agreement filed with the department in the previous year: (1) the address of the rent-regulated unit which was the subject of such buyout agreement; (2) the amount of money or consideration agreed upon in the buyout agreement; and (3) the date that the buyout agreement was executed.

§ 26-1105 Penalties and enforcement. An owner who is required to file a buyout agreement under this chapter and who fails to file in the time required by section 26-1103 shall be subject to a civil penalty of not less than one hundred dollars per day from the date set for such filing until the filing is properly made. Such penalty shall be recoverable by the department in a civil action brought in a court of competent jurisdiction or in a proceeding before the environmental control board.

§2. This local law shall take effect 120 days after enactment, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 577

By Council Members Levine, Chin, Constantinides, Eugene, Gibson, Mendez, Rose and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to speed limits in New York city parks.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 19-177 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) On or before January 1, 2016, the speed limit of all roadways within parks under the jurisdiction of the commissioner of parks and recreation shall be no more than 20 miles per hour nor less than 15 miles per hour, with traffic calming measures implemented as required in section 1642 of the vehicle and traffic law.

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

Referred to the Committee on Transportation.

Int. No. 578

By Council Members Richards, Chin, Constantinides, Gibson, Levine and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to limiting nighttime illumination for certain buildings.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-116.1 to read as follows:

§ 24-116.1 Limitations on nighttime illumination. a. As used in this section, “night” means the period of time beginning at sunset and ending at sunrise.

b. No exterior or interior of a building whose main use or dominant occupancy is classified in group B or M pursuant to the New York city building code may be illuminated at night, except as follows:

1. This subdivision shall not apply to small stores, as such term is defined in section 20-910.

2. An owner of a building that is a landmark, as such term is defined in section 25-302 of the code, and twenty or more stories in height may apply to the landmarks preservation commission for relief from the provisions of this section for such building. If such commission finds that such building is a significant part of the city’s skyline, as determined pursuant to rules promulgated by such commission, such commission may, after consultation with the department, waive or vary the provisions of this section for such building.

3. Upon a showing by a building owner that special circumstances indicate a need for night security lighting for such building, the department may waive or vary the provisions of this section for such building to the minimum extent necessary to accommodate such lighting. The department shall, in coordination with the police department and the department of buildings, promulgate rules defining such special circumstances.

4. Where individuals are inside of a building at night, such building’s interior or exterior may remain illuminated until such individuals exit such building.

5. This subdivision shall not prohibit illumination of a building’s interior or exterior at night where such illumination is required by law, rule or the New York zoning resolution.

6. Storefront display windows containing temporary seasonal displays may be illuminated until midnight or until the last individual within the building exits, whichever occurs later.

7. Storefront display windows, other than those containing temporary seasonal displays, may be illuminated at night, provided that (i) such illumination does not exceed fifty watts per linear foot of the window perimeter until midnight and does not exceed twenty-five watts per linear foot of the window perimeter after midnight, (ii) no more than twenty percent of the luminaires providing such illumination are located more than fifteen feet from the window, and (iii) each luminaire used for such illumination has a luminous efficacy greater than thirty lumens per watt.

c. An owner or operator of a building found to be in violation this section shall be subject to a civil penalty of one thousand dollars for each violation.

d. The department shall enforce the provisions of this section.

§2. This local law shall take effect 120 days after enactment, except that the commissioner of environmental protection and chair of the landmarks preservation commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Environmental Protection.

Res. No. 505

Resolution calling upon the Public School Athletic League (PSAL) to provide a medical professional and an ambulance for High School Football games as well as practices in New York City.

By Council Members Rose, Chin, Dickens, Eugene, Mendez and Palma.

Whereas, On Labor Day, September 1, 2014, a high school football player from Staten Island, Miles Kirland-Thomas, who played on the Curtis High School varsity squad, died after collapsing at a morning football practice; and

Whereas, As reported on SILive.com, Mr. Kirland-Thomas reportedly collapsed after doing wind sprints on the practice field during the hot and humid morning practice; and

Whereas, SILive.com further reported that, at the time of Mr. Kirland-Thomas's death and as is currently the case, the PSAL requires the cessation of all exercise if the temperature reaches 85 degrees and the humidity reached 80 percent; and

Whereas, On the morning of Mr. Kirland-Thomas's death, both the humidity and temperature were lower than that which would have necessitated ending the practice session, illustrating that under any circumstances severe and fatal events occur, especially during football games; and

Whereas, To underscore the extent a tragedy like this has on a family one need only read the words of Miles' mother, who said "This is the worst feeling that you can have in your life...I don't wish this on anybody."; and

Whereas, As reported in the Daily News, two years ago another Staten Island High School football player, Nicholas Dellaventura, 15 years of age, also collapsed and died following a workout; and

Whereas, According to a report by the National Center for Catastrophic Sport Injury Research, deaths in football are "rare but tragic events," with 17 direct and indirect deaths during the 2013 football season out of approximately 1.1 million high school players; and

Whereas, As reported on CNN on October 7, 2014, "while there is debate over whether football has become too dangerous for our children knowing what we know now, it's clear there's agreement on a key way to help keep our kids safe; making sure safety is the top focus"; and

Whereas, It cannot be argued that the best way to avoid serious consequences from an injury is the immediacy of the medical care; and

Whereas, Even one preventable death is one too many, and clearly an available ambulance at a football game or practice would eliminate the time for a seriously injured or ill player to reach a hospital's emergency department; and;

Whereas, There can be no greater respect shown the family of Miles Kirland-Thomas than the policy change proposed herein, that will likely prevent the deaths of other children; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Public School Athletic League to provide a medical professional and an ambulance for High School Football games as well as practices.

Referred to the Committee on Education.

Res. No. 506

Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.8763-A/S.7242 legislation that would establish a task force on arts and music education in elementary and secondary schools to study and make recommendations on the curriculum and funds spent on arts and music education in the New York State elementary and secondary school system.

By Council Members Rose, Chin, Eugene, Gentile, Gibson, Mendez, Rosenthal and Rodriguez.

Whereas, According to a 2012 report prepared by the College Board for the National Coalition for Core Arts Standards, research initiatives of the past decade have linked arts participation to cognitive growth and academic skills, including the strengthening of long-term memory and reading ability, creative thinking skills, and writing fluency; and

Whereas, Additionally, they further state that arts education has been linked to positive social outcomes including overall engagement in school, increased graduation rates and increased community engagement; and

Whereas, Current New York State Education Law requires that students in grades 7-12 receive core arts instruction taught by certified teachers; and

Whereas, A recent report issued by the New York City Comptroller's office indicates that arts education in New York City's public schools has become both inequitable and underfunded; and

Whereas, According to the report, figures from the New York City Department of Education's (DOE) Annual Arts in Schools Reports show a 47 percent decline in spending to hire arts and cultural organizations to provide educational services for students; and

Whereas, Furthermore, according to the Comptroller's findings, although schools have had access to "supplemental arts funding" intended for arts education, many schools have opted to divert these funds to non-arts related areas and is disproportionately affecting schools in lower income areas; and

Whereas, A.8763-A/S.7242 introduced by Assembly Member Matthew Titone and State Senator Tony Avella would establish a task force on arts and music education in elementary and secondary schools; and

Whereas, The legislation would call for the creation of the task force to investigate and advise the governor and the state legislature on the current curriculum relating to music and the arts and what, if any, steps should be taken to alter such curriculum or increase the time devoted to such activities; and

Whereas, A.8763-A/S.7242 would also call for the task force to be comprised of eleven members including one representative from the Board of Regents and one member appointed respectively by the New York State Council on the Arts, the New York State School Music Association, the New York State Art Teachers Association and the New York State School Boards Association; and

Whereas, Remaining task force members would be appointed by the Temporary President of the Senate, the Speaker of the Assembly and four members appointed by the governor, all of whom would have experience in various faces of education and/or behavioral science; and

Whereas, The Legislation would also state that no compensation be provided to members of the task force for their services and also call for the task force to be provided certain resources to enable them to carry out its powers; and

Whereas, The task force would have 18 months to complete its research and present its findings and recommendations to the governor, Board of Regents, Temporary President of the Senate, Speaker of the Assembly and to the minority leaders of both the Senate and Assembly; and

Whereas, According to the DOE's own website, the arts education goal for the New York City is to "provide all public school students with universal access to a high quality arts education"; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign, A.8763-A/S.7242 legislation that would establish a task force on arts and music education in elementary and secondary schools to study and make recommendations on the curriculum and funds spent on arts and music education in the New York State elementary and secondary school system.

Referred to the Committee on Education.

Int. No. 579

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

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the racial and gender makeup of firefighter examination applicants, eligible lists, academy admissions and graduation statistics.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-130 to read as follows:

§ 15-130 Firefighter examination applicants, eligible lists, academy admission and graduation statistics. The commissioner, in consultation with the commissioner of the department of citywide administrative services, shall provide the following information to the council and to the mayor and shall post such information on the department's website immediately upon providing it to the council and mayor:

(1) The following information, disaggregated by gender and race, shall be provided on or before 60 days after the effective date of this section:

(i) The number of applicants for the 2012 firefighter examination and promotion to firefighter examination;

(ii) The number of persons who completed the written portion of such examination;

(iii) The number of persons declared eligible to be hired after such written portion;

(iv) The number of persons invited by the department to take the physical portion of such examination;

(v) The number of persons invited by the department subsequent to the 2012 exam to attend each academy class that started before the effective date of this section and the number that attended such class;

(vi) The number of persons subsequent to the 2012 exam who graduated from each academy class that started on or before the effective date of this section and the number of persons who failed to graduate from each such class; and

(vii) The number of persons subsequent to the 2012 exam who failed to graduate from each academy class that started before the effective date of this section on the grounds that they could not adequately complete the academy's functional skills testing or any similar physical testing.

(2) The following information, disaggregated by gender and race, shall be provided by the date indicated:

(i) The number of applicants for each firefighter examination and promotion to firefighter examination administered on or after the effective date of this section, within 30 days of the conclusion of the application period for such examination;

(ii) The number of persons who completed the written portion of such examination, within 30 days of the conclusion of such examination;

(iii) The number of persons declared eligible to be hired after such portion written portion, within 30 days of the completion of the eligibility list for such examination;

(iv) The number of persons invited by the department to take the physical portion of a firefighter examination or promotion to firefighter examination, on the last date of each month, beginning the month after which this section takes effect;

(v) *The number of persons invited by the department to attend and the number that attended each academy class that starts on or after the effective date of this section, within 30 days after the start of such class;*

(vi) *The number of persons who graduated from each academy class that started on or after the effective date of this section and the number of persons who failed to graduate from such class, within 30 days after the graduation date of such class;*

(vii) *The number of persons who failed to graduate from each academy class that started on or after the effective date of this section on the grounds that they could not adequately complete the academy's functional skills testing or any similar physical testing, within 30 days after the graduation date of such class.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 580

By Council Members Treyger, Chin, Eugene, Gentile, Koo, Levine and Palma

A Local Law in relation to an infrastructure task force.

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this local law, "critical infrastructure" means the systems and assets, with the exception of residential and commercial buildings, that support vital city activities and for which the diminished functioning or destruction of such systems and assets would have a debilitating impact on public safety and/or economic security.

b. New York task force on infrastructure. There shall be a New York task force on infrastructure which shall examine the condition, useful life, and replacement and maintenance requirements of critical infrastructure and public housing stock in the city of New York, with the goal of maintaining the perpetual sustainability of such critical infrastructure and public housing stock.

c. Membership. Members of the task force may include city officers and employees, and shall include, but need not be limited to, an expert on public finance, representatives of labor, and one or more civil engineers with expertise in water supply networks, sewers, transportation, public housing, and gas and electricity distribution, who shall be appointed by, and serve at the pleasure of, the mayor without compensation from the city. Members shall be appointed within one hundred twenty days of the date of enactment of this local law.

d. Meetings and procedure. The task force shall select a chairperson from among its members and shall meet not less than once every quarter year. The task force may establish its own rules and procedures with respect to the conduct of its meetings and other affairs not inconsistent with law. In addition to the meeting requirements set out by this section, within one year of the enactment of this local law, the task force shall sponsor at least one public forum in each borough, at which oral and written testimony shall be accepted from the public.

e. Report. Not later than two years after the enactment of this local law, the task force shall issue a report to the mayor and speaker of the council. Such report shall include a survey of, and a report card grade for, the current condition, useful life, and replacement and maintenance requirements of critical infrastructure and public housing stock in each borough, including, but not limited to, water supply networks, sewers, hazardous waste management, transportation, coastal infrastructure, schools, and gas and electricity distribution. To the extent that replacement and maintenance requirements of critical infrastructure and public housing stock are not currently being met by the entity responsible for the operation and maintenance of such critical infrastructure or public housing stock, such report shall also include policy proposals, recommendations for changes to federal, State, or local laws, and public or private finance options, that would meet the goal of perpetual sustainability of such critical infrastructure and public housing stock. Such report shall also include a summary of substantive comments received at the public forums held pursuant to subdivision d of this local law.

f. Dissolution. Six months after the issuance of the report pursuant to subdivision e of this section, the task force shall cease to exist. Upon dissolution, all records maintained by the task force will be turned over to the office of long-term planning and sustainability.

§2. This local law shall take effect immediately.

Referred to the Committee on Economic Development.

Int. No. 581

By Council Members Ulrich, Cabrera, Eugene, Koo, Mendez, Palma, Rose and Miller..

A Local Law to amend the administrative code of the city of New York, in relation to including 311 reports as official notice to the City of unsafe street or sidewalk conditions.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 7 of the administrative code of the city of new york is amended by adding a new section 7-201.1 to read as follows:

§ 7.201.1. *Electronic notice. All electronically stored information stored pursuant to voice or electronic communications to the city of new york's 311 or*

successor system shall constitute written notice for the purposes of providing notice to the city of new york of roadway conditions.

§ 2. Subdivision d of section 19-152 of the administrative code of the city of new york is amended to read as follows:

d. If the department has been notified in writing of the existence of a defective, unsafe, dangerous or obstructed condition of a sidewalk pursuant to subdivision (c) of section 7-201 of the code, and the department determines that such condition constitutes an immediate danger to the public, it may notify the property owner that such condition constitutes an immediate danger to the public and direct such owner to repair same within ten days of the service of the notice. *For purposes of this subdivision, all electronically stored information stored pursuant to voice or electronic communications to the city of new york's 311 or successor system shall constitute written notice.*

§ 3. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 582

By Council Members Vallone, Dickens, Gentile, Koo, Rose and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to transferring administration of the senior citizen rent increase exemption (SCRIE) and disability rent increase exemption (DRIE) programs to the department of finance.

Be it enacted by the Council as follows:

Section 1. Section 26-601 of the administrative code of the city of New York is amended to read as follows:

§ 26-601 Definitions. As used in this [section] *chapter*.

§ 2. Subdivision k of section 26-601 of the administrative code of the city of New York is amended to read as follows:

k. "Supervising agency" means the department of [housing preservation and development] *finance*.

§ 3. Subdivision c of section 26-605 of the administrative code of the city of New York is amended to read as follows:

(c) Notwithstanding any other provision of law and to the extent applicable to the provisions of this chapter, any renewal application being made by the tenant pursuant to this section, any rent increase order then in effect with respect to such tenant shall be deemed renewed until such time as the [department of housing preservation and development] *supervising agency* shall have found such tenant to be either eligible or ineligible for a rent increase exemption order but in no event for more than six additional months. If such tenant is found eligible, the order shall be deemed to have taken effect upon expiration of the exemption. In the event that any such tenant shall, subsequent to any such automatic renewal, not be granted a rent increase exemption order, such tenant shall be liable to his or her landlord for the difference between the amounts he or she has paid under the provisions of the automatically renewed order and the amounts which he or she would have been required to pay in the absence of such order. Any rent increase exemption order issued pursuant to this chapter shall include provisions giving notice as to the contents of this section relating to automatic renewals of rent exemption orders.

§ 4. This local law shall take effect one hundred eighty days after its enactment, except that the commissioner of finance shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Aging.

Int. No. 583

By Council Members Williams, Cabrera, Chin, Eugene, Gentile, Koo, Levine, Mendez, Palma, Miller and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on crime statistics in shelters.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-317 to read as follows:

§ 21-317 *Crime statistics in shelters. a. Definitions. For the purposes of this section the following terms shall have the following meanings:*

1. "Adult" means any person who is 18 years of age or older;

2. "Adult families" means families comprised of adults and no children;

3. "Children" means people under 18 years of age;

4. "Cluster site" means apartments within private buildings or a group of buildings in geographic proximity to each other, under the operation of a social services provider, and used by the department to shelter families with children;

5. "Families with children" means families with adults and children, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual;

6. "Hotels" means buildings that historically operated as hotels prior to their use as shelter and are currently used by the department as shelter for families with children or adult families;

7. "Shelter" means temporary emergency housing provided to homeless single adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department;

8. "Single adult" means individuals without an accompanying adult or child;

9. "Tier II shelter" means a shelter facility subject to the provisions of part 900 of the codes, rules, and regulations of the state of New York which provides shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment services, permanent housing preparation services, recreational services, information and referral services, health services, and child-care services.

10. "Violent felony" means a criminal offense as defined in section 70.02 of the penal law.

b. Beginning no later than January 31, 2015, and no later than every January 31 annually thereafter, the commissioner shall submit to the mayor and to the speaker of the council an annual report containing statistics regarding crimes occurring in shelters. Each such report shall include but not be limited to: (a) the total number of arrests for violent felonies occurring in each shelter; (b) efforts to improve security measures in each homeless shelter; and (c) any agreements, made between the department of homeless services and the New York city police department or any other law enforcement entities, for the purpose of enhancing security in homeless shelters throughout the city of New York. Such data shall be disaggregated by the shelter population including single adults, adult families, and families with children, and shelters for families shall be further disaggregated by tier II shelters, cluster sites, and hotels.

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 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 upon its enactment into law.

Referred to the Committee on General Welfare.

Int. No. 584

By Council Members Williams, Chin, Constantinides, Eugene, Gibson, Koo, Mendez, Palma, Rose and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to providing e-mail and text message notifications regarding major transportation projects.

Be it enacted by the Council as follows:

Section 1. Section 19-101.2 of the administrative code of the city of New York is amended to add a new section k to read as follows:

k. The department shall ensure that the website of the department or a website operated by the department of information technology and telecommunications permits individuals to sign up to receive text message and/or e-mail notifications relating to major transportation projects. Individuals shall be permitted to limit their receipt of such notifications by, at minimum, borough, street, and cross street. Affected council member(s) and community board(s) shall be signed up automatically to receive notifications relating to major transportation projects, but shall be permitted to opt out of such receipt.

§ 2. This local law shall take effect 180 days after its enactment.

Referred to the Committee on Transportation.

Res. No. 507

Resolution declaring January 15th - 22nd of each year as Peace Week in the City of New York.

By Council Members Williams, Cabrera, Eugene, Mendez, Palma, Van Bramer and Rosenthal.

Whereas, January 15th - 22nd, 2015 will mark the 6th annual "NY Peace Week," in honor of Dr. Martin Luther King Jr's legacy of non-violence; and

Whereas, NY Peace Week, organized by LIFE Camp, Inc., was established to address youth violence in New York City neighborhoods; and

Whereas, The goal of NY Peace Week "is to create a culture of peace throughout New York City for [the week] by hosting an event, performing an activity or simply taking one personal action toward creating inner peace and setting a positive example for youth"; and

Whereas, Peace Week galvanizes the efforts of entertainers, cultural icons, government leaders, educators, athletes and community based organizations to host an event or lend their voice to the message of peace; and

Whereas, NY Peace Week targets 18 to 25 year old tech-savvy, socially active teens, college students and young adults throughout the New York Tri-State Area who are influenced by pop culture and multi-media; and

Whereas, NY Peace Week promotes various events and digital platforms to encourage these individuals to become peer leaders and role models for youth under age 18; and

Whereas, According to the 2010 Census, there are approximately 1.2 million youth aged 15 to 24 living in New York City; and

Whereas, According to data released in 2013 by the New York City Department of Health and Mental Hygiene ("Health Department"), homicide was the leading cause of death among New York City youth aged 15 to 24 between 2009-2011; and

Whereas, The Health Department's 2013 Epi Research Report, *Firearm Deaths and Injuries in New York City*, revealed that in 2011, New Yorkers aged 15 to 24 had the highest rate of firearm homicide and firearm assault hospitalizations compared with other age groups; and

Whereas, Furthermore, this same report found that young black men aged 15 to 24 experienced the highest rate of violence-related firearm death and injury; and

Whereas, NY Peace Week not only brings about awareness on youth violence, it also encourages people, especially teens and young adults, to become involved in helping to reduce such violence in their communities; now, therefore, be it

Resolved, That the Council of the City of New York declares January 15th - 22nd of each year as Peace Week in the City of New York.

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

Preconsidered L.U. No. 153

By Council Members Ferreras:

Pio/VIP HDFC, Block 2762, Lot 1; Block 2946, Lot 1; Bronx, Community District No. 2, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 154

By Council Members Ferreras:

Crotona Estates HDFC, Block 2940, Lots 11 and 32; Bronx, Community District No. 3, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 155

By Council Members Ferreras:

Longfellow Avenue HDFC, Block 3010, Lots 12 and 17; Bronx, Community District No. 3, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 156

By Council Members Ferreras:

Evergreen Estates HDFC, Block 3737, Lots 49, 54, 58, 62, 66, and 70; Bronx, Community District No. 9, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 157

By Council Members Ferreras:

The Mascot Flats HDFC, Block 375, Lot 30; Manhattan, Community District No. 3, Council District No. 2.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 158

By Council Member Greenfield:

Application No. 20155247 PNK pursuant to §1301 (2) (f) of the New York City Charter concerning a proposed maritime lease between the New York City Department of Small Business Services and the New York City Economic Development Corporation for approximately 72 acres of City-owned land,

known as the South Brooklyn Marine Terminal, located at 81 39th Street (Block 662, Lots 136 and parts of Lots 1, 130 and 155), Borough of Brooklyn, 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. 159

By Council Member Greenfield:

Application No. 20155248 HAM submitted 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 538-548 West 53rd Street (Block 1081, part of Lot 1), Borough of the Manhattan, Community Board 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Planning, Disposition and Concessions.

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

ANNOUNCEMENTS:

Tuesday, December 9, 2014

Committee on AGING.....10:00 A.M.

Oversight – Providing Support to New York City’s Caregivers
Committee Room – 250 Broadway, 14th Floor Margaret Chin, Chairperson

★ *Deferred*

Committee on WATERFRONTS10:00 A.M.

Agenda to be announced
Committee Room – 250 Broadway, 16th FloorDeborah Rose, Chairperson

★ *Deferred*

Committee on RECOVERY AND RESILIENCY10:00 A.M.

Int 562 – By Council Members Treyger, Cabrera, Deutsch, Eugene, Gentile, Koslowitz and Richards – A Local Law in relation to the creation of a Hurricane Sandy community groups and houses of worship recovery task force.
Council Chambers – City Hall Mark Treyger, Chairperson

★ *Deferred*

Committee on PUBLIC HOUSING1:00 P.M.

Oversight – The Relationship between Lighting and Safety in the Wake of the Akai Gurley Shooting
Council Chambers – City HallRitchie Torres, Chairperson

Committee on SANITATION AND SOLID WASTE MANAGEMENT..... 1:00 P.M.

Oversight – NYC’s E-Waste Policy: How the City is Ramping Up its Efforts in Light of the 2015 Disposal Ban
Committee Room – City Hall.....Antonio Reynoso, Chairperson

Committee on HOUSING AND BUILDINGS 1:00 P.M.

Int 252 – By Council Members Dromm, Cabrera, Ferreras, Gibson, Koo, Lancman, Levine, Mendez, Reynoso, Rose, Rosenthal, Gentile, Eugene and Rodriguez - A Local Law to amend the administrative code of the city of New York, in relation to the online publication of information relating to stop work orders issued by the department of buildings.

Int 346 – By Council Members Rodriguez, Chin, Gentile, Koo, Levin, Levine, Reynoso, Koslowitz and Rosenthal - A Local Law to amend the administrative code of the city of New York, in relation to reporting multiple dwellings with numerous code violations.

Int 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.

Committee Room – 250 Broadway, 14th Floor
..... Jumaane D. Williams, Chairperson

Wednesday, December 10, 2014

★ *Note Location Change*

Committee on **OVERSIGHT AND INVESTIGATIONS** jointly with the Committee on **GOVERNMENTAL OPERATIONS**..... **10:00 A.M.**

Oversight – Evaluating the Structure and Content of the Mayor’s Management Report

★ Committee Room – City Hall Vincent J. Gentile, Chairperson
..... Ben Kallos, Chairperson

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the Committee on **WOMEN’S ISSUES** and Committee on **CONTRACTS**.....**10:00 A.M.**

Oversight – Examining Ways to Increase the Number of FDNY Female Firefighters Int 579 - By Council Members Rosenthal and Crowley - A Local Law - To amend the administrative code of the city of New York, in relation to reporting on the racial and gender makeup of firefighter examination applicants, eligible lists, academy admissions and graduation statistics.

Council Chambers – City Hall Elizabeth Crowley, Chairperson
..... Laurie Cumbo, Chairperson
..... Helen Rosenthal, Chairperson

★ *Deferred*

Committee on CIVIL RIGHTS.....1:00 P.M.

Int 318 – By Council Members Williams, Johnson, Torres, Miller, Gibson, Chin, Palma, the Public Advocate (Ms. James), Arroyo, Cornegy, Dromm, Koo, Levine, Reynoso, Richards, Treyger, Espinal, Levin, Menchaca, Dickens, Barron, Rosenthal, Cumbo, Rose, Rodriguez, King, Koslowitz, Wills, Mendez, Kallos, Lander, Eugene, Cabrera, Constantinides, Ferreras and Maisel (by the request of the Manhattan Borough President) – A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one’s arrest record or criminal conviction.

Committee Room – City Hall.....Darlene Mealy, Chairperson

Committee on HIGHER EDUCATION..... 1:00 P.M.

Oversight – SEEK and College Discovery Programs at CUNY
Committee Room – 250 Broadway, 14th Floor Inez Barron, Chairperson

Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS jointly with the Subcommittee on **LIBRARIES**..... **1:00 P.M.**

Oversight – New York City Public Library Systems’ Capital Needs & Planning
Council Chambers – City Hall James Van Bramer, Chairperson
..... Costa Constantinides, Chairperson

Thursday, December 11, 2014

Committee on **FINANCE** jointly with the Committee on **SMALL BUSINESS** **10:00 A.M.**

Oversight – The Department of Small Business Services’ Neighborhood Development Programs
Committee Room – 250 Broadway, 14th FloorJulissa Ferreras, Chairperson
..... Robert Cornegy, Chairperson

★ *Deferred*

Committee on PARKS AND RECREATION.....10:00 A.M.

Int 384 – By Council Members Levine, Lander, Arroyo, Chin, Cohen, Gentile, Johnson, King, Koo, Mendez, Reynoso, Rodriguez, Vacca and Rosenthal – A Local Law to amend the administrative code of the city of New York, in relation to an annual report on non-governmental funding for New York city parks.

Committee Room – City Hall.....Mark Levine, Chairperson

Committee on EDUCATION10:00 A.M.

Oversight – Diversity in New York City Schools
Proposed Int 511-A - 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, data within charter schools and special programs.

Res. No. 442 - By Council Members Barron, Torres, Lander, Dromm, Rodriguez, Levine, Maisel, Johnson, Mendez, Richards, Reynoso and Rosenthal - 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

Committee on EDUCATION (CONT.).....10:00 A.M.

Res. No. 453 - By Council Members Torres, Barron, Lander, Dromm, Rodriguez, Levine, Treyger, Maisel, Chin, Richards and Reynoso - 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.

Council Chambers – City HallDaniel Dromm, Chairperson

★ Deferred

~~Committee on COURTS AND LEGAL SERVICES1:00 P.M.~~

~~Agenda to be announced~~

~~Committee Room – 250 Broadway, 14th FloorRory Lancman, Chairperson~~

★ Note Committee Addition

Committee on **ECONOMIC DEVELOPMENT** jointly with the
Committee on **COMMUNITY DEVELOPMENT** and

★ Committee on **CIVIL SERVICE AND LABOR**..... 1:00 P.M.

Oversight – Mayor’s Office of Workforce Development: Structural Reforms of the City’s Workforce Development Systems.

Committee Room – City Hall Daniel Garodnick, Chairperson

..... Maria del Carmen Arroyo, Chairperson

..... I. Daneek Miller, Chairperson

Friday, December 12, 2014

★ Deferred

~~Committee on HOUSING AND BUILDINGS10:00 A.M.~~

~~Oversight – Short Term Rentals – Stimulating the Economy or Destabilizing Neighborhoods?~~

~~Council Chambers – City Hall Jumaane D. Williams, Chairperson~~

Monday, December 15, 2014

Subcommittee on **ZONING & FRANCHISES**.....9:30 A.M.

See Land Use Calendar

Committee Room – 250 Broadway, 16th FloorMark Weprin, Chairperson

★ Note Deferred Topic

Committee on **MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND**

DISABILITY SERVICES10:00 A.M.

★ Oversight – Early Intervention Program

Int 571 - **Error! Bookmark not defined.**By Council Member Cohen - A Local Law - To amend the New York city charter, in relation to the early intervention program.

Committee Room – 250 Broadway, 14th Floor Andrew Cohen, Chairperson

★ Note Topic and Committee Addition

Committee on **PUBLIC SAFETY** jointly with the

★ Committee on **COURTS AND LEGAL SERVICES**.....10:00 A.M.

Oversight – Examining the Operations of New York City’s Summons Courts

Council Chambers – City Hall Vanessa L. Gibson, Chairperson

..... Rory Lancman, Chairperson

Committee on **GENERAL WELFARE**10:00 A.M.

Oversight – Homelessness and the Implementation of the Living in Communities (LINC) Program

Committee Room – City Hall..... Stephen Levin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**11:00 A.M.

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... 1:00 P.M.

See Land Use Calendar

Committee Room – 250 Broadway, 16th FloorInez Dickens, Chairperson

★ Note Amended Resolution

Committee on **VETERANS** 1:00 P.M.

Proposed Res 261-A - By Council Members Ulrich, Chin, Constantinides, Dickens, Eugene, Koo, Wills, Rodriguez, Koslowitz, Rosenthal, Vallone and Cohen - Resolution calling upon the New York State Legislature to pass and the Governor to sign S.1702, an Act to amend the public housing law, in relation to veterans' eligibility for public housing.

Committee Room – City Hall
Ulrich, Chairperson

Eric

★ Note Topic and Committees Additions

Committee on **CONTRACTS** jointly with the

★ Committee on **OVERSIGHT AND INVESTIGATIONS**

★ Committee on **TECHNOLOGY**..... 1:00 P.M.

Oversight – Examine Lessons Learned and Recommendations for Improving New York City's Management of Large Information Technology Contracts

Int 498 - By Council Members Rosenthal, Kallos, Constantinides and Wills - A Local Law to amend the administrative code of the city of New York, in relation to conflicts of interest in city contracts.

Council Chambers – City Hall Helen Rosenthal, Chairperson

..... Vincent J. Gentile, Chairperson

..... James Vacca, Chairperson

★ Note Time Change

Committee on **FINANCE**..... ★ 1:00 P.M.

Oversight – An Examination of the Department of Finance’s outreach efforts to senior citizens regarding the senior citizen rent increase exemption program.

Int 555 - By Council Members Ferreras, Arroyo, Dickens, King, Koo, Koslowitz, Williams, Vacca and Rodriguez - A Local Law to amend the administrative code of the city of New York, in relation to the senior citizen rent increase exemption.

Committee Room – 250 Broadway, 14th Floor Julissa Ferreras, Chairperson

★ Deferred

~~Committee on SMALL BUSINESS jointly with the~~

~~Committee on FINANCE.....1:00 P.M.~~

~~Oversight – Business Improvement Districts and Neighborhood Development Programs~~

~~Committee Room – 250 Broadway, 14th Floor Robert Cornegy, Chairperson~~

~~..... Julissa Ferreras, Chairperson~~

Tuesday, December 16, 2014

★ Addition

Committee on **PARKS AND RECREATION**..... 10:00 A.M.

Oversight – The State of Natural Areas Under the Care of the Parks Department

Committee Room – 250 Broadway, 14th Floor Mark Levine, Chairperson

Committee on **PUBLIC HOUSING** 10:00 A.M.

Oversight – The Relationship between Lighting and Safety in the Wake of the Akai Gurley Shooting

Council Chambers – City Hall Ritchie Torres, Chairperson

★ Addition

Committee on **RECOVERY AND RESILIENCY**10:00 A.M.

Int 562 - By Council A Local Law in relation to the creation of a Hurricane Sandy community groups and houses of worship recovery task force.

Committee Room – 250 Broadway, 16th Floor Mark Treyger, 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

Wednesday, December 17, 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 December 17, 2014.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

