

THE COUNCIL

STATED MEETING OF

WEDNESDAY, DECEMBER 17, 2014

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of

Wednesday, December 17, 2014, 2:03 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, Speaker

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

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

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

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

INVOCATION

The Invocation was delivered by Rabbi Eli Mansour, The Edmond J. Safra Synagogue, 1801 Ocean Parkway, Brooklyn, NY 11223.

Thank you, Honorable Speaker, members of the Council.

I appreciate the opportunity to stand before you this afternoon, and address you in invocation.

This morning I was asked by members of my synagogue in Brooklyn, Rabbi, are you nervous to deliver this speech?

My answer was very nervous.

They said, Well, Rabbi, there are only 51 members on the Council and you're accustomed to speaking in front of thousands of people around the world.

I said, But I will explain to you why I'm nervous, and why I'm very nervous because this is the largest audience that I have ever spoken in front of clearly in my life.

He said, Why? I related a small anecdote about the Queen of the Netherlands, the Queen Pauline Helena Maria, when she stood on the balcony of her palace in Amsterdam.

She turned to her mother and she said, Mama, do all these people belong to me?

She said, No, my child, it is you who belong to all these people.

When I stand in front of the Council,

I'm not standing in front of 51 members.

I'm standing in front of all of those millions of people that you represent.

It is you who belong to all these people.

And, that's why I'm very nervous because I never spoke—

I never have spoken in front of millions and millions of people.

Members of the Council, I was asked a second question:

Is it worth your time, Rabbi to come all the way to Manhattan and to expend energy for a three-minute invocation?

I said, It is worth it. Because as a rabbi I sometimes also forget that the congregation does not belong to me, but I belong to the congregation.

And when I came here, I knew that I would be inspired.

I'm inspired to see that everybody takes this job of civic responsibility and duty very seriously.

All the issues that are dealt by all these members they're done in an idealistic way, an altruistic way, and all of you are making a big difference.

I knew I would come in contact with people that recognize that it is you who belong to all these people, and I needed to remind myself of that.

And, therefore, I said it's worth it to come here even to see these presentations that were done.

To get inspired by all the public services being done around me.

I am re-energized and re-inspired at my job at the synagogue.

Although I've come this afternoon to give the invocation,

but all of you members of the Council have actually given me the best invocation that I ever received.

But I was asked to give a blessing,

and in the old literature of our Holy Works

we are told to pray for the welfare of government.

Pray for its integrity, and as well, very humbly.

I pray for your welfare. I pray for your peace of mind.

May the Almighty give you counsel

in order to continue the great work,

and to be a motivator to young rabbis like myself

that look at you with great admiration and respect for all that you do.

As the Queen was told by her mother, the people are not yours.

You belong to the people.

Thank you very much. [applause]

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

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

Jay O'Donovan, former New York City Council Member, passed away on December 11, 2014. He was a decorated Marine Corp veteran who earned two Bronze Stars and field promotion to Captain while serving in Vietnam. Council Member O'Donovan was on the Council from 1983 to 2001 where he represented the residents of the north shore of Staten Island and chaired the Committee on Economic Development. The Speaker (Council Member Mark-Viverito) offered her deepest sympathies to his family and friends. The floor was then yielded to Council Member Gentile who spoke in honor of the late former Council Member Jay O'Donovan.

The Speaker (Council Member Mark-Viverito) also asked those in the Chambers to remember the victims of the recent attack on a school in Peshawar, Pakistan where over 140 innocent individuals, mostly children, were killed and many others were wounded. She offered her thoughts and prayers to the Pakistani community.

* * *

ADOPTION OF MINUTES

Council Member Ulrich moved that the Minutes of the Stated Meeting of November 25, 2014 be adopted as printed.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

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

Report for Int. No. 588

Report of the Committee on Finance in favor of approving and adopting, a Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand sixteen.

The Committee on Finance, to which the annexed preconsidered proposed local law was referred on December 17, 2014, respectfully

REPORTS:

ANALYSIS:

Various provisions in chapter ten of the New York City Charter (the "Charter") prescribe the actions that need to be taken as part of the annual budget submission process for the following fiscal year's budget. The Charter specifies certain dates on which the Mayor must submit its Preliminary Budget, as well as the Mayor's Preliminary Management Report ("PMMR"). The Charter also prescribes the dates for preliminary budget actions taken by other agencies, such as the Independent Budget Office, the Department of Finance, as well as city officials, such as the Borough Presidents.

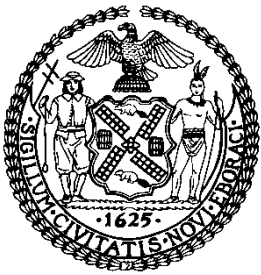
This Intro would provide for an extension of the date for the submission of fiscal year 2016 budget-related documents by the Mayor and other agencies, and also extends the date by which the Council must conduct its hearings and submit its recommendations on the Preliminary Budget and the PMMR.

The extended dates are noted below, and dates of greater importance to the Council and/or require Council action are highlighted. Generally, most dates were pushed back approximately 26 days. The Preliminary Budget was pushed back 24 days.

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions of the budget submission process, and PMMR would be extended as follows:

	<u>Charter Date</u>	<u>Extended Date For FY 2016</u>
Mayor's submission of preliminary management report (Charter sec.12)	not later than January 30	not later than February 24
OMB and CPC's submission of draft ten-year capital strategy (sec. 228)	not later than November 1	not later than February 9
CPC's submission of the report on the draft ten-year capital strategy (sec. 234)	not later than January 16	not later than March 12
Mayor's preliminary certificate on maximum capital debt and obligations (sec.235)	not later than January 16	not later than February 9
Mayor's submission of preliminary budget (sec.236)	not later than January 16	not later than February 9
IBO revenue report (sec.237)	on or before February 1	on or before February 24
Community boards submission of assessment of preliminary budget (sec.238)	not later than February 15	not later than March 12
Finance Commissioner's submission of estimate of assessed valuation and of taxes due and uncollected (sec.239)	not later than February 15	not later than March 12
Mayor's submission of tax benefit report (sec.240)	not later than February 15	not later than March 12
	<u>Charter Date</u>	<u>Extended Date For FY 2016</u>
Borough board's statement on borough priorities (sec. 241)	not later than February 25	not later than March 23
Council's submission of operating budget (sec.243)	not later than March 10	not later than April 7
Borough President's submission of recommended modifications to preliminary budget (sec.245)	not later than March 10	not later than April 7
IBO preliminary budget report (sec.246)	on or before March 15	on or before April 9
Council's preliminary budget hearings and submission of recommendations (sec.247)	not later than March 25	not later than April 20
Council's public hearings and report on preliminary management report (sec.12) <i>(These hearings are done jointly with the prelim. budget hearings)</i>	prior to April 8	prior to May 4
Campaign Finance Board's submission of financial needs (sec.1052)	not later than March 10	not later than April 7

(The following is the text of the Fiscal Impact Statement for Int. No. 588:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INT. NO. 588

COMMITTEE: Finance

TITLE: A Local law In relation to the date of submission by the mayor of a submission management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand sixteen.

SPONSORS: Council
Member Ferreras (by request of the Mayor)

SUMMARY OF LEGISLATION: This legislation would change the charter-mandated deadline dates for the following:

1. Mayor’s submission of the preliminary management report no later than February 24, 2015.
2. Completion of the City Council’s public hearings on the preliminary management report and submission of recommendations no later than May 4, 2015.
3. Office of Management and Budget Office’s and City Planning Commission’s (CPC) submission of draft ten-year capital strategy no later than February 9, 2015.
4. CPC’s submission of the report on the draft ten-year capital strategy no later than March 12, 2015.
5. Mayor’s submission of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects no later than February 9, 2015.
6. Mayor’s submission of the preliminary budget no later than February 9, 2015.

7. Independent Budget Office’s submission of report on revenues and expenditures no later than February 24, 2015.
8. Community Boards’ submission of assessment of the preliminary budget no later than March 12, 2015
9. Commissioner of Finance’s submission on estimates of the assessed valuation of real property and a certified statement of all real property taxes due no later than March 12, 2015.
10. Mayor’s submission of tax benefit report no later than March 12, 2015
11. Borough Boards’ submission of budget priorities no later than March 23, 2015.
12. City Council’s submission of its operating budget no later than April 7, 2015.
13. Borough President’s submission of any proposed modifications to the preliminary budget no later than April 7, 2015.
14. Independent Budget Office’s submission of report analyzing the preliminary budget no later than April 9, 2015.
15. Completion of City Council’s preliminary budget hearings and submission of recommendations no later than April 20, 2015.
16. Campaign Finance Board’s submission of the financial needs of the campaign finance board no later than April 7, 2015.

EFFECTIVE DATE: This local law would take effect immediately and would be retroactive to and deemed to have been in full force and effect as of November 1, 2014.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

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: There would no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

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

LEGISLATIVE HISTORY: This bill will be voted out of the Finance Committee as a Preconsidered Int. on December 17, 2014. Following a successful committee vote, the Preconsidered Int. will be introduced and voted on by the Full Council at the Stated Meeting on December 17, 2014.

DATE PREPARED: December 16, 2014

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 588:)

Int. No. 588
By Council Members Ferreras and Gentile (by request of the Mayor).

A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards

of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand sixteen.

Be it enacted by the Council as follows:

Section 1. During the calendar year 2015 and in relation to the 2016 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 24, 2015, and the council shall conduct public hearings on such report prior to May 4, 2015 and submit to the mayor and make public not later than May 4, 2015, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than February 9, 2015.

3. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than March 12, 2015.

4. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 9, 2015.

5. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 9, 2015.

6. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 24, 2015.

7. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 12, 2015.

8. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 12, 2015.

9. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 12, 2015.

10. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 23, 2015.

11. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than April 7, 2015.

12. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than April 7, 2015.

13. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before April 9, 2015.

14. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 20, 2015.

15. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than April 7, 2015.

§ 2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of November 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 17, 2014. *Other Council Members Attending: Chin.*

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 588:)

**THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007**

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

A LOCAL LAW

In relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand sixteen

Given under my hand and seal this 16th day of December, 2014 at City Hall in the City of New York.

Bill de Blasio
Mayor

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

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

Report for Res. No. 519

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on December 17, 2014, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 26, 2014, the

Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”).

Analysis. This Resolution, dated December 17, 2014, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget.

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

This resolution sets forth the new designation and the changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 1; sets forth the changes in the designation of a certain organization receiving aging discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of funding pursuant to certain initiatives in the Fiscal 2015 Expense Budget, as described in Charts 4-9; and amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget, as described in Chart 10.

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

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

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

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

Chart 4 sets forth the changes in the designation of certain organizations, specifically changes in the administering agencies, receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2015 Expense Budget. These changes will be effectuated upon a budget modification.

Chart 5 sets forth the changes in the designation of certain organizations, specifically changes in the administering agencies, receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2015 Expense Budget. These changes will be effectuated upon a budget modification.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 7 sets forth the changes in the designation of a certain organization, specifically a change in the administering agency, receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget. This change will be effectuated upon a budget modification.

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

Chart 9 sets forth the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 10 amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than

\$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

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

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

Accordingly, this Committee recommends its adoption.

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

Res. No. 519

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

By Council Member Ferreras.

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

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

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

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

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

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

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

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in the designation of certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 7; and be it further

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

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

Resolved, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 10.

ATTACHMENT:

CHART 2: Aging Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Rosenthal	Lincoln Housing Outreach, Inc.	13-366207	DFTA	(\$5,000.00)	125	003		
Rosenthal	Lincoln House Outreach, Inc.	13-366207	DFTA	\$5,000.00	125	003		

* Indicates pending completion of pre-qualification review.

CHART 3: Youth Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Mendez	Dynamic Forms, Inc.	13-3440226	DYCD	(\$4,500.00)	260	312		
Mendez	Lotaleda, Inc.	13-3023163	DYCD	\$4,500.00	260	312		

* Indicates pending completion of pre-qualification review.

CHART 4: Anti-Poverty Initiatives - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Cumbo	Myrtle Ave Commercial Revitalization Development Project Local Development Corporation, The	31-1709307	DYCD	(\$6,500.00)	280	005		
Cumbo	Myrtle Ave Commercial Revitalization Development Project Local Development Corporation, The **	31-1709307	DSBS	\$6,500.00	801	002		
Ferreira	Catholic Migration Services, Inc. **	11-2634818	HPD	(\$10,000.00)	806	009		
Ferreira	Catholic Migration Services, Inc. **	11-2634818	DSSHRA	\$10,000.00	069	103		
Williams	Central Brooklyn Legal Services Corp **	46-5144468	HPD	(\$3,500.00)	806	009		
Williams	Central Brooklyn Legal Services Corp **	46-5144468	DSSHRA	\$3,500.00	069	103		
Gardnick	Housing Conservation Coordinators, Inc. **	51-0141469	HPD	(\$3,500.00)	806	009		
Gardnick	Housing Conservation Coordinators, Inc. **	51-0141469	DSSHRA	\$3,500.00	069	103		
Levine	Manhattan Legal Services **	13-2613958	HPD	(\$4,000.00)	806	009		
Dickens	Manhattan Legal Services **	13-2613958	DSSHRA	\$4,000.00	069	103		
Mendez	Manhattan Legal Services **	13-2613958	HPD	(\$5,000.00)	806	009		
Dickens	Manhattan Legal Services **	13-2613958	DSSHRA	\$5,000.00	069	103		
Levine	Manhattan Legal Services **	13-2613958	HPD	(\$3,500.00)	806	009		
Dickens	Manhattan Legal Services **	13-2613958	DSSHRA	\$3,500.00	069	103		
Mendez	Manhattan Legal Services **	13-2613958	HPD	(\$5,000.00)	806	009		
Levine	Manhattan Legal Services, Inc. **	13-2622748	HPD	(\$3,500.00)	806	009		
Levine	Manhattan Legal Services, Inc. **	13-2622748	DSSHRA	\$3,500.00	069	103		
Palma	MFY Legal Services, Inc. **	13-2622748	HPD	(\$4,000.00)	806	009		
Palma	MFY Legal Services, Inc. **	13-2622748	DSSHRA	\$4,000.00	069	103		
Chin	MFY Legal Services, Inc. **	13-2622748	HPD	(\$7,000.00)	806	009		
Chin	MFY Legal Services, Inc. **	13-2622748	DSSHRA	\$7,000.00	069	103		
Gibson	MFY Legal Services, Inc. **	13-2622748	HPD	(\$5,000.00)	806	009		
Gibson	MFY Legal Services, Inc. **	13-2622748	DSSHRA	\$5,000.00	069	103		
Levine	MFY Legal Services, Inc. **	13-2622748	HPD	(\$4,000.00)	806	009		
Levine	MFY Legal Services, Inc. **	13-2622748	DSSHRA	\$4,000.00	069	103		
Palma	MFY Legal Services, Inc. **	13-2622748	HPD	(\$5,000.00)	806	009		
Palma	MFY Legal Services, Inc. **	13-2622748	DSSHRA	\$5,000.00	069	103		
Chin	MFY Legal Services, Inc. **	13-2622748	HPD	(\$7,000.00)	806	009		
Chin	MFY Legal Services, Inc. **	13-2622748	DSSHRA	\$7,000.00	069	103		
Gibson	MFY Legal Services, Inc. **	13-2622748	HPD	(\$5,000.00)	806	009		
Gibson	MFY Legal Services, Inc. **	13-2622748	DSSHRA	\$5,000.00	069	103		

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

CHART 5: Boroughwide Needs Initiative - Fiscal 2015

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Brooklyn Delegation	Erasmus Neighborhood Federation**	11-2490986	HPD	(\$38,750.00)	806	009		
Brooklyn Delegation	Erasmus Neighborhood Federation**	11-2490986	DSBS	\$38,750.00	801	002		
Manhattan Delegation	Eviction Intervention Services Homelessness Prevention, Inc. **	13-3311582	HPD	(\$10,555.00)	806	009		
Manhattan Delegation	Eviction Intervention Services Homelessness Prevention, Inc. **	13-3311582	DSSHRA	\$10,555.00	069	103		
Manhattan Delegation	MFY Legal Services, Inc. **	13-2622748	HPD	(\$10,556.00)	806	009		
Manhattan Delegation	MFY Legal Services, Inc. **	13-2622748	DSSHRA	\$10,556.00	069	103		

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

CHART 6: Cultural After-School Adventure (CASA) Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA #
Rose	St. George Theatre Restoration, Inc. - P.S. 044 Thomas C. Brown	20-0985637	DCLA	(\$20,000.00)	126	003
Rose	Staten Island Children's Museum - P.S. 044 Thomas C. Brown	23-7378930	DCLA	\$20,000.00	126	003
Maitteo	Staten Island Institute of Arts and Sciences - Public School 46	13-3556427	DCLA	(\$20,000.00)	126	003
Maitteo	Staten Island Institute of Arts and Sciences - Public School 46	13-3556427	DCLA	\$20,000.00	126	003
Manchaca	CUNY Creative Arts Team - Middle School 136	13-1988190	DCLA	(\$20,000.00)	126	003
Manchaca	Groundswell Community Mural Project - P.S. 310	11-3427213	DCLA	\$20,000.00	126	003
Arroyo	Striking Viking Story, Inc. - Bronx Charter School for the Arts	02-3720786	DCLA	(\$20,000.00)	126	003
Arroyo	Creative Minds NYC, Inc. - Striking Viking Story Pirates, Inc. - Bronx Charter School for the Arts	02-3720786	DCLA	\$20,000.00	126	003
Kallos	Striking Viking Story Pirates, Inc. - P.S. 188 leader E. Ida Straus	02-3720786	DCLA	(\$20,000.00)	126	003
Kallos	Creative Minds NYC, Inc. - Striking Viking Story Pirates, Inc. - P.S. 188 leader E. Ida Straus	02-3720786	DCLA	\$20,000.00	126	003

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

CHART 7: NYC Cleanup Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA #
Koslowitz	Horticultural Society of New York, The **	13-0854930	DYCD	(\$15,000.00)	801	005
Koslowitz	Horticultural Society of New York, The **	13-0854930	DSRS	\$15,000.00	801	002

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

CHART 8: Food Pantries Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA #
Arroyo	Department of Cultural Affairs	13-6400434	DCLA	(\$1,411,200.00)	126	003
Arroyo	Bronx Documentary Center	45-2403312	DCLA	\$14,700.00	126	003
Arroyo	Musica De Camera, Inc.	13-3253232	DCLA	\$14,700.00	126	003
Barron	Purelements: An Evolution In Dance	20-5332594	DCLA	\$29,400.00	126	003
Calvera	Society of the Educational Arts, Inc.	11-3210593	DCLA	\$14,700.00	126	003
Calvera	Shadow Box Theatre, Inc.	13-2725580	DCLA	\$14,700.00	126	003
Chin	Hester Street Collaborative	20-3774606	DCLA	\$14,700.00	126	003
Chin	Society of the Educational Arts, Inc.	11-3210593	DCLA	\$14,700.00	126	003
Cohen	Bronx Opera Company	23-7170676	DCLA	\$29,400.00	126	003
Constantinides	Central Florida Local Development Coalition, Inc.	11-2852331	DCLA	\$14,700.00	126	003
Constantinides	CYPRECO of America, Inc.	11-2844226	DCLA	\$14,700.00	126	003
Cornegy	Billie Holiday Theatre Inc	11-2336154	DCLA	\$14,700.00	126	003
Cornegy	Museum of Contemporary African Diasporan Arts	11-3526774	DCLA	\$14,700.00	126	003
Crowley	Midtown Management Group, Inc.	13-3192793	DCLA	\$14,700.00	126	003
Crowley	New York Women in Film and Television	13-2883705	DCLA	\$14,700.00	126	003
Cumbo	Kings Meisels Corporation	11-2856108	DCLA	\$14,700.00	126	003
Cumbo	International African Arts Festival	11-2856322	DCLA	\$14,700.00	126	003
Deutsch	Brigthon Ballet Theater Company, Inc.	11-3195580	DCLA	\$14,700.00	126	003
Deutsch	Kingborough Community College Auxiliary Enterprises Corp.	11-3022873	DCLA	\$14,700.00	126	003
Dickens	Maya's Documentary Center	20-2545574	DCLA	\$14,700.00	126	003
Dickens	Community-Word Project, Inc.	13-4114145	DCLA	\$14,700.00	126	003
Dromm	Latin American Cultural Center of Queens, Inc.	11-2997255	DCLA	\$14,700.00	126	003
Dromm	Houses on the Moon Theater Company	20-4891926	DCLA	\$14,700.00	126	003
Espinal	Elders Share the Arts	13-3135292	DCLA	\$14,700.00	126	003
Espinal	Society of the Educational Arts, Inc.	11-3210593	DCLA	\$14,700.00	126	003
Eugene	Society of the Educational Arts, Inc.	11-3210593	DCLA	\$14,700.00	126	003
Eugene	Caribbean Cultural Theatre, Inc.	83-0508237	DCLA	\$14,700.00	126	003
Ferreras	Louis Armstrong House	26-4178263	DCLA	\$14,700.00	126	003
Ferreras	Society of the Educational Arts, Inc.	11-3210593	DCLA	\$14,700.00	126	003
Gentile	Ballroom Basix USA, Inc.	27-5265003	DCLA	\$14,700.00	126	003
Gentile	Casa Belvedere, The Italian Cultural Foundation	26-4411728	DCLA	\$14,700.00	126	003
Gibson	Society of the Educational Arts	11-3210593	DCLA	\$14,700.00	126	003
Gibson	Renaissance-EMS	13-4122438	DCLA	\$14,700.00	126	003
Ignazio	Sundog Theatre, Inc.	35-0478945	DCLA	\$29,400.00	126	003
Johnson	More Art, Inc.	35-2345641	DCLA	\$29,400.00	126	003
Kallos	Roosevelt Island Youth Program, Inc.	13-3077348	DCLA	\$14,700.00	126	003
Kallos	Friends of the Upper East Side Historic Districts	13-3193351	DCLA	\$14,700.00	126	003
King	Mind-Builders Creative Arts Center	13-2888157	DCLA	\$14,700.00	126	003
King	Drammeh Institute, Inc.	11-3191288	DCLA	\$14,700.00	126	003

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

CHART 9: Food Pantries Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA #
Queens Delegation	Battalion Pentecostal Assembly, Inc.	11-3548121	DYCD	(\$526.00)	260	005
Queens Delegation	Church of God in Christ Jesus of the Apostles Faith Corp	11-3071928	DYCD	(\$526.00)	260	005
Queens Delegation	City Harvest, Inc.	13-3170676	DYCD	(\$527.00)	260	005
Queens Delegation	City Harvest, Inc.	13-3170676	DYCD	(\$527.00)	260	005
Queens Delegation	City Harvest, Inc.	13-3170676	DYCD	(\$526.00)	260	005
Queens Delegation	City Harvest, Inc.	13-3170676	DYCD	(\$526.00)	260	005
Queens Delegation	City Harvest, Inc.	13-3170676	DYCD	(\$526.00)	260	005
Queens Delegation	City Harvest, Inc.	13-3170676	DYCD	(\$526.00)	260	005
Queens Delegation	City Harvest, Inc.	13-3170676	DYCD	(\$526.00)	260	005
Queens Delegation	First Baptist Church of Corona NY, Inc.	31-1767167	DYCD	(\$526.00)	260	005
Queens Delegation	Flushing Jewish Community Council	11-2869559	DYCD	(\$526.00)	260	005
Queens Delegation	Hour Children	13-3847412	DYCD	(\$526.00)	260	005
Queens Delegation	Jewish Center of Jackson Heights	11-881124	DYCD	(\$526.00)	260	005
Queens Delegation	Kehilat Sapharim	11-3101774	DYCD	(\$526.00)	260	005
Queens Delegation	Masbia of Queens	27-5363356	DYCD	(\$526.00)	260	005
Queens Delegation	MCCNY Charities, Inc.	27-5282132	DYCD	(\$526.00)	260	005
Queens Delegation	Our Lady of Grace	11-639827	DYCD	(\$526.00)	260	005
Queens Delegation	Ridgewood Older Adult Center and Services, Inc.	05-807283	DYCD	(\$526.00)	260	005
Queens Delegation	River Fund New York, Inc.	11-3450363	DYCD	(\$526.00)	260	005
Queens Delegation	Samaritan Outreach Ministries, Inc.	11-3283669	DYCD	(\$526.00)	260	005
Queens Delegation	Solid Rock Baptist Church	11-2999373	DYCD	(\$526.00)	260	005
Queens Delegation	St. Margaret Mary Roman Catholic Church	11-1990941	DYCD	(\$526.00)	260	005
Queens Delegation	Voices of Hegar	11-2438038	DYCD	(\$526.00)	260	005
Queens Delegation	St. Theresa	11-1731859	DYCD	\$12,100.00	260	005

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

CHART 9: Cultural Immigrant Initiative - Fiscal 2015 (Continued)

Member	Organization	EIN Number	Agency	Amount	Agy#	U/A
Koo	Youth Orchestra, CYONY	11-3377137	DCLA	\$14,700.00	126	003
Koo	Asian American Arts Alliance	13-3480189	DCLA	\$14,700.00	126	003
Koslowitz	Queens Jewish Community Council, Inc.	23-7172152	DCLA	\$29,400.00	126	003
Lanman	A Better Jamaica, Inc.	11-3804421	DCLA	\$14,700.00	126	003
Lanman	Queens Jewish Community Council, Inc.	23-7172152	DCLA	\$14,700.00	126	003
Lander	Arab American Association of NY, Inc.	11-3604756	DCLA	\$29,400.00	126	003
Levin	Brooklyn Ballet, Inc.	02-5693220	DCLA	\$14,700.00	126	003
Levin	JazzReach Performing Arts and Education Association	11-3192028	DCLA	\$14,700.00	126	003
Levine	Miano a Manc, Mexican Culture Without Borders	86-2545700	DCLA	\$14,700.00	126	003
Levine	No Longer Empty, Inc.	27-3160427	DCLA	\$14,700.00	126	003
Maisel	Wysocki House and Association, Inc.	11-2615053	DCLA	\$29,400.00	126	003
Mark-Viverito	Bronx Children's Museum	26-0578140	DCLA	\$14,700.00	126	003
Mark-Viverito	Center for Traditional Music and Dance	23-7378777	DCLA	\$14,700.00	126	003
Matteo	Sundog Theatre	45-0478945	DCLA	\$14,700.00	126	003
Matteo	Casa Belvedere, The Italian Cultural Foundation	26-4411728	DCLA	\$14,700.00	126	003
Mesly	Tropicaliafe	45-2940435	DCLA	\$14,700.00	126	003
Mesly	New York Foundation For The Arts, Inc. - caribbean	23-7126644	DCLA	\$14,700.00	126	003
Menchaca	Borista Festival Committee, Inc.	84-6505711	DCLA	\$29,400.00	126	003
Mendez	Teatro Ciclop	13-3805585	DCLA	\$14,700.00	126	003
Mendez	Art Lohaida Foundation	26-2563736	DCLA	\$14,700.00	126	003
Miller	A Better Jamaica, Inc.	11-3804421	DCLA	\$14,700.00	126	003
Miller	Braita Productions	27-3402327	DCLA	\$14,700.00	126	003
Palma	Bronx River Art Center, Inc.	13-3261148	DCLA	\$14,700.00	126	003
Palma	Renaissance-EMS	13-4122438	DCLA	\$14,700.00	126	003
Reynoso	UnionDocs, Inc.	86-1150496	DCLA	\$29,400.00	126	003
Richards	Black Spectrum Theatre Company, Inc.	51-0135292	DCLA	\$29,400.00	126	003
Rodriguez	People's Theatre Project, Inc.	26-4705999	DCLA	\$29,400.00	126	003
Rodriguez	East Winds, Inc.	13-4078840	DCLA	\$14,700.00	126	003
Rose	Universal Temple of the Arts, Inc.	13-3335296	DCLA	\$14,700.00	126	003
Rose	Friends of Alice Austen House, Inc.	13-3248628	DCLA	\$14,700.00	126	003
Rosenthal	Fiji Theatre Co.	13-2874683	DCLA	\$14,700.00	126	003
Rosenthal	Lincoln Center for the Performing Arts	13-1847137	DCLA	\$14,700.00	126	003
Torres	Bronx Dance Theater	13-2999528	DCLA	\$14,700.00	126	003
Torres	Bronx River Art Center	13-3261148	DCLA	\$14,700.00	126	003
Treyger	Coney Island History Project	03-0541772	DCLA	\$14,700.00	126	003
Treyger	Art's House Schools, Inc.	87-0790139	DCLA	\$14,700.00	126	003
Ulrich	Queens Symphony Orchestra	11-2106191	DCLA	\$29,400.00	126	003
Vacca	Bronx Dance Theatre	13-2999528	DCLA	\$29,400.00	126	003
Vallone	Midtown Management Group, Inc.	13-3192793	DCLA	\$29,400.00	126	003

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

CHART 9: Cultural Immigrant Initiative - Fiscal 2015 (Continued)

Member	Organization	EIN Number	Agency	Amount	Agy#	U/A
Van Bramer	Fractured Atlas Productions, Inc. - Nukamchik Sape-Ayazama, Inc.	11-3451703	DCLA	\$14,700.00	126	003
Van Bramer	Thalia Spanish Theatre, Inc.	23-7448611	DCLA	\$14,700.00	126	003
Wegrin	Alley Pond Environmental Center, Inc.	11-2405486	DCLA	\$14,700.00	126	003
Williams	King Manor Association of Long Island, Inc.	11-2386324	DCLA	\$14,700.00	126	003
Williams	Hall Cultural Exchange, Inc.	34-2034041	DCLA	\$14,700.00	126	003
Williams	New York Foundation For The Arts, Inc. - caribbean	23-7126644	DCLA	\$14,700.00	126	003

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

CHART 10: Purpose of Funds Changes - Fiscal 2015

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Cumbo	National Black Theatre Workshop, Inc.	13-2632596	DCLA	(\$3,000.00)	Funding will support the continued development of 4 projects.
Local	Cumbo	National Black Theatre Workshop, Inc.	13-2632596	DCLA	\$3,000.00	This funding will support events, community engagements as it pertains to theatre production.
Local	Mendez	Association of Latino Business Owners and Residents	46-3338649	HPD	(\$5,500.00)	le and delivery of two disaster resiliency training sessions
Local	Mendez	Association of Latino Business Owners and Residents	46-3338649	HPD	\$3,000.00	Funding to support staff providing assistance regarding housing/legal/business issues - increasing community awareness of programs, opportunities, services.
Local	Speaker	Mayor's Office of Contract Services	13-6400434	MAYOR	(\$50,000.00)	Administrative fee and interest for supplemental loan funds.
Local	Speaker	Mayor's Office of Contract Services	13-6400434	MAYOR	\$50,000.00	CEO Capacity Building Training.
Local	Anti-Gun Violence Initiative - Youth Programs	Downtown Community Television Center, Inc.	13-2742777	DYCD	(\$10,000.00)	Funding supports a messaging campaign that seeks to decrease gun violence. The messaging campaign would include video and visual advertising. Funding would support video production and distribution, and development and distribution of advertising including subway ads
Local	Anti-Gun Violence Initiative - Youth Programs	Downtown Community Television Center, Inc.	13-2742777	DYCD	\$10,000.00	Funding covers costs of conducting 15 BEYOND BULLETS anti-gun violence media arts workshops/screenings at community organizations and public schools throughout the City. DCTV will lead the workshops and provide media instructors, original youth-produced anti-gun violence films and public service announcements, and audio visual equipment. Designed for youth ages 15-21, as well as parents, educators, and community organizations, the BEYOND BULLETS workshops will inspire youth to use video to prevent gun violence and connect them to organizations that are working to stop it.
Local	Anti-Gun Violence Initiative - Youth Programs	New Yorkers Against Gun Violence	13-3801186	DYCD	(\$30,000.00)	Funding supports staffing and supervision of the reaction youth program, offered in several NY City public schools in Brooklyn and Manhattan, as well as community workshops conducted in all five boroughs. The funds will help pay for the Program Director and Program Assistant and the time they spend in lesson preparation, class and travel time. Funding will also pay for the Executive Director's supervision of the two and the mobile video program. The reaction program operates from October - June and the community workshops operate year-round.
Local	Maisel	New 42nd Street, Inc. The	13-3594032	DCLA	(\$2,500.00)	To provide services to a public school within Brooklyn.
Local	Maisel	New 42nd Street, Inc. The	13-3594032	DCLA	\$2,500.00	To support the New Victory Education Program, providing low cost performances, classroom workshops, online resource guides, sign-interpreted education shows, or training for educators.
Local	Reynoso	Brooklyn Legal Services Corporation A	13-2605599	DOE	(\$5,000.00)	To support Make: School at P.S. 84. Funds will support acquisition of materials and supplies, production of educational resources, staff development and collaboration, execution of project lessons, documentation and development of online resources.
Local	Reynoso	Brooklyn Legal Services Corporation A	13-2605599	DOE	\$5,000.00	To Support Make: STEAM in school District 14. Funds will support acquisition of materials and supplies, production of educational resources, staff development and collaboration, execution of project lessons, documentation and development of online resources.
Local	Rodriguez	Northern Manhattan Arts Alliance	26-1997496	DCLA	(\$7,000.00)	Funding to support Rebranding program for local artist through NOMAA
Local	Rodriguez	Northern Manhattan Arts Alliance	26-1997496	DCLA	\$7,000.00	Funding to support NOMAA Exhibition and Gallery program featuring local emerging and established artists; includes openings, artist talks, and other special arts events for the community free to the general public. In addition to exhibition openings, NOMAA offers panels, discussions and other events to encourage wide exposure to and understanding of the cultural issues presented.

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

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. IGNIIZIO; Committee on Finance, December 17, 2014. *Other Council Members Attending: Chin.*

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

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

Report for L.U. No. 160

Report of the Committee on Finance in favor of approving Lands End I, Block 246, Lot 1; Manhattan, Community District No. 3, Council District No. 1.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 17, 2014, and was coupled in committee with the resolution shown below, respectfully

REPORTS:

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

December 17, 2014

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 17, 2014 - Resolution approving a tax exemption for four Land Use Items (Council Districts 1, 17, and 33)

Item 1: Lands End I (Council Member Chin’s District)

Lands End I consists of 1 building with 256 units of rental housing, 128 of which is for low-income individuals and families. Under the proposed project, HP Two Bridges Housing Development Fund Company, Inc. (“HDFC”) will acquire the property and LE I NYAH II Holdings LLC (“Company”) will become the beneficial owner and will operate the property. The HDFC and the Company will finance the acquisition and rehabilitation of the property with private funds. The HDFC, the Company, and the City’s Department of Housing Preservation and Development (“HPD”) will enter into a regulatory agreement requiring that 25 of the affordable units be leased to individuals and families making up to 140% of the area median income (“AMI”) and that 103 of the affordable units be leased to individuals and families earning up to 165% of AMI. In 2013, the AMI at 140% and 165% were as follows:

AMI	Individual	Family of Two	Family of Three	Family of Four
140%	\$84,280	\$96,320	\$108,360	\$120,260
165%	\$99,330	\$113,520	\$127,710	\$141,735

In order to facilitate the project, HPD requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, 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 Chin.

Summary:

- Council District – 1
- Council Member – Chin
- Council Member approval – Yes
- Borough - Manhattan
- Block/Lot – 246/1
- Number of buildings – 1
- Number of units – 128 affordable units, 128 market rate units
- Type of Exemption – Article XI , partial for 40 years
- Population – Rentals for low-income individuals and families
- Sponsor/Developer – HP Two Bridges HDFC and LE I NYAH II Holdings LLC
- Cost of the Exemption over the Full Exemption Period – \$35M
- Open Violations or Outstanding Debt to the City – None
- AMI – 25 of the affordable units will be for individuals and families earning up to 140% of AMI and 103 of the affordable units will be for individuals and families earning up to 165% of AMI

Item 2: 3160 Park Avenue – Low Income Program (Council Member Arroyo’s District)

3160 Park Avenue is the site for the proposed development of an affordable housing project under the City’s Department of Housing Preservation and Development’s (“HPD”) Low Income Program. The project will be developed as a condominium in which one unit, to be known as Unit 1 of the 3160 Park Avenue Condominium, will contain 94 apartments for low-income individuals and families and one superintendent’s unit. Under the HPD’s Low Income Program, sponsors construct or rehabilitate multifamily buildings in order to create affordable rental housing. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including HPD, the New York City Housing Development Corporation, the State of New York, and the federal government. Additional funding may also be provided from the syndication of low-income housing tax credits. The newly constructed or rehabilitated buildings provide rental housing to low-income families. Subject to project underwriting, up to 20% of the units may be leased to formerly homeless families.

The site is currently a vacant lot owned by 3160 Park Ave, LLC. Under the proposed project, 3160 Park Ave, LLC will create 3160 Park Avenue Condominium and thereafter lease Unit 1 in the Condominium to HP Park Ave Affordable Housing Development Fund Company, Inc. (“HDFC”) as lessee of record, and Trinity Park Ave Affordable, LLC, as beneficial lessee. The HDFC and Trinity Park Ave Affordable, LLC will thereafter construct and operate the project. The acquisition and construction will be financed with funds provided by HPD, New York City Housing Development Corporation (“HDC”), and low-income housing tax credits.

3160 Park Ave, LLC, the HDFC, and Trinity Park Ave Affordable, LLC will enter into a regulatory agreement with HPD and HDC providing that 19 apartments will be leased to individuals and families whose incomes do not exceed 40% of area median income (“AMI”) and 75 apartments will be leased to individuals and families

whose incomes do not exceed 60% of AMI. In 2013, the AMI at 40% and 60% were as follows:

AMI	Individual	Family of Two	Family of Three	Family of Four
40%	\$24,080	\$27,520	\$30,960	\$34,360
60%	\$36,120	\$41,280	\$46,440	\$51,540

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a full 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 – 2419/part of 28 (to be known as 1001)
- Number of Buildings – 1
- Number of Units – 94 and 1 superintendent’s unit
- Type of Exemption – Article XI, full 40 years
- Population Served – Rentals for low-income individuals and families
- Sponsor/Developer – 3160 Park Ave, LLC, 3160 Park Avenue Condominium, HP Park Ave Affordable HDFC, and Trinity Park Ave Affordable LLC
- Cost of the Exemption over the Full Exemption Period – \$16,216,458
- Open Violations or Outstanding Debt to the City – None
- AMI – 19 of the units will be for individuals and families earning up to 40% of AMI and 75 of the units will be for individuals and families earning up to 60% of AMI

Item 3: 3160 Park Avenue – Mixed Income Program (Council Member Arroyo’s District)

3160 Park Avenue is the site for the proposed development of an affordable housing project under the City’s Department of Housing Preservation and Development’s (“HPD”) Mixed Income Program. The project will be developed as a condominium in which one unit, to be known as Unit 2 of the 3160 Park Avenue Condominium, will contain 57 apartments for low-income individuals and families. Under HPD’s Mixed Income Program, sponsors construct or rehabilitate multifamily buildings in order to create affordable rental housing. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including HPD and the New York City Housing Development Corporation. The newly constructed or rehabilitated buildings provide rental housing to low-income families.

The site is currently a vacant lot owned by 3160 Park Ave, LLC. Under the proposed project, 3160 Park Ave, LLC will create 3160 Park Avenue Condominium and thereafter lease Unit 2 in the Condominium to HP Park Ave NMTC Housing Development Fund Company, Inc. (“HDFC”) as lessee of record, and Trinity Park Ave Mixed Use, LLC, as beneficial lessee. For reasons related to the equity financing of the project, the HDFC and Trinity Park Ave Mixed Use, LLC will sublease the property to HP Park Ave NMTC MT HDFC and Trinity Park Ave Mixed Use MT, LLC (collectively the “Sub-lessees”). The Sub-lessees will construct and operate the project. The acquisition and construction will be financed with funds provided by HPD, New York City Housing Development Corporation (“HDC”), and federal new markets tax credits.

The various entities will enter into a regulatory agreement with HPD and HDC providing that the apartments will be leased to individuals and families whose incomes do not exceed 100% of area median income (“AMI”). In 2013, 100% of AMI was as follows:

AMI	Individual	Family of Two	Family of Three	Family of Four
100%	\$60,200	\$68,800	\$77,400	\$85,900

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a full 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 – 2419/part of 28 (to be known as 1002)
- Number of Buildings – 1
- Number of Units – 57
- Type of Exemption – Article XI, full 40 years
- Population Served – Rentals for low-income individuals and families
- Sponsor/Developer – 3160 Park Ave, LLC, 3160 Park Avenue Condominium, HP Park Ave NMTC HDFC, Trinity Park Ave Mixed Use, LLC, HP Park Ave NMTC MT HDFC, and Trinity Park Ave Mixed Use MT, LLC
- Cost of the Exemption over the Full Exemption Period – \$15,332,147
- Open Violations or Outstanding Debt to the City – None
- AMI – individuals and families earning up to 100% of AMI

Item 4: Greenpoint Landing – Site E3 (Council Member Levin’s District)

Greenpoint Landing – Site E3 located at 31 Eagle Street in Brooklyn will consist of 1 multi-family residential building with 98 units of rental housing for low-income families. HP E3 Housing Development Fund Corporation (“HDFC”) and E3 Owner, LLC will finance the project with loans from the City’s Department of Housing Preservation and Development (“HPD”) and the New York City Housing Development Corporations’ New Housing Opportunities Program.

On June 11, 2014, upon HPD’s request, the Council granted the property a full 40-year exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law. Based on the information provided by HPD, the resolution passed by the Council indicated that apartments would be leased to individuals and families earning up to 120% of Area Median Income (“AMI”). However, HPD now informs the Council that the apartments would in fact be leased to families earning up to 130% of AMI. Accordingly, HPD requests that the Council grant the property tax exemption on these terms. In 2013, the 130% of AMI was as follows:

AMI	Individual	Family of Two	Family of Three	Family of Four
130%	\$78,260	\$89,440	\$100,620	\$111,670

This item has the approval of Council Member Levin.

Summary:

- Council District – 33
- Council Member – Levin
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 2494/part of 1
- Number of Buildings – 1
- Number of Units – 98
- Type of Exemption – Article XI, full 40 years
- Population Served – Rentals for low- to moderate-income individuals and families
- Sponsor/Developer – HP E3 HDFC and E3 Owner, LLC
- Cost of the Exemption over the Full Exemption Period – \$20.9M
- Open Violations or Outstanding Debt to the City – None
- AMI – individuals and families earning up to 130% of AMI

(For text of the coupled resolution for LU Nos. 161 to 163, please refer, respectively, to the Reports of the Committee on Land Use for LU Nos. 161, 162, and 163 printed in these Minutes; for text of the coupled resolution for LU No. 160, please see below)

Accordingly, this Committee recommends the adoption of LU Nos. 160, 161, 162, and 163.

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

Res. No. 521

Resolution approving a partial exemption from real property taxes for property located at (Block 246, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 160).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 1, 2014 that the Council take the following action regarding a housing project located at (Block 246, Lot 1) 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:

- For the purposes hereof, the following terms shall have the following meanings:
 - “Company” shall mean LE I NYAH II Holdings LLC.
 - “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 HPD Regulatory Agreement.
 - “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 246, Lot 1 on the Tax Map of the City of New York.
 - “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 HPD 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.
 - “HDFC” shall mean HP Two Bridges Housing Development Fund Company, Inc. or any future owner of the Exemption Area that is a housing development fund company.
 - “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - “HPD 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.
 - “Owner” shall mean, collectively, the HDFC and the Company.
 - “PHFL” shall mean the Private Housing Finance Law.
 - “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.
 - “Shelter Rent Tax” shall mean an amount equal to five percent (5%) of Shelter Rent.
- 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.
- 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 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 any existing or future local, state, or federal law, rule or regulation.
- 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 HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the 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 apply to all land in the Exemption Area, but shall only apply to a building that exists 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 shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.

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 17, 2014. *Other Council Members Attending: Chin.*

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

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

Report for L.U. No. 161

Report of the Committee on Finance in favor of approving Green Point Landing – Site E3, Block 2494, p/o Lot 1, also known as 31 Eagle Street; Brooklyn, Community District No. 1, Council District No. 33.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 17, 2014, and was coupled in committee with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for LU No. 160 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 522

Resolution approving an exemption from real property taxes for property located at (Block 2494, p/o Lot 1, also known as 31 Eagle Street) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 161).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 2, 2014 that the Council take the following action regarding a housing project located at (Block 2494, p/o Lot 1 on the Tax Map of the City of New York, also known as 31 Eagle Street) Brooklyn (“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 date that HPD and Sponsor enter into the Regulatory Agreement.

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

(c) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2494, p/o Lot 1 on the Tax Map of the City of New York, also known as 31 Eagle Street.

(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 the HDFC or, with the prior written approval of HPD, another housing development fund company or entity wholly controlled by a housing development fund company.

(e) “HDFC” shall mean HP E3 Housing Development Fund Company, Inc.

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

(g) “LLC” shall mean E3 Owner LLC.

(h) “Owner” shall mean, collectively, the HDFC and the LLC or any future owner of the Exemption Area.

(i) “Regulatory Agreement” shall mean the regulatory agreement between HPD and Owner providing that all units in the Exemption Area be rented to tenants earning up to 130% of Area Median Income during the term of the Exemption.

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

3. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the 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.

4. In consideration of the Exemption, the Owner of the Exemption Area (i) shall execute and record the Regulatory Agreement, and (ii) 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.

5. The Exemption shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy on or before three (3) years from the Effective Date.

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 17, 2014. *Other Council Members Attending: Chin.*

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

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

Report for L.U. No. 162

Report of the Committee on Finance in favor of approving 3160 Park Avenue – Low Income Project, Block 2419, p/o Lot 28 (to be known as Lot 1001); the Bronx, Community District No. 3, Council District No. 17.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 17, 2014, and was coupled in committee with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for LU No. 160 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 523

Resolution approving an exemption from real property taxes for property located at (Block 2419, p/o Lot 28 (to be known as Lot 1001)) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 162).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 10, 2014 that the Council take the following action regarding a housing project located at (Block 2419, p/o Lot 28 (to be known as Lot 1001)) 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) “Exemption” shall mean the exemption from real property taxation provided herein.

(b) “Effective Date” shall mean the later of (i) the date that Lessor and Lessee enter into the Lease, and (ii) the date that HPD, HDC, Lessor and Lessee enter into the Regulatory Agreement.

(c) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, currently identified as Block 2419, p/o Lot 28, and to be known as Unit 1 in the 3160 Park Avenue Condominium and identified as Block 2419, Lot 1001 on the Tax Map of the City of New York.

(d) “Expiration Date” shall mean the earliest 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 is neither leased to nor owned by either a housing development fund company or an entity controlled by a housing development fund company.

(e) “HDC” shall mean New York City Housing Development Corporation.

(f) “HDFC” shall mean HP Park Ave Affordable Housing Development Fund Company, Inc.

(g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

(h) “Lease” shall mean the lease of the Exemption Area from Lessor to Lessee.

(i) “Lessee” shall mean, collectively, the HDFC and the LLC or any future lessee of the Exemption Area permitted hereunder.

(j) “LLC” shall mean Trinity Park Ave Affordable LLC.

(k) “Lessor” shall mean 3160 Park Avenue, LLC, the current owner of the Exemption Area.

(l) “Regulatory Agreement” shall mean the regulatory agreement among HPD, HDC, Lessor and Lessee establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property, including both the land and the 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. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“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 Lease is assigned by Lessee or the Exemption Area is leased to a lessee other than Lessee without the prior written consent of HPD, or (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Lessee 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) Nothing herein shall entitle the Lessor or Lessee to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

(c) In consideration of the Exemption, the (i) Lessor and Lessee shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, the Lessor and Lessee shall each 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 17, 2014. *Other Council Members Attending: Chin.*

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

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

Report for L.U. No. 163

Report of the Committee on Finance in favor of approving 3160 Park Avenue – Mixed Income Project, Block 2419, p/o Lot 28 (to be known as Lot 1002); the Bronx, Community District No. 3, Council District No. 17.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 17, 2014, and was coupled in committee with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for LU No. 160 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 524

Resolution approving an exemption from real property taxes for property located at (Block 2419, p/o Lot 28 (to be known as Lot 1002)) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 163).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 10, 2014 that the Council take the following action regarding a housing project located at (Block 2419, p/o Lot 28 (to be known as Lot 1002)) 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:

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

(a) “Exemption” shall mean the exemption from real property taxation provided hereunder.

(b) “Effective Date” shall mean the latest of (i) the date that Lessor and Lessee enter into the Lease, (ii) the date that Lessee and Sub-lease enter into the Sublease and (iii) the date that HPD, HDC, Lessor, Lessee and Sub-lessee enter into the Regulatory Agreement.

(c) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, currently identified as Block 2419, p/o Lot 28, and to be known as Unit 2 in the 3160 Park Avenue Condominium and identified as Block 2419, Lot 1002 on the Tax Map of the City of New York.

(d) “Expiration Date” shall mean the earliest 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 is neither leased to nor owned by either a housing development fund company or an entity controlled by a housing development fund company.

(e) “HDC” shall mean New York City Housing Development Corporation.

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

(g) “Lease” shall mean the lease of the Exemption Area between Lessor and Lessee.

(h) “Lessee” shall mean, collectively, Lessee HDFC and Lessee LLC or any future lessee of the Exemption Area permitted hereunder.

(i) “Lessee HDFC” shall mean HP Park Ave NMTC Housing Development Fund Company, Inc.

(j) “Lessee LLC” shall mean Trinity Park Ave Mixed Use LLC.

(k) “Lessor” shall mean 3160 Park Avenue, LLC, the current owner of the Exemption Area.

(l) “Regulatory Agreement” shall mean the regulatory agreement among Lessor, Lessee, Sub-lessee, HDC and, at HPD’s option, HPD establishing

certain controls upon the operation of the Exemption Area during the term of the Exemption.

(m) “Sublease” shall mean the sublease of the Exemption Area between Lessee and Sub-lessee.

(n) “Sub-lessee” shall mean, collectively, Sub-lessee HDFC and Sub-lessee LLC or any future sub-lessee of the Exemption Area permitted hereunder.

(o) “Sub-lessee HDFC” shall mean HPD Park Ave NMTC MT Housing Development Fund Company, Inc.

(p) “Sub-lessee LLC” shall mean Trinity Park Ave Mixed Use MT LLC.

2. All of the value of the property, including both the land and the 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. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“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 Lease is assigned by Lessee, or the Sub-lease is assigned by Sub-lessee, or the Exemption Area is leased to a lessee other than Lessee or sub-leased to a sub-lessee other than Sub-lessee without the prior written consent of HPD, or (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Lessee 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) Nothing herein shall entitle the Lessor, Lessee or Sub-lessee to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

(c) In consideration of the Exemption, the (i) Lessor, Lessee and Sub-lessee shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, the Lessor and Lessee shall each 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 17, 2014. *Other Council Members Attending: Chin.*

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

Reports of the Committee on Health

Report for Int. No. 55-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 regulating pet shops.

Report of the Committee on Health, to which the annexed proposed amended local law was referred on February 26, 2014 (Minutes, page 396), respectfully

REPORTS:**I. INTRODUCTION**

On December 16, 2014, the Committee on Health will hold its third hearing on four bills that would regulate the sale of animals in pet shops: Proposed Int. Nos. 55-A, 73-A, 136-A, and 146-A. The Committee first heard testimony earlier in the year on the original bills at an April 30th hearing, after which time all four items were amended. On November 24, 2014, the Committee held a second hearing during which it heard testimony on the amended versions of the bills. At each hearing, representatives of the New York City Department of Health and Mental Hygiene (DOHMH), Animal Care & Control, the New York City Bar Association, various

animal welfare advocates and service providers, and the commercial pet industry provided testimony.

Until recently, New York State Law preempted municipal regulation of the sale of cats and dogs.¹ However, on January 9, 2014, Governor Andrew Cuomo signed Assembly Bill 740-A/Senate Bill 3753-A into law as Chapter 553 of the Laws of 2013 (hereinafter Chapter 553), repealing the provisions of state law that preempted municipal regulation and licensing of pet stores that sell only cats and/or dogs and expressly authorizing municipalities to enact any local law regulating pet stores so long as such law is no less stringent than state law and does not effectively ban the sale of all dogs and cats raised in a safe and healthy manner.² Pursuant to this authorization, the Committee will consider the following bills during today's hearing.

Proposed Introductory No. 55-A would require all pet shops, including those that sell cats and dogs, to hold an operating permit issued by the Department of Health and Mental Hygiene (DOHMH or the department). It would require that a pet shop obtain any dog or cat that it offers for sale directly from a breeder licensed by the United States Department of Agriculture (USDA). It would prohibit pet shops from selling dogs and cats obtained from brokers, and rabbits obtained from any source. The bill would also prohibit sales of cats and dogs obtained from USDA licensed breeders that do not meet certain inspection standards. The bill would require pet stores to make available to consumers detailed information about the source and health of cats and dogs offered for sale, and to maintain records in connection with the purchase and sale of all dogs and cats. Pet shops would also be required to maintain minimum standards of care for all dogs and cats in their custody.

Proposed Introductory No. 73-A would amend the definition of pet shop within the Animal Abuse Registration Act (Local Law 4 of 2014) to require pet shops that sell only cats and/or dogs to consult the registry before releasing an animal to a purchaser. When the Council first passed that law in December, 2013, state regulated dog and cat dealers were exempt from compliance. This bill would close that loophole.

Proposed Introductory No. 136-A would require pet shops to spay or neuter any cat or dog before releasing it to a purchaser, and would further require pet shops to obtain from the purchaser of any dog a completed license application and any license fees required by law.

Proposed Introductory No. 146-A would prohibit a pet shop from releasing a dog or cat to a purchaser unless such animal is implanted with a microchip for identification, and such microchip is registered with the identification information of the purchaser.

ANALYSIS OF LEGISLATION

PROPOSED INT. NO. 55-A

Bill section one would amend Chapter 3 of Title 17 of the Administrative Code (or Admin. Code) by adding a new Subchapter 9 that would contain the sections described herein.

New section 17-371 would provide the following definitions for use in the subchapter.

"Arm's length transaction" would mean a sale of a business for consideration that reflects the fair market value of such business or its assets, between two informed and willing parties, that is not made, wholly or in part, for the purpose of enabling the seller to avoid liability for violations issued by the DOHMH. A sale would be presumed to not be an arm's length transaction if it is: a sale to an individual, or to a corporation or other business that is owned by the spouse, domestic partner, parent, grandparent, child or stepchild of any of any of the sellers, or is the direct descendent of a grandparent, the spouse or domestic partner of any of the sellers; or a sale to an individual or entity that has a business or financial interest in the seller; or a sale to an entity in which any of the sellers has a business or financial relationship.

"Breeder" would have the same meaning as would be set forth in section 17-1701 of Title 17, as added by this bill.

"Permit" would mean a written license and authorization to carry on specified activities as regulated by this subchapter or other applicable law enforced by DOHMH.

"Permittee" would mean a natural person or other entity who holds a valid permit issued by the Commissioner pursuant to this subchapter or other applicable law enforced by the Department.

"Person" would mean any individual, corporation, partnership, association, municipality, or other legal entity.

"Pet shop" would mean a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition would not include breeders who sell or offer to sell directly to consumers fewer than twenty-five dogs or cats per year that are born and raised on the breeder's residential premises. Such definition would not include duly incorporated humane societies dedicated to the care of unwanted animals that make such animals available for adoption, whether or not a fee for such adoption is

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¹ New York State Agriculture and Markets Law § 400-A and General Business Law § 753-E expressly preempted all local laws relating to the regulation or licensing of pet dealers that sold nine or more cats and/or dogs per year.

² Press Release, Governor Andrew M. Cuomo, Governor Cuomo Signs Legislation to Strengthen Oversight of Pet Dealers in New York State (Jan. 9, 2014), available at <https://www.governor.ny.gov/press/010913-pet-dealers-in-nys>. Chapter 553 text available at http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=A740a&term=&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y. Chapter 553 was followed by Chapter 5 of the Laws of 2014, signed on March 17, 2014, which made technical corrections relating to local laws governing pet dealers.

charged. A person who allows an animal shelter, animal rescue group or non-profit rescue group to use such person's premises for the purpose of making animals available for adoption would not be deemed a pet shop as a result of such activity so long as such person does not have an ownership interest in any of the animals being made available for adoption, and does not derive a fee for providing such adoption services.

New section 17-372 would prohibit the operation of a pet shop without a permit issued pursuant to this subchapter.

Subdivision b of section 17-372 would prohibit the operation of a business or the conduct of an activity regulated by this subchapter without the required permit would declare doing so to be a nuisance. It would also prohibit a property owner from allowing the operation of pet shop in any property owned by such person unless the person operating such business or conducting such activity has the required permit. Subdivision b of section 17-372 would further provide that when the Department determines that a business or activity regulated by this subchapter is being operated or conducted without the required permit, the Commissioner of Health and Mental Hygiene (the Commissioner) or his or her designee may order the person operating the business or conducting the activity to cease and desist. The Department may also order the person who owns the premises in which the business is operated or activity is conducted to take whatever action may be necessary to prohibit such business or activity from continuing on such premises. If the person operating the business or conducting the activity ordered to cease and desist continues to do so without the required permit, the Commissioner or his or her designee may, after providing such person an opportunity to be heard at the Environmental Control Board (ECB) or any tribunal established within the Office of Administrative Trials and Hearings (OATH) as designated by the Commissioner, take any measure authorized by applicable law to enforce an order to cease and desist, including, but not limited to, ordering and arranging for the premises to be sealed and padlocked. If the Commissioner determines that exigent circumstances exist such that the continued operation of the business or activity would pose an danger to the public or the health and welfare of the animals in the custody of the business, the Commissioner would be authorized to take such measures to immediately enforce an order to cease and desist, subject to a prompt post-enforcement hearing at ECB or the designated OATH tribunal.

New section 17-373 would provide the information required in a pet shop permit application, authorize the Commissioner to conduct pre-permit inspections to determine the fitness of applicants, and prohibit the issuance of permits or renewal permits to certain applicants.

Subdivision a of section 17-373 would require that an application for a pet shop permit or the renewal of such a permit be made to and submitted on forms furnished by the Department.

Subdivision b of section 17-373 would require that the permit applicant be at least eighteen years of age.

Subdivision c of section 17-373 would require that an application for a pet shop permit contain all the information requested by DOHMH, and that it be signed by the person designated as follows: if the applicant for the permit is a sole proprietorship, the application shall be signed by the individual who would be the permittee; if the applicant is a partnership, the application shall be signed by a partner; if the applicant is a limited partnership, the application shall be signed by the managing or general partner; if the applicant is a corporation, the application shall be signed by an officer or director of the corporation or by any member, if management is vested in members; and if the applicant is a limited liability company, the application shall be signed by any manager of the limited liability company. Pursuant to such subdivision c, such signature would constitute an agreement that the permittee assumes responsibility for conducting the permitted business, occupation or other activity in accordance with the requirements of this new Subchapter 9 of Chapter 3 of Title 17 of the Admin. Code or other applicable law.

Subdivision d of section 17-373 would require the applicant to include the following information in a pet shop application, accompanied by such information, evidence or documentation as the Department may require, or as may be provided for elsewhere in such Subchapter 9 or other applicable law or rule.

First, the applicant would be required to provide the name, age, gender, residence, business address, and telephone numbers of the applicant, and those of each member of the partnership, limited liability company or group, or each officer of the corporation, as applicable.

Second, to the extent that such information is relevant to the conduct of activity under the permit, the applicant would be required to provide information concerning the applicant and its individual members or officers relating to education, training or experience, moral character, physical health, addiction to alcohol or habit-forming drugs, history of prior criminal conviction, including violations and offenses, history of mental illness, and record of insolvency or bankruptcy.

Third, the applicant would be required to provide proof of current workers' compensation and disability insurance coverage for all employees, or a certificate of exemption filed with the Worker's Compensation Board.

Fourth, the applicant would be required to include the email address of the individual of the business to be permitted, the person exercising daily management and control of the business, or the person who is authorized by law to accept service of process on behalf of the applicant.

Fifth, the applicant would be required to provide a certification, executed under penalty of perjury, that the applicant has not knowingly sold any animal obtained from a source that is prohibited pursuant to new section 17-1702, as would be added by this bill. For an application submitted prior to June 1, 2017, the applicant would be required to make such certification with respect to animals sold on or after June 1, 2015. For applications submitted on or after June 1, 2017, the applicant would be required to make such certification with respect to animals sold during the last two

years. Such certification would be required to be made in a form and manner determined by the Department and to include the following information: 1) the name and address of every source from which such pet shop obtained a dog or cat during the relevant period; 2) the total number of dogs and cats obtained from each source; and for each source that is a dealer, the USDA license number of such dealer and the individual identifying tag, tattoo, or collar number of each dog or cat obtained from such dealer. The Department would be authorized to recording and filing of such certifications by use of electronic means. The Department would also be authorized to inspect the records maintained pursuant to section 17-1704, as added by this bill, which would relate to among other things, the sources of animals offered for sale.

Sixth, the applicant would be required to provide any information that the Department determines may be necessary in order to contact the permittee in the event of an emergency.

Subdivision e of section 17-373 would prohibit the Commissioner from issuing or renewing a permit unless Department records show there are no finally determined uncorrected violations or unpaid outstanding fines, penalties or forfeitures owed by applicant.

Subdivision f of section 17-373 would prohibit the Commissioner from issuing a new permit or renewal of an existing permit to any person listed on the animal abuse registry created pursuant to Chapter 16 of Title 1 of the Administrative Code.

Subdivision g of section 17-373 would prohibit the Commissioner from issuing a new permit to any entity based on a sale or change of ownership of a permitted business or activity where Department or other records show any finally determined uncorrected violations or unpaid fines and penalties, unless the applicant submits satisfactory proof that the transfer of the business was the result of an arm's length transaction. Such proof would consist of documents showing that: 1) the applicant has assumed complete management, control and operation of the permitted business or activity from the prior permittee; 2) the applicant has paid market value consideration for the material assets of the permitted business; and 3) neither the applicant nor any member or officer of a partnership or corporation is related by blood or marriage to the owner(s) or manager(s) of the entity holding the permit prior to the transfer of the permitted business. The Commissioner's denial of an application pursuant to this subdivision would be a final agency determination not subject to administrative appeal.

Subdivision h of section 17-373 would provide that the acceptance of an application and fee for a new permit or the renewal of an existing permit would not preclude the Commissioner from taking any action that he or she deems necessary, including, but not limited to, the denial of a new permit or renewal permit if Department or other investigatory or pre-permit inspections disclose conditions or circumstances indicating that a permit should not be issued or renewed. If such an application is denied, the application fee would not be refunded.

New section 17-374 would provide for permit expiration dates and fees. Subdivision a of such section would require the payment of an application fee of \$300 for a new permit or a renewal permit. Permits would expire biennially and be eligible for renewal.

Subdivision b of section 17-374 would provide that if a permit application is made when more than one-half of the fee period has expired, one-half of the prescribed fee would be required. This requirement would not apply with respect to an application for renewal of a permit which has expired.

Subdivision c of section 17-374 would provide that the permit fee shall be reduced by the amount of any fee paid for a permit to operate a pet shop pursuant to the New York City Health Code within the same fee period.

New section 17-375 would provide that any purported or attempted transfer of a permit to a person not named as permittee, or any change in the place of business stated in a permit, shall void such permit. When a permit is issued to two or more individuals, to a partnership or to a group other than a partnership, and one or more of the individuals concerned ceases to be active in the conduct of the business or activity or otherwise ceases to be a permittee, the Commissioner would be authorized to approve the continuation of the business or activity by the remaining permittees during the unexpired period of such permit. The permittee would be required to notify the Department in writing within ten business days of any change in the owner(s), officers, directors, shareholders, partners or members of a permitted entity that is owned by a sole proprietor, or that is a closely held corporation or small limited liability company, or a partnership, consisting of fewer than five shareholders, members or partners, who directly operate and manage the business, and serve as directors or officers of the corporation, with no outside investors. Notice of such changes would not be required if the permittee is a publicly held corporation or limited liability company whose shareholders or members do not manage or control the entity or participate in its business activities.

New section 17-376 would require that a person holding a pet shop permit to comply with the conditions contained in such permit as well as all applicable provisions of the New York City Health Code, the Administrative Code, or other law or rule enforced by DOHMH.

Subdivision b of section 17-376 would provide that a person holding a permit, including the officers and directors of a corporation holding a permit, would be jointly and severally liable for violations of such conditions, laws, and rules committed by employees or agents of the permittee when such acts are committed in the regular course of the permitted business, or on the premises subject to the permit, or in the course of using the permit.

New section 17-377 would require the permittee to keep the permit on the premises designated by the permit, to place it in a clean, transparent cover or frame, and to display it in such a manner as to be clearly visible to the public. The permittee would be required to make the permit available for inspection at all times by the

Department. Mutilating, obstructing, or tearing down a permit, by any person, would be prohibited.

New section 17-378 would relate to the suspension and revocation of permits. Subdivision a of section 17-378 would authorize the Commissioner to suspend or revoke a pet shop permit after providing the permittee due notice and an opportunity to be heard by the ECB or any tribunal established within OATH as designated by the Commissioner, upon the occurrence of any one or more of the following conditions:

1. willful or continued violation of the provisions of Title 17 of the Administrative Code, the rules promulgated thereunder or the New York City Health Code, or for such other reason as the Commissioner determines;

2. the giving or offering to an employee or agent of DOHMH or other government agency engaged in carrying out an inspection, survey or examination, or in the performance of any other duty for the Department or such agency, a gift, gratuity, benefit, favor or bribe;

3. submission or display by a permittee of a forged document or other document that contains false or misleading statements, or making a false or misleading statement to the Department; or

4. poor moral character that adversely reflects on the permittee's fitness to conduct work regulated by this title.

Subdivision b of section 17-378 would authorize the Commissioner to immediately suspend a permit if the Commissioner determines that exigent circumstances exist such that the continued operation of a permittee's pet shop would pose a danger to the public or the health and welfare of the animals in the permittee's custody. Such revocation would be subject to a prompt post-suspension hearing before the ECB or any tribunal established within OATH as designated by the Commissioner.

Subdivision c of section 17-378 would provide that following a hearing required pursuant to subdivision a or b of this section, and the receipt of the report and recommendations of the tribunal before which such hearing was held, the Commissioner may take such action as may be necessary, adopting all or part of the report and recommendations, and issuing an order revoking the permit, further suspending the permit, or reinstating the permit subject to whatever conditions the Commissioner would deem necessary for the continued safe operation of the permitted business.

Subdivision d of section 17-378 would require that all permits revoked pursuant to this section or in accordance with other applicable law be surrendered to the Department upon receipt of the order. Permits or licenses that are not surrendered in accordance with this section could be seized by any authorized employee or agent of DOHMH or officer of the New York City Police Department.

New section 17-379 would provide that that the Commissioner's denial of an application for a new or renewal permit, or suspension or revocation of an existing permit, shall become final five days after service of an order or other notice thereof on the applicant or permittee concerned.

New section 17-380 would authorize the Commissioner to seize any animal in a pet shop operating without a permit and would make such animals subject to forfeiture upon notice and hearing. Following the November 24th hearing, this section was amended to remove the words "offered for sale" prior to "in a pet shop" to address concerns that such language would have empowered the Commissioner to seize animals that had already been sold to bona fide purchasers for value. Subdivision c of section 17-380 would require the Commissioner to provide for the appropriate disposition of each animal seized, which may include impoundment at an animal shelter or non-profit rescue. Subdivision d of this section would authorize the Commissioner to impose a fee representing expenses incurred in connection with impounding an animal seized pursuant to this section.

New section 17-381 would impose on any person found in violation of any provision of such new Subchapter 9 or any provision of any rule promulgated thereunder, a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal would be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section would be returnable at the ECB or any tribunal established within OATH as designated by the Commissioner.

New section 17-382 would authorize the Commissioner to promulgate such rules and prescribe such forms as would be necessary to carry out the provisions of this new Subchapter 9.

Bill section 2 would amend Title 17 of the Administrative Code by adding a new Chapter 17 that would contain the sections described herein.

New section 17-1701 would provide the following definitions for use in the chapter.

"Animal abuse crime" would have the same meaning as set forth in section 17-1601 of Title 17.

"Animal shelter" would mean a not-for-profit facility holding a permit in accordance with section 161.09 of the New York City Health Code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

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

"Breeder" would mean a person required to hold a class A license pursuant to the Animal Welfare Act (AWA), 7 U.S.C. § 2131, et seq. or successor provision of law.

"Broker" would mean a person required to hold a class B license by the USDA pursuant to the AWA, 7 U.S.C. § 2131, et seq., or successor provision of law. This definition was amended after the November 24th hearing to replace the word "dealer" with the word "person", consistent with similar definitions in section 17-1701.

"Convicted" would mean an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or, or an order of adjudication withheld by reason of a plea of nolo contendere. For the purposes of this chapter, "convicted" would also mean a plea of guilty on a charge of any crime in satisfaction of an accusatory instrument charging a defendant with an animal abuse crime where dismissal of such charge was not on the merits.

"Dealer" would mean a person required to have a license issued by the USDA pursuant to the AWA, 7 U.S.C. § 2131, et seq., or successor provision of law.

"Federal identification number" would mean a license or registration number issued by the USDA pursuant to the AWA, 7 U.S.C. § 2131, et seq., or successor provision of law.

"Person" would mean any individual, corporation, partnership, association, municipality, or other legal entity.

"Pet shop" would have the same meaning as set forth in section 17-371 of this title.

New section 17-1702 would prohibit any pet shop in the City from displaying, offering for sale, delivering, bartering, auctioning, giving away, transferring or selling any dog or cat knowingly obtained from the sources described herein.

1. any source that did not hold a valid license issued by the USDA pursuant to 7 U.S.C. § 2131, et seq., or successor provision of law as of the date such pet shop received such animal or animals;

2. a broker;

3. a dealer, unless as of the date such pet shop received such animal or animals, such dealer meets six conditions. First, such dealer would be required to possess a valid and active class A license issued by the USDA that had not been suspended at any time during the prior five years. Second, such dealer or breeder would be a prohibited source if it had any of the following four categories of citations on its United States Department of Agriculture inspection reports: 1) a "direct" non-compliant item citation on any inspection report at any time during the past three years; 2) a citation for failure to provide inspectors access to property or records on either of the two most recent inspection reports; 3) three or more distinct non-compliant item citations, other than citations for failure to provide inspectors access to property or records, on the most recent inspection report; or 4) one or more repeat non-compliant item citations on the most recent inspection report. Third, such dealer would be a prohibited source if it had received an order to cease and desist in connection with its USDA license at any time during the past five years. Fourth, such dealer would be a prohibited source if it had received an order to pay a civil penalty in connection with its USDA license, at any time during the past five years. Fifth, such dealer must provide a sworn affidavit attesting that such dealer had not been convicted of a violation of the minimum standards of animal care provided for in section 401 of the Agriculture and Markets Law at any time within five years of delivering such animal or animals into the custody of such pet shop. Sixth, such dealer would be required to provide a sworn affidavit attesting that prior to delivering such animal or animals into the custody of such pet shop, such dealer or breeder had never been convicted of an animal abuse crime.

Subdivision b of section 17-1702 would prohibit any pet shop from displaying, offering for sale, delivering, bartering, auctioning, giving away, transferring, or selling any rabbit.

Subdivision c of section 17-1702 would provide that a pet shop that allows an animal shelter or non-profit rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall not be deemed to be engaged in any conduct otherwise prohibited pursuant to this section with respect to such animals, provided such pet shop does not have an ownership interest in such animals. It would also provide that a pet shop shall not be deemed to be engaged in any conduct otherwise prohibited pursuant to this section with respect to animals it surrenders to a non-profit shelter or animal rescue group, so long as such pet shop does not derive a fee for such animals.

New section 17-1703 would require every pet shop to deliver to the purchaser of a cat or dog, at the time of sale, or to the prospective purchaser of a cat or dog upon request, in a standardized form prescribed by the Commissioner of Health and Mental Hygiene, a written information statement. Subdivision a of section 17-1703 would require a pet shop to include in such statement information about the source of the animal, a certification that such source has not been cited for any "direct" non-compliant items on its USDA inspection reports during the last three years, a copy of such animal's United States interstate and international certificate of health examination for small animals, copies of the breeder's USDA inspection reports for the last three years, and information about whether the animal has been implanted with a microchip the animal's health, any prior medical treatments, and any conditions that would require future medical treatments. Subdivision a would require that an information statement provided to the purchaser of a dog include additional information about the breeder, whether the dog is registered or registrable, and laws requiring that all dogs in the state must be licensed. Finally, subdivision a of such section would also require a pet shop to provide a statement of the purchaser's rights under Article 35-D of the New York State General Business Law.

Subdivision b of section 17-1703 would provide that a disclosure made pursuant to subdivision a of this section shall be signed by both the pet dealer certifying the

accuracy of the statement and by the purchaser acknowledging receipt of the statement.

Subdivision c of section 17-1703 would provide that every pet shop shall post conspicuously within close proximity to the cages of dogs and cats offered for sale, a notice containing the following language in one hundred-point type:

"Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers. United States Department of Agriculture inspection reports are available upon request."

Subdivision d of section 17-1703 would require any pet shop offering a dog or cat for sale to make available to any prospective purchaser the two most recent USDA inspection reports for the breeder of such dog or cat upon request of such prospective purchaser.

Section 17-1704 would establish detailed record keeping requirements for pet shops. Pet shops would be required to keep and retain records and documentation with respect to the purchase, sale, dealers, transportation, breeding, medical care and condition, identification, licensing, and previous ownership of each dog or cat it takes into possession. Pet shops would be required to retain such records for a period of ten years after taking possession of such animal, and to make such records available upon request for inspection and copying by DOHMH or other persons authorized by law to enforce this chapter.

New section 17-1705 would establish minimum standards of animal care with respect to the housing, sanitation, feeding and watering, handling, veterinary care, humane euthanasia, and exercise requirements for all cats and dogs in a pet shop's custody or possession.

New section 17-1706 would establish exemptions for pet shops working with shelter and rescue partners. A pet shop that allows an animal shelter or non-profit rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the provisions of this chapter with respect to such animals, provided such pet shop does not have an ownership interest in such animals.

New section 17-1707 would establish civil penalties for violations of this chapter. Any person found in violation of any provision of Chapter 17 of Title 17 of the Admin. Code or any rule promulgated thereunder would be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each such animal. A notice of violation served pursuant to this section shall be returnable at the ECB or any tribunal established within OATH as designated by the Commissioner.

New section 17-1708 would provide for the terms of seizure and forfeiture under this chapter. Subdivision a of this section would authorize the Commissioner to seize any animal offered for sale in a pet shop in violation of section 17-1702 of this chapter. Subdivision b of section 17-1708 would provide that any animal offered for sale in violation of section 17-1702 or seized pursuant to subdivision a of section 17-1708 shall be subject to forfeiture upon notice and hearing. Subdivision c of section 17-1708 would provide that the Commissioner shall provide for the appropriate disposition of animals seized pursuant to this section. Subdivision d of section 17-1708 would authorize the Commissioner to impose a fee representing the cost of impoundment on the owner of a pet shop from which an animal is seized. Prior to the November 24th hearing, subdivision d provided that the Commissioner could impose such fee on the operator of such business.

New section 17-1709 would authorize the Commissioner to promulgate such rules as are necessary to carry out the provisions of this chapter and to ensure the health and safety of any animal in a pet shop.

Bill section 3 would provide that if any part of this local law is declared unconstitutional by any court of competent jurisdiction, such part shall be deemed severable, and shall not affect the validity of the remaining portions of this local law, which shall remain in full force and effect.

Bill section 4 would provide that nothing in this local law shall be construed to restrict the enactment or enforcement of any provision of the New York City Health Code on the same or related subject matter, including any provision that is duplicative or more restrictive than any provision of this local law.

Bill section 5 would provide that this local law shall take effect on June 1, 2015, provided however, that sections 17-372 through 17-382 of Title 17 of the Administrative Code, as added by section one of this bill, shall take effect on June 1, 2016, except that the Commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective dates.

PROPOSED INT. NO. 73-A

Bill section one would amend subdivision c of section 17-1601 of the Admin. Code to change the definition of "animal rescue group" to mean a not-for-profit organization duly incorporated in the state of New York that accepts unwanted animals, rather than just cats and dogs, from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.

Bill section 2 would amend subdivision i of section 17-1601 of the Admin. Code to redefine the term "pet shop" to expand the number of pet shops that would be required to consult the animal abuse registry established pursuant to Chapter 16 of Title 17 of the Admin. Code.

New subdivision i of such section would provide that “pet shop” shall have the same meaning as such term is defined in section 17-371 of this title, as would be added by Proposed Introductory No. 55-A.

Bill section 3 would amend the section heading of section 17-1605 in the table of contents of chapter 16 of title 17 of the Admin. Code to fix a technical labeling error in the law. The revised section heading would read “§17-1605 Prohibition of transfers of animals to animal abusers.”

Bill section 4 would amend section 17-1605 of the Admin. Code to add a new subdivision c that would establish certain specified exemptions for pet shops working with shelter and rescue partners.

New subdivision c of this section would provide that a pet shop that allows an animal shelter or non-profit rescue group to use such pet shop’s premises for the purpose of making animals available for adoption shall be exempt from the provisions of this chapter with respect to such animals, provided such pet shop does not have an ownership interest in such animals.

Bill section 5 would provide that this local law shall take effect on June 1, 2015. Prior to the November 24th hearing, bill section 5 provided that bill sections 3 and 4 of this local law shall take effect immediately. After the November 24th hearing, this section was amended to provide that bill sections one, 3 and 4 shall take effect immediately.

PROPOSED INT. NO. 136-A

Bill section one would amend the title of Chapter 8 of Title 17 of the administrative code to read as follows: “Chapter 8 - ANIMAL SHELTERS, STERILIZATION, AND LICENSING.”

Bill section 2 would amend 17-802 of the administrative code as described herein.

Subdivision b of section 17-802 would add a definition of “animal rescue group” or “non-profit rescue group” meaning a not-for-profit organization, group or unincorporated entity that accepts unwanted animals from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.

Subdivision c of section 17-802 would be add a definition of “animal shelter” meaning a not-for-profit facility holding a permit in accordance with §161.09 of the New York City Health Code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

Subdivision f of section 17-802 would amend the definition of “full-service shelter” to mean a person, rather than a facility, who houses lost, stray or homeless animals and is required to have a permit issued pursuant to subdivision (b) of §161.09 of the New York City Health Code.

Subdivision g of section 17-802 would add a definition of “person” meaning any individual, corporation, partnership, association, municipality, or other legal entity.

New subdivision h of section 17-802 would amend the definition of “pet shop” to have the same meaning as such term is defined in section 17-371 of this title, as would be added by Proposed Int. No. 55-A.

New subdivision i of section 17-802 would amend the definition of “sterilization” to add the qualification that a cat or dog must weigh at least two pounds, in addition to being at least eight weeks old, for spaying and neutering to mean sterilization for the purposes of this chapter.

All other definitions in section 17-802 would retain their meanings and be renumbered and alphabetized to accommodate the definitions that would be added by this bill.

Bill section 3 would amend subdivisions b and c of section 17-804 of the Administrative Code to prohibit pet shops from releasing to a consumer any unsterilized cat or dog and to require pet shops to maintain records of such sterilization procedures. After the November 24th hearing, the period for which a pet shop must keep such records was amended from five years to ten years, consistent with the document retention period provided for in Proposed Int. No. 55-A.

Bill section 4 would amend section 17-804 of the Admin. Code by adding a new subdivision f to such section that would exempt a pet shop from the sterilization and recordkeeping requirements of subdivisions b and c of this section with respect to animals that an animal shelter or non-profit rescue group makes available for adoption on such pet shop’s premises, provided such pet shop does not have an ownership interest in such animals.

Bill section 5 would amend section 17-806 of the Admin. Code to add section 17-814, as would be added by this bill, and section 17-815, as would be added by Proposed Int. No. 146-A, as additional sections of Chapter 8 of Title 17 for which a violation shall incur a civil penalty. Section 17-806 would also be amended to make all such violations subject to a five hundred dollar penalty for each violation. After the November 24th hearing, section 17-806 was further amended to specify that a notice of violation issued pursuant to this section shall be returnable to the Environmental Control Board or any tribunal established within OATH designated by the Commissioner.

Bill section 6 would amend chapter 8 of Title 17 of the Admin. Code by adding a new section 17-814 relating to dog licensing. Subdivision a of such new section would require a pet shop or animal rescue group to obtain from a purchaser of a dog

a completed license application and license fees before releasing such dog to the customer. When applicable, such application would be required to include information identifying the pet shop and the date of the sales transaction. Such pet shop or animal rescue group would be required to forward such completed application and fees to DOHMH in a manner specified by the Department. The license would be issued by the Department.

Subdivision b of section 17-814 would provide that a pet shop or animal rescue group shall be exempt from obtaining a completed license application and fee from a purchaser or adopter who executes and submits to such pet shop or animal rescue group a written statement that the dog to be purchased or adopted is to be harbored outside of the city.

Subdivision c of section 17-814 would require every pet shop to report to DOHMH, on at least a monthly basis, all dogs which have been sold or adopted and for each dog, the name and address of the purchaser and whether a license application was submitted to the Department.

Subdivision d of section 17-814 would exempt a pet shop from the requirements of this section with respect to animals that an animal shelter or non-profit rescue group makes available for adoption on such pet shop’s premises, provided such pet shop does not have an ownership interest in such animals and does not derive a fee for providing such adoption services.

Bill section 7 would provide that this local law shall take effect on June 1, 2015, except that the Commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

PROPOSED INT. NO. 146-A

Bill section 1 would amend Chapter 8 of Title 17 of the Administrative Code by adding new section 17-815, titled “microchipping required.”

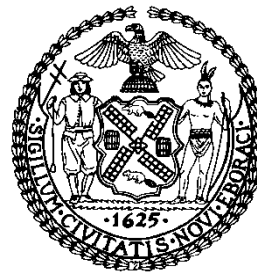
Subdivision a of new section 17-815 would prohibit a pet shop from releasing a dog or cat to a purchaser unless such animal has been implanted with a microchip as a permanent identification, either by the source from which such pet shop obtained such animal or by a licensed veterinarian at the direction of such pet shop, but such animal need not be implanted with such device more than once. Such pet shop, animal rescue group or non-profit rescue group would be required to register such animal's microchip with such purchaser's contact information and with a bona fide pet microchip organization. Additionally, such pet shop, animal rescue group or non-profit rescue group would be required to provide such purchaser with usage instructions for such microchip as provided by the manufacturer of the microchip or the company with which such microchip is registered. Finally, such pet shop, animal rescue group or non-profit rescue group may not sell an animal to a purchaser unless it provides the purchaser with written certification that such animal has been implanted with a microchip and that such microchip has been registered, pursuant to this subdivision, signed by such purchaser as acknowledgement of receipt, in a form and manner set forth in rules promulgated by the Department.

Subdivision b of section 17-815 would require every pet shop, animal rescue group or non-profit rescue group to retain for a period of ten years from the date of sale of any dog or cat, a copy of the certification signed by the purchaser as provided for in subdivision a of this section.

Subdivision c would exempt a pet shop from the requirements of this section with respect to animals that an animal shelter or non-profit rescue group makes available for adoption on such pet shop’s premises, provided such pet shop does not have an ownership interest in such animals and does not derive a fee for providing such adoption services.

Bill section 2 would provide that this local law shall take effect on June 1, 2015, except that the Commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

(The following is the text of the Fiscal Impact Statement for Int. No. 55-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.: 55-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to regulating pet shops.

SPONSOR(S): Council Members Crowley, Johnson, Arroyo, Constantinides, Levine, Palma, Vacca, Koslowitz, Espinal, Rosenthal, Cornegy, Cabrera, Cumbo, Lancman, Mealy, Miller, Koo, Mendez, Levin, Richards, Rodriguez, Dickens, Torres, Lander, Weprin, Dromm, Van Bramer and Gentile

SUMMARY OF LEGISLATION:

Proposed Intro. No. 55-A would require that all pet shops to obtain a biennial operating permit from the Department of Health and Mental Hygiene (DOHMH). Pet shops operating without a permit or in violation of any of the provisions of the local

law would be subject to seizure and forfeiture and a violation of the permit would be subject to a \$500 penalty. A violation that affects more than one animal would be considered a separate violation with respect to each animal, and violations that continue for more than one day would be considered a separate violation for each day. This local law would also exempt a pet shop that allows an animal shelter or rescue to use the pet shop’s premises for making animals available for adoption from these provisions.

This legislation would also require that a pet shop obtain any dog or cat that it offers for sale directly from a breeder licensed by the United States Department of Agriculture (USDA). Further, this bill would prohibit pet shops from selling dogs and cats obtained from brokers, and rabbits from any source, as well as the sale of cats and dogs obtained from USDA licensed breeders that do not meet certain inspection standards. Animals offered for sale in violation of these restrictions would be subject to seizure and forfeiture.

In addition, this legislation would require pet shops to provide information to purchasers upon request regarding the most recent USDA inspection reports for the breeder of an animal and a written statement certifying information about the breeder, its USDA inspection history, the animal’s health and any medical treatment the animals has received. The legislation would require every pet shop to post signage that says, “Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers. United States Department of Agriculture inspection reports are available upon request.”

Lastly, the legislation would require pet shops to keep and maintain detailed records evincing the source and condition of every cat and dog purchased or offered for sale for ten years from the date such pet shop acquired the animal.

EFFECTIVE DATE: This local law would take effect June 1, 2015 provided, however, that sections 17-372 through 17-382 of Title 17 of the Administrative Code as added by section one of this bill would take effect on January 1, 2016, and except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective dates.

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	\$400,000	\$400,000
Net	\$0	(\$400,000)	(\$400,000)

IMPACT ON REVENUES: While penalties are imposed under this legislation, the penalties are designed to ensure compliance, not generate revenue. Therefore it is anticipated that there will be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: Although a portion of this legislation would take effect in the last month of Fiscal Year 2015, it is estimated that the impact on expenditures would begin in Fiscal Year 2016. It is anticipated that this legislation would require \$400,000 in the first year for start-up costs related to software that will prepare DOHMH to better maintain information in relation to pet shops and staffing to begin the permitting process for pet shops. Expenditures are expected to be approximately \$300,000 in Fiscal 2017 and beyond in order for DOHMH to hire seven staff that will be tasked with permitting and inspections.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Funds

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

ESTIMATE PREPARED BY: Crilhen 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: Intro. No. 55 was introduced to the Council on February 26, 2014 and referred to the Committee on Health. The Committee on Health held a hearing on Intro. No. 55 on April 30, 2014 and the legislation was laid over. The

legislation was subsequently amended and the amended legislation, Proposed Intro. No. 55-A, was heard by the Committee on Health on November 24, 2014. Proposed Intro. No. 55-A will be voted on by the Committee on Health on December 16, 2014. Upon successful vote by the Committee, Proposed Int. No. 55-A will be submitted to the full Council for a vote on December 17, 2014.

DATE PREPARED: January 20, 2015

(For text of the bills Int Nos. 73-A, 136-A, and 146-A with their respective Fiscal Impact Statements, please see, respectively, the Reports of the Committee on Health for Int Nos. 73-A, 136-A, and 146-A printed below in these Minutes)

Accordingly, this Committee recommends the adoption of Int Nos. 55-A, 73-A, 136-A, and 146-A.

(The following is the text of Int. No. 55-A:)

Int. No. 55-A

By Council Members Crowley, Johnson, Arroyo, Constantinides, Levine, Palma, Vacca, Koslowitz, Espinal, Rosenthal, Cornegy, Cabrera, Cumbo, Lancman, Mealy, Miller, Koo, Mendez, Levin, Richards, Rodriguez, Dickens, Torres, Lander, Weprin, Dromm, Van Bramer, Gentile, Chin, Garodnick, Eugene, Kallos and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to regulating pet shops.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 9 to read as follows:

**Subchapter 9
PET SHOPS**

- §17-371 Definitions.
- §17-372 Pet shop permits required.
- §17-373 Permit applications.
- §17-374 Permit expiration dates; fees.
- §17-375 Permits not transferable; exception.
- §17-376 Conditions of permit and health code to be observed.
- §17-377 Permit to be kept on premises; mutilation prohibited.
- §17-378 Permit suspension and revocation.
- §17-379 Denial of issuance or renewal, suspension and revocation; when effective; service of order or notice.
- §17-380 Forfeiture and seizure.
- §17-381 Penalties.
- §17-382 Rules.

§17-371 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

- a. “Arm’s length transaction” means a sale of a business for consideration that reflects the fair market value of such business or its assets, between two informed and willing parties, that is not made, wholly or in part, for the purpose of enabling the seller to avoid liability for violations issued by the department. A sale shall be presumed not to be an arm’s length transaction if it is:
 - 1. A sale to an individual, or to a corporation or other business that is owned by the spouse, domestic partner, parent, grandparent, child or stepchild of any of any of the sellers, or is the direct descendent of a grandparent, the spouse or domestic partner of any of the sellers;
 - 2. A sale to an individual or entity that has a business or financial interest in the seller; or
 - 3. A sale to an entity in which any of the sellers has a business or financial relationship.
- b. “Breeder” shall have the same meaning as set forth in section 17-1701 of this title.
- c. “Permit” means a written license and authorization to carry on specified activities as regulated by this subchapter or other applicable law enforced by the department.
- d. “Permittee” means a natural person or other entity who holds a valid permit issued by the commissioner pursuant to this subchapter or other applicable law enforced by the department.
- e. “Person” means any individual, corporation, partnership, association, municipality, or other legal entity.
- f. “Pet shop” means a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition shall not include breeders who sell or offer to sell directly to consumers fewer than twenty-five dogs or cats per year that are born and raised on the breeder’s residential premises. Such definition shall not include duly incorporated humane societies dedicated to the care of unwanted animals that make such animals available for adoption, whether or not a fee for such adoption is charged. A person who allows an animal shelter, animal rescue group or non-profit rescue group, as such terms are defined in section 17-1701 of chapter seventeen of this title, to use such person’s premises for the purpose of making

animals available for adoption shall not be deemed a pet shop as a result of such activity so long as such person does not have an ownership interest in any of the animals being made available for adoption, and does not derive a fee for providing such adoption services.

§17-372 Pet shop permits required. a. No person shall operate a pet shop without a permit issued by the commissioner pursuant to this subchapter.

b. Operating a business or conducting an activity regulated by this subchapter without the permit therefor is hereby declared a nuisance.

1. No person may operate a business or conduct an activity regulated by this subchapter without the permit required by this subchapter.

2. No person may allow the operation of a business or the conduct of an activity regulated by this subchapter in any property owned by such person unless the person operating such business or conducting such activity has a permit as required by this section.

3. When the department determines that a business or activity regulated by this subchapter is being operated or conducted without the permit required by this section, the commissioner or his or her designee may order the person operating the business or conducting the activity to cease and desist from such business or activity. The department may also order the person who owns the premises in which the business is operated or activity is conducted to take whatever action may be necessary to prohibit such business or activity from continuing on such premises.

4. If the business or activity ordered to cease and desist continues without the required permit, the commissioner or his or her designee may, after providing an opportunity for the person operating such business or conducting such activity to be heard at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner, take any measure authorized by applicable law to enforce an order to cease and desist. Such measures may include, but are not limited to, ordering and arranging for the premises to be sealed and padlocked.

5. If the commissioner determines that exigent circumstances exist such that the continued operation of the business or activity would pose a danger to the public or the health and welfare of the animals in the custody of the business, the commissioner may take any measure authorized by applicable law to enforce an order to cease and desist, subject to a prompt post-enforcement hearing at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

§17-373 Permit applications. a. An application for a permit required pursuant to section 17-372 of this title or for the renewal of such a permit shall be made and submitted on forms furnished by the department.

b. The applicant shall be eighteen years of age or older.

c. The application shall contain all information required by the department. If the applicant for the permit is a sole proprietorship, the application shall be signed by the individual who would be the permittee. If the applicant is a partnership, the application shall be signed by a partner. If the applicant is a limited partnership, the application shall be signed by the managing or general partner. If the applicant is a corporation, the application shall be signed by an officer or director of the corporation or by any member, if management is vested in members. If the applicant is a limited liability company, the application shall be signed by any manager of the limited liability company. Such signature shall constitute an agreement that the permittee assumes responsibility for the conduct of the business, occupation or other activity concerned in accordance with the requirements of this subchapter or other applicable law.

d. In addition to the following information, the application shall be accompanied by such other information, evidence or documentation as the department may require or as may be provided for in this subchapter or other applicable law or rule applicable to the department. The application shall, at a minimum, include:

1. The name, age, gender, residence and business address, and telephone numbers of the applicant, each member of the partnership, limited liability company or group, and each officer of the corporation, as applicable;

2. To the extent that such information is relevant to the conduct of the business, trade, occupation or other activity under permit, information concerning the applicant, its individual members or officers, relating to education, training or experience, moral character, physical health, addiction to alcohol or habit-forming drugs, history of prior criminal conviction, including violations and offenses, history of mental illness, and record of insolvency or bankruptcy;

3. Proof of current workers' compensation and disability benefits insurance coverage for all employees, or of a certificate of exemption filed with the workers' compensation board;

4. The e-mail address of (i) the individual owner of the business, (ii) the person exercising daily management and control of the business, or (iii) the person who is authorized by law to accept service of process on behalf of the applicant; and

5. A certification, executed under penalty of perjury, that the applicant has not knowingly sold any animal obtained from a source prohibited pursuant to section 17-1702 of this title. For an application submitted prior to June 1, 2017, such certification shall be made with respect to animals sold on or after June 1, 2015. For applications submitted on or after June 1, 2017, such certification shall be made with respect to animals sold during the two years preceding the date of the application.

(a) A certification made by a pet shop pursuant to this paragraph shall be made in a form and manner determined by the department and shall include the following information:

(i) The name and address of every source from which such pet shop obtained a dog or cat during the relevant period;

(ii) The total number of dogs and cats obtained from each source; and

(iii) If a source is a dealer, as such term is defined in section 17-1701 of this title: (A) the United States department of agriculture license number of such dealer; and (B) the individual identifying tag, tattoo, or collar number of each dog or cat obtained from such dealer.

(b) The department may promulgate rules for the production, receipt, acceptance, acquisition, recording, filing, transmission, forwarding, and storage of such certifications by use of electronic means.

(c) The department may inspect the records maintained pursuant to section 17-1704 of this title.

6. Any information that the department determines may be necessary in order to contact the permittee in the event of an emergency.

e. The commissioner shall not issue or renew a permit unless department records show there are no finally determined uncorrected violations or unpaid outstanding fines, penalties or forfeitures imposed by any court, administrative tribunal established within the office of administrative trials and hearings or administrative tribunal established in accordance with the administrative code or the charter, which are due and payable by the applicant or the permittee.

f. The commissioner shall not issue a new permit or renewal of an existing permit to any person listed on the animal abuse registry created pursuant to chapter sixteen of this title.

g. The commissioner shall not issue a new permit to any entity based on a sale or change of ownership of a permitted business or activity regulated by laws or rules enforced by the department, where department or other records show any finally determined uncorrected violations or unpaid fines and penalties, unless the applicant submits proof satisfactory to the department that the transfer of the business was the result of an arm's length transaction. Such proof shall consist of documents showing that:

1. The applicant has assumed complete management, control and operation of the permitted business or activity from the prior permittee;

2. The applicant has paid market value consideration for the material assets of the permitted business; and

3. Neither the applicant nor any member or officer of a partnership or corporation is related by blood or marriage to the owner(s) or manager(s) of the entity holding the permit prior to the transfer of the permitted business.

The commissioner's denial of an application pursuant to this subdivision shall be a final agency determination not subject to administrative appeal.

h. The acceptance of an application and fee for a new permit or the renewal of a permit shall not preclude the commissioner from taking any action that he or she deems necessary, including, but not limited to, the denial of a new permit or renewal permit if department or other investigatory or pre-permit inspections disclose conditions or circumstances indicating that a permit should not be issued or renewed. If an application for a new permit or renewal of an existing permit is denied, the application fee shall not be refunded.

§17-374 Permit expiration dates; fees. a. An application for a permit or for the renewal thereof shall be accompanied by the payment of a fee of three hundred dollars. Permits shall expire biennially and be eligible for renewal.

b. If a permit application is made when more than one-half of the fee period has expired, one-half of the prescribed fee shall be paid. This requirement shall not apply, however, if application is being made for renewal of a permit which has expired.

c. The fees provided for herein shall be reduced by the amount of any fee paid for a permit to operate a pet shop pursuant to the New York city health code within the same fee period.

§17-375 Permits not transferable; exception. Any purported or attempted transfer of a permit to a person not named therein as permittee or any change in the place of business stated in a permit shall void such permit. When a permit is issued to two or more individuals, to a partnership or to a group other than a partnership, and one or more of the individuals concerned ceases to be active in the conduct of the business or activity or otherwise ceases to be a permittee, the commissioner may approve in writing the continuation of the business or activity by the remaining permittees during the unexpired period of such permit. The permittee shall notify the department in writing within ten business days of any change in the owner(s), officers, directors, shareholders, partners or members of a permitted entity that is owned by a sole proprietor, or that is a closely held corporation or small limited liability company, or a partnership, consisting of fewer than five shareholders, members or partners, who directly operate and manage the business, and serve as directors or officers of the corporation, with no outside investors. Notice of such changes shall not be required if the permittee is a publicly held corporation or limited liability company whose shareholders or members do not manage or control the entity or participate in its business activities.

§17-376 Conditions of permit and health code to be observed. a. A person holding a permit, including the officers and directors of a corporation holding a permit, shall comply with the conditions contained in his or her permit as well as all applicable provisions of the New York city health code, administrative code or other law or rule enforced by the department.

b. A person holding a permit, including the officers and directors of a corporation holding a permit, shall be jointly and severally liable for violations of the conditions of the permit or of the New York city health code, administrative code or other applicable law enforced by the department that are committed by employees or agents of the person or corporation when such acts are committed in the regular course of the permitted business of such person or corporation, or on the premises subject to the permit, or in the course of using the permit.

§17-377 Permit to be kept on premises; mutilation prohibited. A permit shall be kept on the premises designated on the permit. It shall be placed in a clean, transparent cover or frame and displayed in such a manner as to be clearly visible to

the public. It shall be available for inspection at all times by the department. No person shall mutilate, obstruct or tear down a permit.

§17-378 *Permit suspension and revocation.* a. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or this title, the rules promulgated thereunder, or the New York city health code, the commissioner, after due notice and an opportunity to be heard by the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner, may suspend or revoke a pet shop permit upon the occurrence of any one or more of the following conditions:

1. Willful or continued violation of the provisions of title seventeen of this code, the rules promulgated thereunder or the New York city health code, or for such other reason as the commissioner determines, is sufficient grounds for suspension or revocation;

2. The giving or offering to an employee or agent of the department or other government agency, engaged in carrying out an inspection, survey or examination or in the performance of any other duty for the department or such agency, a gift, gratuity, benefit, favor or bribe, including but not limited to money, food, or drink;

3. Submission or display by a permittee of a forged document or other document that contains false or misleading statements, or making a false or misleading statement to the department; or

4. Poor moral character that adversely reflects on the permittee's fitness to conduct work regulated by this title.

b. Notwithstanding subdivision a of this section, if the commissioner determines that exigent circumstances exist such that the continued operation of a permittee's pet shop would pose a danger to the public or the health and welfare of the animals in the permittee's custody, the commissioner may suspend such permittee's permit subject to a prompt post-suspension hearing before the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

c. Following a hearing required pursuant to this section and the receipt of a copy of the report and recommendations of the tribunal before which such hearing was held, the commissioner may take such action as may be necessary, adopting all or part of the report and recommendations, and may issue an order revoking the permit, further suspending the permit, or reinstating the permit subject to whatever conditions the commissioner deems necessary for the continued safe operation of the permitted business.

d. All permits revoked pursuant to this section or in accordance with other applicable law shall be surrendered to the department upon receipt of the order. Permits or licenses that are not surrendered in accordance with this section may be seized by any authorized employee or agent of the department or officer of the police department.

§17-379 *Denial of issuance or renewal, suspension and revocation; when effective; service of order or notice.* a. *Effective date.* The action of the commissioner denying issuance or renewal of a permit, or suspending or revoking a permit, shall become final five days after service of an order or other notice thereof, exclusive of the day of service, on the applicant or permittee concerned.

b. *Service of an order or notice shall be made as follows:*

1. Enclosing the order or notice in a postpaid envelope directed to the applicant or permittee at the address listed in the application or permit and depositing such envelope at a United States post office or in a mail box or mail chute maintained by the United States post office; or,

2. Leaving the order or notice with the applicant or permittee or, if the permittee is not an individual, with a member of the partnership or other group concerned or with an officer of the corporation; or,

3. Posting the order or notice at the entrance door of the premises listed in the application or permit.

§17-380 *Forfeiture and seizure.* a. The commissioner or his or her designee may seize any animal in a pet shop operating without a permit required pursuant to section 17-372 of this subchapter.

b. Any animal in a pet shop operating without a permit required pursuant to section 17-372 of this subchapter or seized pursuant to subdivision a of this section shall be subject to forfeiture upon notice and hearing.

c. The commissioner shall provide for the appropriate disposition of each animal seized pursuant to this section. Such disposition may include impoundment at an animal shelter or non-profit rescue as such terms are defined in section 17-1701 of chapter seventeen of this title.

d. The commissioner may impose upon the owner of a pet shop from which an animal is seized pursuant to this section a fee representing expenses incurred in connection with impounding such animal.

§17-381 *Penalties.* Any person found in violation of any provision of this subchapter or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

§17-382 *Rules.* The commissioner may promulgate such rules and prescribe such forms as are necessary to carry out the provisions of this subchapter.

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

Chapter 17
Pet Shops

§17-1701 Definitions.

§17-1702 Prohibited sales.

§17-1703 Required information for the purchaser.

§17-1704 Recordkeeping.

§17-1705 Minimum standards of animal care.

§17-1706 Exemptions for shelter and rescue partners.

§17-1707 Violations and fines.

§17-1708 Forfeiture and seizure.

§17-1709 Rules.

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

a. "Animal abuse crime" has the same meaning as set forth in section 17-1601 of this title.

b. "Animal shelter" means a not-for-profit facility holding a permit in accordance with section 161.09 of the New York city health code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

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

d. "Breeder" means a person required to hold a class A license pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq. or successor provision of law.

e. "Broker" means a person required to hold a class B license by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law.

f. "Convicted" means an adjudication of guilt by any court or administrative tribunal of competent jurisdiction, whether upon a verdict, a plea of guilty or an order of adjudication withheld by reason of a plea of nolo contendere. For the purposes of this chapter, "convicted" shall also mean a plea of guilty on a charge of any crime in satisfaction of an accusatory instrument charging a defendant with an animal abuse crime where dismissal of such charge was not on the merits.

g. "Dealer" means a person required to have a license issued by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law.

h. "Federal identification number" means a license or registration number issued by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law.

i. "Person" means any individual, corporation, partnership, association, municipality, or other legal entity.

j. "Pet shop" has the same meaning as such term is defined in section 17-371 of subchapter nine of this title.

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

1. any source that did not hold a valid license issued by the United States department of agriculture pursuant to 7 U.S.C. § 2131, et seq., or successor provision of law as such information is available from the United States department of agriculture as of the date such pet shop received such animal or animals; or

2. a broker; or

3. a dealer or breeder unless as of the date such pet shop received such animal or animals, such dealer or breeder:

(a) held a valid and active class A license issued by the United States department of agriculture pursuant to 7 U.S.C. §2131, et seq., or successor provision of law, and such license had not been suspended at any time during the prior five years, as such information is available from the United States department of agriculture; and

(b) had not received any of the following:

(i) a finally determined "direct" non-compliant item citation as indicated on any United States department of agriculture inspection report in connection with such license at any time during the prior three years, as such information is available from the United States department of agriculture; or

(ii) a finally determined citation for failure to provide inspectors access to property or records as required pursuant to 9 C.F.R. §2.126, or successor regulations, as indicated on either of the two most recent United States department of agriculture inspection reports in connection with such license, as such information is available from the United States department of agriculture; or

(iii) three or more distinct finally determined non-compliant item citations, other than citations for failure to provide inspectors access to property or records as required pursuant to 9 C.F.R. §2.126, or successor regulations, as indicated on the most recent United States department of agriculture inspection report in connection with such license, as such information is available from the United States department of agriculture; or

(iv) one or more finally determined repeat non-compliant item citations as indicated on the most recent United States department of agriculture inspection report in connection with such license as such information is available from the United States department of agriculture; or

(v) a finally determined order to cease and desist, issued by an administrative law judge, in connection with such license, at any time during the prior five years, as information about such enforcement actions is available from the United States department of agriculture; or

(vi) a finally determined order to pay a civil penalty, issued by an administrative law judge, in connection with such license, at any time during the prior five years, as information about such enforcement actions is available from the United States department of agriculture; and

(c) provided to such pet shop a sworn affidavit attesting that such dealer or breeder had not been convicted of a violation of the minimum standards of animal care provided for in section four hundred one of the agriculture and markets law at any time during the prior five years; and

(d) provided to such pet shop a sworn affidavit attesting that prior to delivering such animal or animals into the custody of such pet shop such dealer or breeder had never been convicted of an animal abuse crime.

b. It shall be unlawful for any pet shop to display, offer for sale, deliver, barter, auction, give away, transfer or sell any rabbit.

c. A pet shop that allows an animal shelter or non-profit rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall not be deemed to be engaged in any conduct otherwise prohibited pursuant to this section with respect to such animals, provided such pet shop does not have an ownership interest in such animals. A pet shop shall not be deemed to be engaged in any conduct otherwise prohibited pursuant to this section with respect to animals it surrenders to a non-profit shelter or animal rescue group, so long as such pet shop does not derive a fee therefor.

§17-1703 Required information for the purchaser. a. Every pet shop shall deliver to the purchaser of a cat or dog, at the time of sale, or to the prospective purchaser of a cat or dog upon request, in a standardized form prescribed by the commissioner, a written statement containing the following information:

1. The animal's breed, sex, color, identifying marks, and if microchipped, the microchip manufacturer's registration instructions. If the pet shop obtained the animal from a United States department of agriculture licensed dealer, the individual identifying tag, tattoo, or collar number for that animal. If the breed is unknown or mixed, the record shall so indicate. If the animal is being sold as being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known;

2. The breeder's name, address, and federal identification number;

3. If the person from whom the animal was obtained is a dealer who is not the breeder, such dealer's name, address, and federal identification number;

4. The date of such animal's birth and the date the pet shop received such animal. The date of birth may be approximated if not known by the seller if:

(a) such animal is a cat; or

(b) such animal is a dog, and such dog is not advertised or sold as a purebred, registered or registrable;

5. A written statement that the breeder has not received any "direct" non-compliant item citations as indicated on any United States department of agriculture inspection report in connection with such breeder's license at any time during the prior three years, as such information is available from the United States department of agriculture at the time of sale;

6. If the animal is a dog, notification that dogs residing in New York state must be licensed, and that a license may be obtained from the municipality in which the dog resides;

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

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

9. A copy of such animal's United States interstate and international certificate of health examination for small animals and the breeder's United States department of agriculture inspection reports for the last three years;

10. A record of any veterinary treatment or medication received by the animal while in the pet shop's possession and either of the following:

(a) A statement, signed by the pet shop at the time of sale, indicating that, to the pet shop's knowledge: (i) the animal has no disease or illness; and (ii) the animal has no congenital or hereditary condition that adversely affects the health of the animal at the time of sale; or

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

11. A statement of the purchaser's rights under article thirty-five-D of the New York state general business law in a form prescribed pursuant to rules promulgated by the department.

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

c. Every pet shop shall post conspicuously, within close proximity to the cages of dogs and cats offered for sale, notices containing the following language in one hundred-point type: "Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers. United States Department of Agriculture inspection reports are available upon request."

d. Any pet shop offering a dog or cat for sale, barter, auction, give away or transfer shall, upon request by a prospective purchaser, make available to such prospective purchaser the two most recent United States department of agriculture inspection reports for the breeder of such dog or cat, as such reports were available from the United States department of agriculture at the time such pet shop obtained such animal. At the request of such prospective purchaser, such pet shop shall provide physical copies of such inspection reports, provided however, that such pet shop may require reimbursement for copying expenses pursuant to rules promulgated by the department.

§17-1704 Recordkeeping. a. Each pet shop shall keep and maintain records and documentation for each dog or cat purchased, acquired, held, sold, or otherwise disposed of with respect to the purchase, sale, dealers, transportation, breeding, medical care and condition, identification, and previous ownership of such animal. Each pet shop shall keep and maintain such records and documentation for a period of ten years from the date such pet shop acquired each such dog or cat.

b. Such documentation and records shall be made available upon request for inspection and copying by the department or other persons authorized by law to enforce the provisions of this chapter. Consistent with the New York state technology law, the department may promulgate rules for the production, receipt, acceptance, acquisition, recording, filing, transmission, forwarding, and storage of such records and documentation by use of electronic means. Such records and documentation shall include the following information:

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

2. The breeder's name, address, and federal identification number, and if the source from which the pet shop obtained such animal is a person other than the breeder, such person's name, address, and federal identification number;

3. Such animal's individual identifying tag, tattoo, or collar number;

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

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

6. A copy of any written statement provided to the purchaser pursuant to section 17-1703 of this title; and

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

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

9. A copy of any statement or certificate of registration relating to microchip identification provided to the purchaser pursuant to section 17-815 of this title.

10. A copy of any record a dealer is required to include with the shipment of an animal pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law, and the rules promulgated thereunder.

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

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

1. If such a dog is being sold as registered or capable of being registered with an animal pedigree registry organization, the names and registration numbers of the sire and dam, and the litter number, if known;

2. If the pet shop has released a dog to a purchaser without first submitting a license application, a written statement provided by the purchaser stating that the dog is to be harbored outside the city and such proof as the commissioner may require indicating that such purchaser resides outside the city.

§17-1705 Minimum standards of animal care. a. Each pet shop shall comply with the following minimum standards of care for every dog or cat in such pet shop's custody or possession:

1. (a) Animals shall be housed in primary enclosures or cages, which shall be constructed to be structurally sound. Such enclosures shall be maintained in good repair to contain the animal housed inside and protect it from injury. Surfaces shall be impervious to the absorption of fluids and able to withstand thorough and repeated cleaning and disinfecting without deteriorating or retaining odors.

(b) Primary enclosures or cages housing the animals shall provide sufficient space to allow each animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, turn around, and lie down with its limbs outstretched. If the flooring is constructed of metal strands, such strands must be greater than one-eighth inch in diameter (nine gauge wire) coated with a material such as plastic or fiberglass, and constructed to not allow the passage of the animal's feet through any opening in the floor of the enclosure. Such flooring shall not sag or bend between structural supports.

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

(d) The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be regulated by heating and cooling to sufficiently protect each animal from extremes of temperature and humidity and shall not be permitted to fall below sixty degrees Fahrenheit or rise eighty-five degrees Fahrenheit.

(e) The indoor facilities housing the animals shall be provided with adequate lighting consisting of a diurnal light cycle of either natural or artificial light

sufficient to permit routine inspection and cleaning and arranged so that each animal is protected from excessive illumination which poses a health hazard to the animal.

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

(g) In the event that a pet shop has a pregnant or nursing dog on its premises, the pet shop shall provide a whelping box for such dog. Each nursing dog shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics in accordance with generally accepted husbandry practices as determined and approved in writing by a licensed veterinarian.

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

2. Housing facilities, including primary enclosures and cages, shall be kept in a clean condition in order to maintain a safe and healthy environment for the animal. Such maintenance shall include removing and destroying any agents injurious to the health of the animal.

(a) Primary enclosures shall be cleaned on a daily basis.

(b) Primary enclosures shall be sanitized at least once every two weeks using one of the following methods:

(i) live steam under pressure; or

(ii) washing with soap or detergent and water with a temperature of at least one hundred eighty degrees Fahrenheit; or

(iii) washing all soiled surfaces with appropriate detergent solutions and disinfectant or by using a combination detergent or disinfectant product that accomplishes the same purpose with a thorough cleaning of the surfaces to remove excreta, feces, hair, dirt, debris and food waste so as to remove all organic and mineral buildup and to provide sanitization, followed by a clean water rinse.

(c) Under no circumstances shall the animal remain inside the primary enclosure or cage while it is being cleaned with sterilizing agents or agents toxic to animals or cleaned in a manner likely to threaten the health and safety of the animal.

(d) Trash and waste products on the premises shall be properly contained and disposed of so as to minimize the risks of disease, contamination, and vermin.

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

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

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

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

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

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

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

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

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

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

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

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

(c) Within five business days of receipt, but prior to sale of any dog or cat, the pet shop shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed to determine if the animal has any medical conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall

include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal diagnosed with a contagious disease shall be treated and caged separately from healthy animals in the isolation area required pursuant to subparagraph (h) of paragraph one of subdivision a of section 17-1705 of this chapter.

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

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

6. No pet shop shall euthanize an animal except by humane euthanasia performed by a veterinarian duly licensed in the state of New York in accordance with section three hundred seventy four of the agriculture and markets law who has diagnosed such animal as requiring euthanasia due to a serious illness or injury.

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

§17-1706 Exemptions for shelter and rescue partners. A pet shop that allows an animal shelter or non-profit rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the provisions of this chapter with respect to such animals, provided such pet shop does not have an ownership interest in such animals.

§17-1707 Violations and fines. Any person found in violation of any provision of this chapter or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

§17-1708 Forfeiture and seizure. a. The commissioner or his or her designee may seize any animal offered for sale in a pet shop where the sale of such animal is prohibited by section 17-1702 of this chapter.

b. Any animal offered for sale in violation of section 17-1702 of this chapter or seized pursuant to subdivision a of this section shall be subject to forfeiture upon notice and hearing.

c. The commissioner shall provide for the appropriate disposition of each animal seized pursuant to this section. Such disposition may include impoundment at an animal shelter or non-profit rescue group.

d. The commissioner may impose upon the owner of a pet shop from which an animal is seized pursuant to this section a fee representing expenses incurred in connection with the cost of impounding such animal.

§17-1709 Rules. The commissioner may promulgate such rules as are necessary to carry out the provisions of this chapter and to ensure the health and safety of any animal in a pet shop.

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

§ 4. Nothing in this local law shall be construed to restrict, limit or prevent the enactment or enforcement of any provision of the New York city health code on the same or related subject matter, including but not limited to any provision of the health code or rules of the department that is duplicative or more restrictive than any provision of this local law.

§ 5. This local law shall take effect on June 1, 2015, provided, however, that sections 17-372 through 17-382 of title 17 of the administrative code of the city of New York as added by section one of this local law shall take effect on January 1, 2016, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective dates.

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, ROSIE MENDEZ, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, December 16, 2014. *Other Council Members Attending: Crowley and Chin.*

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

Report for Int. No. 73-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 updating the definition of "pet shop" within the animal abuse registration act.

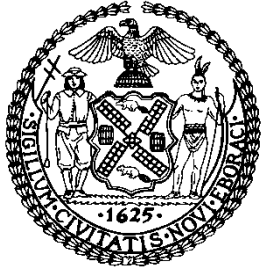
Report of the Committee on Health, to which the annexed proposed amended local law was referred on February 26, 2014 (Minutes, page 430), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int No. 55-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

The following is the text of the Fiscal Impact Statement for Int. No. 73-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 73-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to updating the definition of "pet shop" within the animal abuse registration act.

SPONSOR(S): Council Members Johnson, Arroyo, Constantinides, Levine, Rose, Vallone, Cornegy, Levin, Richards, Rodriguez, Dickens, Torres, Lander, Espinal, Dromm, Van Bramer, Crowley, and Gentile

SUMMARY OF LEGISLATION:

Proposed Intro. No. 73-A would change the definition of pet shop in the Animal Abuse Registration Act (AARA) to include pet shops that sell cats and dogs. The AARA mandates the establishment of an animal abuse registry listing persons 18 or older who reside in New York City that were convicted of animal abuse crimes. The AARA requires pet shops to consult the registry before selling an animal to any prospective buyer and bans the transfer of any animal to a person who appears on the registry.

Pursuant to the legislation, pet shops that allow an animal shelter or rescue to use the pet shop's premises for making animals available for adoption would be exempt from checking the registry prior to adoption of animals arranged by animal shelter or rescue, unless the pet shop has an ownership interest in any of those animals.

EFFECTIVE DATE: This local law would take effect on June 1, 2015 except the provisions of the law which would exempt pet shops in certain situations from consulting the animal abuse registry would take effect immediately.

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 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 because the City does not have a role in its implementation.

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: Intro. No. 73 was introduced to the Council on February 26, 2014 and referred to the Committee on Health. The Committee on Health held a hearing on Intro. No. 73 on April 30, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No.73-A, was considered by the Committee on Health on November 24, 2014 and laid over. Proposed Int. No.73-A will be voted on by the Committee on Health on December 16, 2014. Upon successful vote by the Committee, Proposed Int. No. 73-A will be submitted to the full Council for a vote on December 17, 2014.

DATE PREPARED: January 20, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 73-A:)

Int. No. 73-A

By Council Members Johnson, Arroyo, Constantinides, Levine, Rose, Vallone, Cornegy, Levin, Richards, Rodriguez, Dickens, Torres, Lander, Espinal, Dromm, Van Bramer, Crowley, Gentile, Garodnick, Eugene, Kallos, Lancman and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to updating the definition of "pet shop" within the animal abuse registration act.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 17-1601 of the administrative code of the city of New York, as added by local law number 4 for the year 2014, is amended to read as follows:

c. "Animal rescue group" shall mean a not-for-profit organization duly incorporated in the state of New York that accepts unwanted [dogs or cats] animals from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.

§ 2. Subdivision i of section 17-1601 of the administrative code of the city of New York, as added by local law number 4 for the year 2014, is amended to read as follows:

i. "Pet shop" shall [mean a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit] have the same meaning as such term is defined in section 17-371 of this title.

§ 3. The section heading of section 17-1605 in the table of contents of chapter 16 of title 17 of the administrative code of the city of New York, as added by local law number 4 for the year 2014, is amended to read as follows:

§17-1605 [Requirements of animal shelters] Prohibition of transfers of animals to animal abusers.

§ 4. Section 17-1605 of the administrative code of the city of New York, as added by local law number 4 for the year 2014, is amended by adding a new subdivision c to read as follows:

c. A pet shop that allows an animal shelter or animal rescue to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of subdivisions a and b of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are made available for adoption.

§ 5. This local law shall take effect on June 1, 2015, except that sections one, 3 and 4 of this local law shall take effect immediately.

COREY D. JOHNSON, Chairperson; MARIA del CARMEN ARROYO, ROSIE MENDEZ, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, December 16, 2014. Other Council Members Attending: Crowley and Chin.

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

Report for Int. No. 136-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 the spaying, neutering and licensing of animals sold in pet shops.

Report of the Committee on Health, to which the annexed proposed amended local law was referred on March 12, 2014 (Minutes, page 630), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int No. 55-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

The following is the text of the Fiscal Impact Statement for Int. No. 136-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 136-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to the spaying, neutering and licensing of animals sold in pet shops.

SPONSOR(S): Council Members Crowley, Arroyo, Dickens, Johnson, Koo, Levine, Palma, Rose, Vallone, Mendez, Koslowitz, Cornegy, Rosenthal and Ulrich

SUMMARY OF LEGISLATION:

Proposed Intro. No. 136-A would amend the Animal Shelters and Sterilization Act to prohibit the sale of any dog or cat in any pet store unless such animal has been spayed or neutered. It would require that such procedures be performed by a licensed veterinarian and that the animals be no younger than eight weeks and weigh no less than two pounds.

In addition, the bill requires that pet shops ensure that customers purchasing any dog must first complete a dog license application and tenders to the pet store the dog license application fee. Pet shops would also be required to report information about all dogs sold to the Department of Health and Mental Hygiene on a monthly basis.

A pet shop that violates the provisions of this law related to sterilization and dog licensing, or the provisions of law added by Proposed Int. No. 146-A related to microchipping, would be subject to a civil penalty of \$500 per violation.

EFFECTIVE DATE: This local law would take effect on June 1, 2015, except that the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to 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 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 because the portion of the legislation that requires City resources to be implemented, specifically the collection of reports by the Department of Health and Mental Hygiene from pet shops, would be covered using 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: Intro. 136 was introduced to the Council on February 26, 2014 and referred to the Committee on Health. The Committee on Health held a hearing on Intro. No. 136 on April 30, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No.136-A, was considered by the Committee on Health on November 24, 2014 and laid over. Proposed Intro. No.136-A will be voted on by the Committee on Health on December 16, 2014. Upon successful vote by the Committee, Proposed Intro. No. 136-A will be submitted to the full Council for a vote on December 17, 2014.

DATE PREPARED: January 20, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 136-A:)

Int. No. 136-A

By Council Members Crowley, Johnson, Arroyo, Dickens, Koo, Levine, Palma, Rose, Vallone, Mendez, Koslowitz, Cornegy, Rosenthal, Levin, Rodriguez, Torres, Lander, Weprin, Espinal, Constantinides, Dromm, Van Bramer, Gentile, Vacca, Chin, Eugene, Kallos and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the spaying, neutering and licensing of animals sold in pet shops.

Be it enacted by the Council as follows:

Section 1. The title of chapter 8 of title 17 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

Chapter 8 – ANIMAL SHELTERS, [AND] STERILIZATION, [ACT] AND LICENSING

§ 2. Section 17-802 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, and subdivision g, as added by chapter 59 of the laws of 2011, is amended to read as follows:

§ 17-802 Definitions. For the purposes of this chapter, the following terms shall be defined as follows:

a. "Adoption" means the delivery of a dog or cat deemed appropriate and suitable by an animal shelter to an individual at least eighteen years of age who has been approved to own, care and provide for the animal by the animal shelter.

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

c. "Animal shelter" means a not-for-profit facility holding a permit in accordance with §161.09 of the New York city health code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

d. "Consumer" means any individual purchasing an animal from a pet shop. A pet shop shall not be considered a consumer.

[c]e. "Feral cat" [shall mean] means an animal of the species felis catus who has no owner, is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

[d]f. "Full-service shelter" [shall mean] means a [facility] person required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code that houses lost, stray or homeless animals and:

- (1) accepts dogs and cats twelve hours per day, seven days per week;
- (2) has an adoption program available seven days per week; and
- (3) provides sterilization services for dogs and cats and any other veterinary services deemed necessary by a licensed veterinarian at such shelter or at a veterinary facility.

[e] g. "Person" means any individual, corporation, partnership, association, municipality, or other legal entity.

h. "Pet shop" [means a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition shall not include full-service shelters or other animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged] has the same meaning as such term is defined in section 17-371 of this title.

[f] i. "Sterilization" means rendering a dog or cat[, who] that is at least eight weeks of age and that weighs at least two pounds[,] unable to reproduce, by surgically altering [the dog's or cat's] such animal's reproductive organs as set forth in the rules of the department or by non-surgical methods or technologies approved

by the United States food and drug administration or the United States department of agriculture and acceptable to the department. Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat.

[g] j. "Trap-neuter-return" means a program to trap, vaccinate for rabies, sterilize and identify feral cats and return them to the locations where they were found.

§3. Subdivisions b and c of section 17-804 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, are amended to read as follows:

b. No pet shop shall release to a consumer a dog or cat that has not been sterilized by a licensed veterinarian[]; provided, however, that such requirement shall not apply to a consumer who presents to the pet shop a letter from such consumer's licensed veterinarian, dated within the immediately preceding ten days, stating the reason(s) why, in the opinion of such veterinarian, such dog, or cat should not be sterilized until a later specified date, not to exceed four months following the date of such letter. Such letter shall state that such veterinarian will cause such dog or cat to be sterilized at the request of such consumer on or before such later specified date]. Such veterinarian shall [also] provide to the pet shop a certificate, in such form and manner as determined by rules promulgated by the department, stating the date on which such sterilization was performed. [Any consumer who provides a pet shop with a letter with respect to a later sterilization of a dog or cat must ensure that such animal is sterilized by the date indicated in the letter.]

c. Every pet shop, in accordance with rules promulgated by the department, shall maintain records of *all sales of dogs and cats*, sterilization procedures performed at the request of the pet shop, and veterinarian letters and certificates received, and shall retain such records, letters and certificates for a period of [two] *five* years. Such records, letters, and certificates shall be made available to the department according to rules promulgated by the department. *The department may require that such documents be submitted by electronic means.*

§4. Section 17-804 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. *A pet shop that allows an animal shelter or non-profit rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of subdivisions b and c of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are made available for adoption.*

§ 5. Section 17-806 of the administrative code of the city of New York, as amended by chapter 59 of the laws of 2011, is amended to read as follows:

§ 17-806 Violations. Any person found to be in violation of subdivision (b), (c) or (d) of section 17-804, *section 17-814, or section 17-815* of this chapter or any of the rules promulgated thereunder shall be liable for a civil penalty of [not less than two hundred fifty dollars nor more than] five hundred dollars for each violation. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal authorized to adjudicate violations of the health code *or the administrative code.*

§ 6. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding new section 17-814 to read as follows:

§ 17-814 *Licensing of dogs required.* a. *No pet shop or animal rescue group shall sell or release a dog to a purchaser or adopter unless such purchaser or adopter first completes an application for a license and tenders the license fees required by law. If such application is completed in connection with the purchase of a dog from a pet shop, such application shall include the following information: the date of purchase, the name and address of the pet shop, and if such pet shop has an operating permit issued by the department, such pet shop's permit number. Such pet shop or animal rescue group shall forward such completed application and license fees to the department in such manner as may be specified by the department.*

b. *A pet shop or animal rescue group shall be exempt from the requirements of subdivision a of this section for any sale or adoption of a dog to a purchaser or adopter who executes and submits to such pet shop or animal rescue group a written statement that the dog to be purchased or adopted is to be harbored outside of the city and proof in a form determined by the department that the purchaser or adopter resides outside the city.*

c. *Every pet shop shall, on at least a monthly basis, report to the department on a form furnished by the department all dogs which have been sold and adopted, indicating for each such dog whether or not the pet shop submitted to the department a license application. Such form shall include the name and address of each such dog's purchaser or adopter, the license or license application number if known, as well as any other descriptive information regarding such dog as may be required by the department.*

d. *A pet shop that allows an animal shelter or non-profit rescue to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are being made available for adoption, and the pet shop does not derive a fee for providing such adoption services.*

§7. This local law shall take effect on June 1, 2015, except that the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, ROSIE MENDEZ, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; *Committee on Health, December 16, 2014. Other Council Members Attending: Crowley and Chin.*

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

Report for Int. No. 146-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 microchipping animals sold in pet shops.

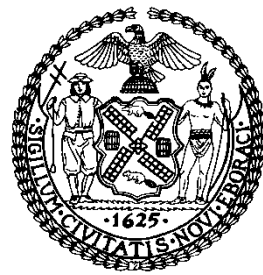
Report of the Committee on Health, to which the annexed proposed amended local law was referred on March 12, 2014 (Minutes, page 649), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int No. 55-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

The following is the text of the Fiscal Impact Statement for Int. No. 146-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 146-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to microchipping animals sold in pet shops.

SPONSOR(S): Council Members Johnson, Crowley, Arroyo, Chin, Koo, Levine, Rose, Vallone, Mendez, Cornegy, Rosenthal, and Ulrich

SUMMARY OF LEGISLATION:

Proposed Intro. No. 146-A would amend the Animal Shelters and Sterilization Act (ASSA) to prohibit the release of any dog or cat by a pet store, animal shelter, or animal rescue unless such animal has been implanted with a microchip that has been registered with the purchaser's contact information. The pet store, animal shelter, or animal rescue would also be required to provide the purchaser with instructions on how to use the microchip and written certification, signed by the purchaser, that the pet store, animal shelter, or animal rescue has complied with the provisions of the legislation. The pet store, animal shelter, or animal rescue must retain a copy of the signed certification for ten years.

EFFECTIVE DATE: This local law would take effect on June 1, 2015, except that the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to 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 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 because the City does not have a role in its implementation.

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: Intro. No. 146 was introduced to the Council on February 26, 2014 and referred to the Committee on Health. The Committee on Health held a hearing on Intro. No. 146 on April 30, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 146-A, was heard by the Committee on Health on November 24, 2014 and laid over. Proposed Intro. No. 146-A will be voted on by the Committee on Health on December 16, 2014. Upon successful vote by the Committee, Proposed Intro. No. 146-A will be submitted to the full Council for a vote on December 17, 2014.

DATE PREPARED: January 20, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 146-A:)

Int. No. 146-A

By Council Members Johnson, Crowley, Arroyo, Chin, Koo, Levine, Rose, Vallone, Mendez, Cornegy, Rosenthal, Levin, Rodriguez, Dickens, Torres, Lander, Espinal, Constantinides, Dromm, Van Bramer, Gentile, Vacca, Garodnick, Eugene and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to microchipping animals sold in pet shops.

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding new section 17-815 to read as follows:

§ 17-815 *Microchipping required.* a. No pet shop, animal rescue group or non-profit rescue group shall release a dog or cat to a purchaser unless:

(1) such animal has been implanted with a microchip as a permanent identification by a licensed veterinarian;

(2) such pet shop, animal rescue group, or non-profit rescue group has registered such animal's microchip with such purchaser's contact information with a bona fide pet microchip registration company; and

(3) such pet shop, animal rescue group or non-profit rescue group has provided such purchaser with (i) usage instructions for such microchip provided by the manufacturer of such microchip or the company with which such microchip is registered and (ii) written certification of compliance with paragraphs one and two of this subdivision, signed by such purchaser as acknowledgement of receipt, in a form and manner set forth in rules promulgated by the department.

b. Every pet shop, animal rescue group or non-profit rescue group shall retain for a period of ten years from the date of sale of any dog or cat, a copy of the certification signed by the purchaser required by paragraph three of subdivision a of this section.

c. A pet shop that allows an animal shelter or non-profit rescue to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of subdivisions a and b of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are being made available for adoption, and the pet shop does not derive a fee for providing such adoption services.

§ 2. This local law shall take effect on June 1, 2015, except that the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, ROSIE MENDEZ, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, December 16, 2014. *Other Council Members Attending: Crowley and Chin.*

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

Report for Int. No. 358-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 regulating social adult day care.

Report of the Committee on Health, to which the annexed proposed amended local law was referred on May 29, 2014 (Minutes, page 1899), respectfully

REPORTS:

INTRODUCTION

On December 17, 2014, the Committee on Health, chaired by Council Member Corey Johnson, held a hearing on Proposed Int. No. 358-A, a Local Law to amend the Administrative Code of the City of New York, in relation to regulating social adult day care programs. The Committee on Health, jointly with the Committee on Aging, chaired by Council Member Margaret Chin, previously held a hearing on this legislation on September 4, 2014, at which time the Committees heard testimony from the New York City Department of Health and Mental Hygiene (DOHMH), the New York City Department for the Aging (DFTA), advocates, and service providers. In addition, the Committees held hearings related to social adult day care programs in September and April of 2012 and June 2013. Following the first hearing on this legislation, the bill was amended to require registration of social adult care programs, to place primary responsibility of regulation of social adult day care programs with DFTA, and to expand the role of the social adult day care ombudsperson.

BACKGROUND

Social adult day care, a form of adult day services (ADS), is a program which provides functionally impaired individuals such as those suffering from Alzheimer's, dementia, or other chronic health conditions with socialization, supervision, monitoring, personal care, and nutrition in a protective setting during part of the day.¹ ADS programs are intended to offer a cost-effective alternative to in-patient services while allowing the individual receiving services to maintain a higher quality of life.² Adult day centers currently serve more than 260,000 participants in over 4,600 programs nationwide, and as New York City's older adult population is expected to increase by 50 percent within the next two decades, ADS are likely to remain a critical component of the care-giving system.³

Social adult day care programs serve a particularly vulnerable segment of older adults by providing a secure environment where participants can receive services designed to help them achieve optimal levels of physical and mental cognitive functioning.⁴ Caring for a functionally-impaired family member often places a great burden and stress on loved ones and social adult day care programs can provide caregivers with much-needed respite, as well as an opportunity to continue working.⁴ While properly managed social adult day care programs provide an essential service, the lack of regulation and oversight of these programs creates an opportunity for unscrupulous providers to open programs that may endanger the welfare of vulnerable seniors, threaten the funding of senior centers, and lead to fraudulent Medicaid practices.

New York State does not require a license, certification, or registration to operate a social adult day care program.⁵ There is also no application process with the State to apply to become a social adult day care provider.⁶ However, social adult day care programs that receive funding from the New York State Office for the Aging (SOFA) or local aging offices, such as DFTA, must comply with minimum requirements set forth in regulations promulgated by SOFA.⁷ These regulations require social adult day care programs to adhere to service standards that include participant eligibility requirements, admission and discharge instructions, and the development of a service plan for each consumer.⁸ Programs must provide socialization services, supervision and monitoring, personal care, and nutrition.⁹ Allowable optional services include maintenance and enhancement of daily living skills, transportation between the home and the program, caregiver assistance, case coordination and assistance.¹⁰ To ensure accountability, programs must also establish, follow, and file the program's written policies and procedures regarding the operation of the program with the area aging office for review.¹¹ Programs must conduct self-evaluations, maintain records of the program and participants, as well as adhere to staffing requirements, including staff training.¹² Area aging offices, such as DFTA, are responsible for oversight of such directly-funded programs.¹³ The City currently allocates \$400,000 annually for eight social adult day programs monitored by DFTA.¹⁴ However, the remainder of the nearly 200 other social adult day care programs that do not receive State or local funding are merely advised to follow SOFA's regulations.¹⁵

Fraud Concerns and "Pop-Up" Programs

The number of social adult day care programs in New York City grew rapidly between 2010 and 2012, from 40 to nearly 200, largely in response to the new availability of Medicaid reimbursement funds.¹⁶ In 2011, growing Medicaid costs combined with a projected \$10 billion budget deficit led Governor Andrew Cuomo to propose significant changes to the State's Medicaid program.¹⁷ Following a series of reforms and redesign, Medicaid beneficiaries now receive long-term care in residential or community settings through managed long-term care programs (MLTCs).¹⁸ MLTCs provide or arrange for health and long term care services, including social adult day care.¹⁹ Operators may receive Medicaid reimbursement through MLTCs for providing social adult day care, but as long as the operators are not receiving SOFA or City funding, there are no direct government regulations in place to ensure the programs are providing proper and safe services.²⁰

During a September 2012 oversight hearing on social adult day programs, then-Commissioner for the Aging Lilliam Barrios-Paoli expressed concern that so-called "pop-up" social adult day care programs were recruiting Medicaid eligible seniors who did not require social adult day care services, noting that oversight of

enrollment had decreased following the State's Medicaid redesign.²¹ Accusations of fraudulent practices at "pop-up" programs reemerged in the spring of 2013 with the arrest of New York State Assembly Member Eric Stevenson on charges related to offering to pass legislation limiting the number of social adult day care programs in New York City on behalf of an operator in exchange for bribes.²²

Reports of inappropriate recruitment tactics, such as offering cash payments and free meals, by providers also emerged.²³ Social adult day care programs can receive daily reimbursement rates of nearly \$100 per person, while City senior centers function on an average of \$4 per person, per day.²⁴ When the Committees considered similar legislation regarding social adult day care in June 2013, advocates and service providers testified that by offering incentives, "pop-up" programs were causing the daily attendance rates of senior centers to decline, threatening their ability to maintain funding and stay open.²⁵ While the State has taken some steps to attempt to limit fraudulent Medicaid reimbursements to social adult day care programs,²⁶ the Council continues to receive reports of new businesses purporting to be social adult day programs without offering proper services for functionally impaired adults.

ANALYSIS

Section one of Int. No. 358-A would amend section 21-201 of chapter two or title 21 of the Administrative Code (the Code) to add a new subdivision f. New subdivision f would define "social adult day care" as the term is defined in section 215 of State Elder Law and in any regulations promulgated by the Director of the New York State Office of the Aging (SOFA) pursuant to that section.

Section two of Int. No. 358-A would create a new section 21-204 regarding social adult day care. New section 21-204 would set forth the Department of Aging's (DFTA) responsibilities under the new section and the requirements for social adult day cares. New paragraph one of new subdivision a of such section would require all social day cares that do not receive grant funding pursuant to State Elder Law to meet the standards and requirements related to program standards and participant rights set forth in any rules and regulations promulgated by the Director of SOFA under section 215 of State Elder Law, regardless of the fact that such programs do not receive such funding. Any references to an "area agency on aging" in such rules and regulations would be deemed to be a reference to DFTA, and references to a "participant" would mean an adult that is eligible for and receiving services from a social adult day care. The terms "functionally impaired" and "social adult day care program" would have the same meanings as set forth in the SOFA rules and regulations. New paragraph two would require social adult day cares to carry out the new chapter in accordance with applicable provisions of the Federal Americans with Disabilities Act.²⁷

New subdivision b would require social adult day cares to register with DFTA. New paragraph one would prohibit any individual, partnership, corporation, limited liability company, joint venture, association, or other business entity from operating a social adult day care without registering with DFTA. Registration forms, which may be electronic, would be proscribed by DFTA and must include—at a minimum—the registrant's name, address, their corporate structure and ownership. New paragraph two would require that if there is any change in registration information, a social adult day care submit notice to DFTA before the effective date of such change.

New subdivision c prescribes civil penalties for violations of the new section. Paragraph one would require DFTA to adopt regulations establishing the penalty that would be assessed for specific violations of the section or regulations promulgated thereunder. Such penalties would range between \$250 to \$500 per day. Paragraph two would subject any social day care that fails to register with DFTA to civil penalties of \$250 to \$1,000 per day that such business operates without registering. Paragraph three would give DFTA and another City agency—as designated by the Mayor—the authority to issue notices of violation for violations of new section 21-204 or any rules promulgated thereunder. Such notices would be returnable at the Environmental Control Board, a tribunal within any agency authorized under such paragraph, or any tribunal within the Office of Administrative Trials and Hearings as designated by the Commissioner for the Aging. As discussed further below, if the Mayor does not designate another agency, the Department of Consumer Affairs (DCA) would become an authorized agency under new paragraph three.

New subdivision d would establish a social adult day care ombudsperson. Paragraph one would require DFTA to designate an ombudsperson that would be responsible for establishing a system to receive comments and complaints regarding such programs. At least once a year, the ombudsperson would be required to obtain a list from the State of providers operating social adult day cares and the street address of each location. The ombudsman would be required to investigate complaints, as well as any information known to DFTA regarding a social adult day care that may be in violation of new section 21-204. If DFTA finds there has been a violation, they would be required to promptly inform the social adult day care and any managed long-term care organization (MLTC) reimbursing that social adult day care of such finding and their ability to appeal. The ombudsperson would then request that the MLTC respond as to whether and how the violation will be addressed. The ombudsperson would then have the option of forwarding the results of an investigation and any response from an MLTC to the New York City Department of Investigation, the New York State Department of Health, or any entity concerned with Medicaid fraud. Following an investigation, the Commissioner for the Aging could also undertake any action he or she deems appropriate.

Paragraph two of new subdivision d would require social adult day cares to post on the premises the ombudsperson's contact information along with a statement indicating that any person with a comment or complaint regarding a social adult day care may contact the ombudsperson. Under paragraph three, DFTA would be required to include on its website the ombudsperson's contact information and a

statement indicating that any person with a comment or complaint regarding a social adult day care may contact the ombudsperson.

Paragraph four of new subdivision d would mandate that the ombudsperson provide annual written reports to the Council beginning no later than January 1, 2016. The reports would be required to include, but not be limited to: (i) the total number of social adult day cares and their name and street address; (ii) the total number of complaints received during each reporting period; (iii) a general description of the reason for each complaint; (iv) the total number of investigations conducted, a general description of the reason for each investigation, any findings that violations of subdivision a of new section 21-204 occurred, and the outcome of each investigation; (v) the total number of notices of violation issued pursuant to subdivisions a and c of new section 21-204, disaggregated by the specific violation; (vi) the total number of social adult day cares that failed to register with DFTA; and (vii) any recommendations on the operation of social adult day cares. Paragraph five would prohibit DFTA from sharing information identifying an individual who made a complaint to the ombudsperson unless otherwise required by law.

Section three of Int. No. 358-A states that the Mayor must designate at least one City agency to issue notices of violation pursuant to subdivision c of new section 21-204, as added by section two of Int. No. 358-A, within 30 days of the enactment of the bill and to provide the Council with written notice of such designation. If the Mayor does not designate any agency within the allotted time frame, DCA would be deemed to be the designated agency.

Section four of Int. No. 358-A states the law would take effect 180 days following its enactment. However, paragraph one of subdivision c of new section 21-204—relating to civil penalties for failure to adhere to the requirements of the section or any rules promulgated thereunder—would take effect in twelve months, except that such paragraph would be deemed repealed if any State law, rule, or regulation establishes civil penalties or fines for violation of any law, rule, or regulation concerning social adult day care program standards or participant rights. Section three of Int. No. 358-A—requiring the Mayor to designate an agency that would issue notices of violation—would be effective immediately. Further, paragraph four would require DFTA to take all necessary action, including the promulgation of rules, prior to the effective date.

UPDATE

On December 16, 2014, the Committee on Health passed Int. No. 358-A by a vote of nine in the affirmative and zero in the negative with zero abstentions.

¹ 9 N.Y.C.R.R. § 6654.20.

² MetLife Mature Market Institute, *The MetLife National Study of Adult Day Services: Providing Support to Individuals and Their Family Caregivers* 3 (Oct. 2010), available at <https://www.metlife.com/assets/cao/mmi/publications/studies/2010/mmi-adult-day-services.pdf>.

³ *Id.* at 3; N.Y.C. Age Friendly Commission, *Age Friendly: A Progress Report* (Spring 2011), available at http://www.nyam.org/agefriendlynyc/Age-Friendly-NYC-Report-Final-High-Res2_new.pdf.

⁴ N.Y. State Office for the Aging, Social Adult Day Services Program (SADS), <http://www.aging.ny.gov/NYSOFA/Programs/CaregiverSvcs/SADS.cfm> (last accessed Aug. 13, 2014).

⁵ *Id.*

⁶ See N.Y. Elder Law § 215; 9 N.Y.C.R.R. § 6654.20.

⁷ *Id.*

⁸ 9 N.Y.C.R.R. § 6654.20(a).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at § 6654.20(c).

¹⁵ N.Y.C. Council Committee on Aging, Committee on Finance, and Senior Centers Subcommittee, *Report on Fiscal Year 2015 Executive Budget for the Department for the Aging* (May 25, 2014), available at <http://legistar.council.nyc.gov>.

¹⁶ 9 N.Y.C.R.R. § 6654.20.

¹⁷ Nina Bernstein, *Day Centers Spout Up, Luring Fit Elders and Costing Medicaid*, N.Y. TIMES, Apr. 22, 2013, available at <http://www.nytimes.com/2013/04/23/nyregion/day-centers-lure-fit-elders-and-bill-medicare.html?pagewanted=all>; see also Testimony of DFTA Commissioner Lillian Barrios-Paoli before the Committees on Aging and Finance, May 29, 2013.

¹⁸ Thomas Kaplan, *State Proposal Would Limit Annual Rise for Medicaid*, N.Y. TIMES, Feb. 24, 2011, available at <http://www.nytimes.com/2011/02/24/nyregion/24medicaid.html>.

¹⁹ Medicaid Redesign Team Proposal No. 90; Press Release, N.Y. State Dept. of Health, *Medicaid Redesign Progresses as New York State Health Department Begins Accepting Applications for Managed Long-Term Care Providers* (June 14, 2011), available at http://nyhealth.gov/press/releases/2011/2011-06-14_long_term_care_medicare.htm; and L. 2011, Ch. 51, Part H §§ 41, 41-a, 41-b et al.

²⁰ N.Y. Public Health Law § 4403-f(1)(d).

²¹ Bernstein, *supra* note 17.

²² N.Y.C. Council, Transcript of hearing before the Committees on Aging and Health, Sep. 25, 2012, available at <http://legistar.council.nyc.gov>.

²³ Matthew Katz, *Adult Daycare Center in Stevenson Scandal 'Blitzed' Bronx for New Members*, DNAINFO, Apr. 4, 2013, available at <http://www.dnainfo.com/new-york/2013/04/04/morris-heights/adult-daycare-center-stevenson-scandal-blitzed-bronx-for-new-members>; Ken Lovett, *Four Men Accused Of Bribing Assemblyman Barred From Participating In Medicaid Program*, N.Y. DAILY NEWS, Apr. 22, 2013, available at <http://www.nydailynews.com/blogs/dailypolitics/2013/04/four-men-accused-of-bribing-assemblyman-barred-from-participating-in-medicare->

²⁴ *Id.*; Bernstein, *supra* note 17.

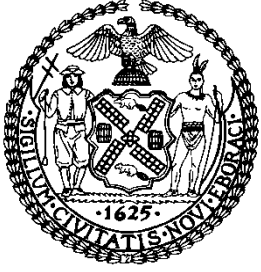
²⁵ N.Y.C. Council, *supra* note 22.

²⁶ *Id.*

²⁷ Nina Bernstein, *New York Suspends Enrollment in Long-Term Care Plan*, N.Y. TIMES, Apr. 25, 2013, available at <http://www.nytimes.com/2013/04/26/nyregion/new-york-suspends-enrollment-in-long-term-care-plan.html>.

²⁸ 42 U.S.C.A. § 12101 et seq.

(The following is the text of the Fiscal Impact Statement for Int. No. 358-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 358-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to regulating social adult day care.

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

SUMMARY OF LEGISLATION:

Proposed Intro. No. 358-A would require all social adult day cares, which are programs that provide functionally impaired individuals with personal care, nutritious meals, and the opportunity to socialize in a safe, supervised, setting, in New York City to register with the Department for the Aging (DFTA) even if the social day care does not receive City or State funding. The legislation would also require these social day cares to adhere to basic standards on participant eligibility, program services and administration, staffing, and facilities in the same manner as the social day cares that do receive City or State funding. Civil penalties for violations of rules promulgated by DFTA would range from \$250 to \$500 per day, except that failure to register would result in a penalty of \$250 to \$1,000 per day. The notices of violation for these violations would be issued by the Department of Consumer Affairs (DCA) or another agency designated by the Mayor.

The bill would also create an ombudsperson at DFTA that would receive complaints regarding programs through a hotline and website, conduct investigations, and refer results of such investigations to managed long-term care companies, the New York City Department of Investigation, and the State as necessary. All social day cares would be required to post notices containing the ombudsperson’s contact information and DFTA would be required to post this information in its website. The ombudsperson would be required to provide an annual report to the Council regarding social adult daycares.

EFFECTIVE DATE: This local law would take effect 180 days after its enactment, except that the requirement that DFTA establish rules regarding civil penalties would take effect 12 months after enactment, unless any State law, rule, or regulation establishes civil penalties within that one year period that provision will be deemed repealed, except that the provision that requires the Mayor an agency to issues notices of violation would take effect immediately, and except that DFTA may take necessary action, including the promulgation of rules, prior to the 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	\$250,000	\$250,000
Net	\$0	(\$250,000)	(\$250,000)

IMPACT ON REVENUES: While penalties are imposed under this legislation, the penalties are designed to ensure compliance, not generate revenue. Therefore, it is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: This fiscal impact statement assumes the designation of DCA as the agency designated by the Mayor to issues notices of violations. It is estimated that this legislation would require DFTA and DCA to hire additional staff to fully implement the provisions of this bill. DCA would need two licensing staff to

handle notices of violations and DFTA would add one staff to serve as ombudsperson. Compensation for licensing staff, including fringe benefits would total \$75,000 per year per staff. The projected salary including fringe benefits of the DFTA ombudsperson would approximate \$100,000. If the Mayor chooses to designate a different agency to issues notices of violation that does not already have an infrastructure to do so, as DCA does, it is anticipated that the impact on expenditures would be greater. It is noted that, although a portion of the legislation would take effect immediately in Fiscal 2015, the provisions of the legislation that have a non-zero fiscal impact would not take effect until Fiscal 2016.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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: Intro. No. 358 was introduced to the Council on May 29, 2014 and referred to the Committee on Health. The Committee on Health held a hearing, jointly with the Committee on Aging, on Intro. No. 358 on September 4, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No.358-A, will be voted on by the Committee on Health on December 16, 2014. Upon successful vote by the Committee, Proposed Int. No. 358-A will be submitted to the full Council for a vote on December 17, 2014.

DATE PREPARED: January 20, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 358-A:)

Int. No. 358-A

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

A Local Law to amend the administrative code of the city of New York, in relation to regulating social adult day care.

Be it enacted by the Council as follows:

Section 1. Section 21-201 of chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. “Social adult day care” has the same meaning as set forth in section two hundred fifteen of the elder law and any regulations promulgated by the director of the office for the aging pursuant to such section.

§ 2. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-204 to read as follows:

§ 21-204 Social adult day care. a. 1. All social adult day cares that do not receive funding pursuant to section two hundred fifteen of the elder law shall meet the standards and requirements of any rules or regulations promulgated by the director of the office for the aging pursuant to such section related to program standards and participant rights, notwithstanding the fact that such social adult day cares do not receive such funding. For the purposes of this section, any reference to an “area agency on aging” in such rules and regulations means the department and any reference to a “participant” in such rules and regulations means an adult individual who is functionally impaired as defined in such rules and regulations and is eligible for and is receiving services from a social adult day care. Any references to “functionally impaired” and “social adult day care program” in such rules and regulations shall have the same meanings set forth therein.

2. All social adult day cares shall carry out the provisions of this section in accordance with all applicable provisions of the Americans with disabilities act of nineteen ninety.

b. Registration. 1. An individual, partnership, corporation, limited liability company, joint venture, association, or other business entity shall not operate as a social adult day care without having registered with the department. Registration shall include registrant’s name, address, corporate structure and ownership, and other information as the department may require and shall be filed on forms to be prescribed by the department. The department may require social adult day cares to register electronically.

2. Changes to information required under this subdivision must be submitted to the department no later than the effective date of such change in writing or electronically in a form and manner designated by the department.

c. *Civil penalties.* 1. The department shall adopt rules establishing civil penalties of not less than two hundred fifty dollars per day and not more than five hundred dollars per day to be assessed against social adult day cares for violations of subdivision a and any regulations promulgated thereunder. Such rules establishing civil penalties shall specify the violations subject to penalty.

2. Any individual, partnership, corporation, limited liability company, joint venture, association, or other business entity that operates as a social adult day care without registering shall be subject to a civil penalty of not less than two hundred fifty dollars per day and not more than one thousand dollars per day such social adult day care operates without registering.

3. The department and officers and employees of city agencies designated by the mayor shall have the authority to issue notices of violation, returnable at the environmental control board, any administrative tribunal within such designated agency, or any tribunal established within the office of administrative trials and hearings as designated by the commissioner, for violations of this section or any rules promulgated by the department pursuant to such section.

d. *Social adult day care ombudsperson.* 1. The department shall designate an ombudsperson whose duties shall include, but not be limited to:

(i) establishing a system to receive comments and complaints with respect to any social adult day care;

(ii) requesting a list from the state department of health at least once annually of providers operating social adult day cares within the city of New York and the street address of each such social adult day care; and

(iii) investigating complaints received pursuant to subparagraph (i) of this paragraph or based on any information known to the department related to a social adult day care that may be in violation of the provisions of subdivision a of this section and whether a social adult day care has violated subdivision a of this section and upon finding there has been such a violation:

(A) promptly informing in writing such social adult day care and any managed long term care organization known to be reimbursing such social adult day care of such finding, and that such finding is appealable by writing to the commissioner in accordance with the rules of the department, and requesting any informed managed long term care organization to respond to the ombudsperson in writing as to whether and how such violations will be addressed,

(B) at the ombudsperson's discretion, forwarding the results of such investigation and any such response from a managed long term care organization to the department of investigation, the state department of health or any office, agency, or entity responsible for the prevention, detection, and investigation of fraud and abuse in the medical assistance program described in title eleven of the social services law or for the recovery of any improperly expended medical assistance funds, and

(C) taking other appropriate actions as determined by the commissioner.

2. A social adult day care shall post in a conspicuous location on its premises a sign indicating how to contact the ombudsperson and a statement indicating that any person may contact such ombudsperson if such person has a comment or complaint regarding such social adult day care.

3. The department shall make available on its website the contact information of the ombudsperson as well as a statement indicating that any person may contact such ombudsperson with a comment or complaint regarding any social adult day care.

4. Not later than January 1, 2016 and annually thereafter, the ombudsperson shall provide a written report to the council regarding social adult day cares. Each such report shall include, but not be limited to:

(i) the total number of social adult day cares and the name and street address of each such social adult day care;

(ii) the total number of complaints received by the ombudsperson;

(iii) a general description of the reason for each such complaint;

(iv) the total number of investigations conducted by the ombudsperson, a general description of the reason for each such investigation, any findings that a social adult day care has violated of subdivision a of this section, and the outcome of each such investigation;

(v) the total number of notices of violation issued pursuant to subdivisions a and c of this section, disaggregated by the specific violation for which such notice was issued;

(vi) the total number of social adult day cares that failed to register pursuant to subdivision b as of the date of such report; and

(vii) any recommendations regarding the operation of social adult day cares.

5. Except as otherwise required by law, the department shall not share information that identifies any individual who made a complaint to the ombudsperson.

§ 3. The mayor shall designate one or more city agencies to issue notices of violation pursuant to subdivision c of section 21-204 of the administrative code of the city of New York, as added by section two of this local law and provide written notice to the council of such designation within 30 days of the enactment of this local law. If no such notice is provided within 30 days of the enactment of this local law, the department of consumer affairs shall be deemed to be such designated agency.

§ 4. This local law shall take effect 180 days after its enactment into law, provided, however: (i) that paragraph 1 of subdivision c of section 21-204 of the administrative code of the city of New York, as added by section two of this local law, shall take effect 12 months after its enactment into law; except that if any state law, rule, or regulation establishing civil penalties or fines for violations of any law, rule, or regulation concerning program standards or participant rights of social adult day cares as defined in section 1 of this local law is enacted prior to such 12 months, such paragraph one shall be deemed repealed; (ii) that section three of this local law shall take effect immediately; and (iii) that the department shall take all necessary action, including the promulgation of rules, prior to such effective date.

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, ROSIE MENDEZ, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, December 16, 2014. *Other Council Members Attending: Crowley and Chin.*

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

Reports of the Committee on Land Use

Report for L.U. No. 147

Report of the Committee on Land Use in favor of approving Application No. 20155176 HAM, submitted by the New York City Department of Housing Preservation and Development for approval of an amendment to a previously approved tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL) for a property located at 304-306 East 8th Street, Block 390, Lot 9, Borough of Manhattan, Community Board 3, Council District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on November 13, 2014, (Minutes, page 3993), and was coupled in committee with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20155176 HAM

Application submitted by the New York City Department of Housing Preservation and Development for approval of an amendment to a previously approved tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL) for a property located at 304-306 East 8th Street (Block 390, Lot 9), Borough of Manhattan, Community Board 3, Council District 2. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

INTENT

To amend a previously approved tax exemption area pursuant to Section 577 of the Private Housing Finance Law for an area containing one multiple dwelling which provides cooperative housing for low-income families.

PUBLIC HEARING

DATE: December 15, 2014

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 15, 2014

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 16, 2014

The Committee recommends that the Council approve the attached resolution.

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

Against: None

Abstain: None

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

Res. No. 525

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the Exemption Area located at 304-306 East 8th Street (Block 390, Lot 9), in Community District 3, Borough of Manhattan (L.U. No. 147; 20155176 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 7, 2014 its request dated October 2, 2014 that the Council amend a previously approved a tax exemption for real property located at 304-306 East 8th Street (Block 390, Lot 9), Community District 3, Borough of Manhattan (the "Exemption Area") pursuant to Section 577 of the PHFL;

WHEREAS, HPD's request for amendments is related to a previously approved City Council Resolution adopted on October 30, 2013, Resolution No. 2020 of 2013; L.U. No. 948 (the "Prior Resolution"), granting the Exemption Area a real property tax exemption pursuant to Section 577 of the PHFL;

WHEREAS, upon due notice, the Council held a public hearing on the requested amendments to the Tax Exemption on December 15, 2014; and

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

RESOLVED:

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

Paragraph 1., subparagraph (e) of the Prior Resolution is deleted and replaced with the following:

- 1. (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) 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, leased or controlled by either a housing development fund company or an entity wholly controlled by a housing development fund company.

Paragraph 4., subparagraph (a) of the Prior Resolution is deleted and replaced with the following:

- 4. 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.

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, 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; Committee on Land Use, December 16, 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. 151

Report of the Committee on Land Use in favor of approving Application No. C 110122 ZMR, submitted by the Estate of Letizia Sollazzo pursuant to Sections 197-c and 201 of the Charter for the amendment of the Zoning Map, Section No. 20d, eliminating a C1-1 District from within an existing R3-2 District and establishing a C1-2 within an existing R3-2 District, in between Mariner's Harbor and Elm Park areas, Borough of Staten Island, Community Board 1, Council District 49.

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

REPORTS:

SUBJECT

STATEN ISLAND CB - 1

C 110122 ZMR

City Planning Commission decision approving an application submitted by the Estate of Letizia Sollazzo pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 20d:

- 1. eliminating from within an existing R3-2 District a C1-1 District bounded by Forest Avenue, a line 110 feet westerly of Richmond Avenue, a line midway between Monsey Place and Forest Avenue, and a line 150 feet westerly of Richmond Avenue; and
- 2. establishing within an existing R3-2 District a C1-2 District bounded by Forest Avenue, a line 110 feet westerly of Richmond Avenue, a line midway between Monsey Place and Forest Avenue, and a line 240 feet westerly of Richmond Avenue;

as shown on a diagram (for illustrative purposes only) dated June 23, 2014, and subject to the conditions of CEQR Declaration E-346.

INTENT

This zoning map amendment would facilitate the construction of a one-story, 7,064-square-foot commercial development located on the south side of Forest Avenue, between Sanders Street and Richmond Avenue, in the Mariners Harbor neighborhood of Staten Island.

PUBLIC HEARING

DATE: December 15, 2014

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 15, 2014

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

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

Against: None **Abstain:** None

COMMITTEE ACTION

DATE: December 16, 2014

The Committee recommends that the Council approve the attached resolution.

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

Against: None **Abstain:** None

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

Res. No. 526

Resolution approving the decision of the City Planning Commission on ULURP No. C 110122 ZMR, a Zoning Map amendment (L.U. No. 151).

By Council Members Greenfield and Weprin.

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 Estate of Letizia Sollazzo, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 20d, to change portions of a block from an R3-2 district to an R3-2 district with a C1-2 overlay and from an R3-2 district with a C1-1 overlay to an R3-2 district with a C1-2 overlay to facilitate the construction of a one-story, 7,064-square-foot commercial development located on the south side of Forest Avenue, between Sanders Street and Richmond Avenue, in the Mariners Harbor neighborhood of Staten Island (ULURP No. C 110122 ZMR) Community District 1, Borough of Staten Island (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 15, 2014;

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

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 12DCP082R) issued on June 23, 2014, subject to the conditions of CEQR Declaration E-346, to avoid any potential significant air quality impacts (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 and subject to the terms of CEQR Declaration E-346.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110122 ZMR, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 20d:

1. eliminating from within an existing R3-2 District a C1-1 District bounded by Forest Avenue, a line 110 feet westerly of Richmond Avenue, a line midway between Monsey Place and Forest Avenue, and a line 150 feet westerly of Richmond Avenue; and
2. establishing within an existing R3-2 District a C1-2 District bounded by Forest Avenue, a line 110 feet westerly of Richmond Avenue, a line midway between Monsey Place and Forest Avenue, and a line 240 feet westerly of Richmond Avenue;

as shown on a diagram (for illustrative purposes only) dated June 23, 2014, and subject to the conditions of CEQR Declaration E-346, Community District 1, Borough of Staten Island.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, 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; Committee on Land Use, December 16, 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. 159

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

The Committee on Land Use, to which the annexed Land Use item was referred on December 8, 2014, (Minutes, page 4373), and was coupled in committee with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

20155248 HAM

Application 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 Manhattan, Community Board 4, Council District 3. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

INTENT

To facilitate a newly constructed building, with 103 dwelling units, which will provide rental housing to low income, moderate income, and middle income families.

PUBLIC HEARING

DATE: December 15, 2014

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 15, 2014

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 16, 2014

The Committee recommends that the Council approve the attached resolution.

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

Against: None

Abstain: None

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

Res. No. 527

Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for 538-548 West 53rd Street (Block 1081, part of Lot 1), in Community District 4, Borough of Manhattan (L.U. No. 159; 20155248 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on December 8, 2014 its request dated December 1, 2014 that the Council take the following actions regarding a tax exemption for real property located at 538-548 West 53rd Street (Block 1081, part of Lot 1), in Community District 4, Borough of Manhattan (the "Exemption Area"):

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

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption on December 15, 2014; and

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

RESOLVED:

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

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

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

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

(c) “Exemption Area” shall mean the real property located in the Borough of Manhattan,

City and State of New York, identified as Block 1081, part of Lot 1 (and also known as Block 1081, tentative Lot 50) 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) “HDFC” shall mean Clinton West 53rd Housing Development Fund Corporation.

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

(g) “Owner” shall mean the HDFC or any future owner of the Exemption Area.

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

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy on or before thirty months from the Effective Date.
4. Notwithstanding any provision hereof to the contrary, 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, (iii) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD, or (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD. HPD shall deliver written notice of any such determination to the 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.
5. In consideration of the Exemption, the HDFC shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, 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; Committee on Land Use, December 16, 2014.

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

Reports of the Committee on Rules, Privileges and Elections

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

Report for M-211

Report of the Committee on Rules, Privileges and Elections approving the election of Hon. Ben Kallos as a member of the New York City Commission on Public Information and Communication.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on December 17, 2014 and which was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-212 printed below in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 1061 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the election by the Council of the Hon. Ben Kallos as a member of the New York City Commission on Public Information and Communication to serve for an unspecified term.

This matter was referred to the Committee on December 17, 2014

Accordingly, this Committee recommends its adoption.

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

Res. No. 528

RESOLUTION APPROVING THE ELECTION BY THE COUNCIL OF THE HON. BEN KALLOS AS A MEMBER OF THE NEW YORK CITY COMMISSION ON PUBLIC INFORMATION AND COMMUNICATION.

By Council Member Lander.

RESOLVED, that pursuant to § 1061 of the *New York City Charter*, the Council does hereby approve the election of the Hon. Ben Kallos as member of the New York City Commission on Public Information and Communication to serve for an unspecified term.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, VINCENT M. IGNIZIO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, December 17, 2014. *Other Council Members Attending: Kallos, Rosenthal and Johnson.*

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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-212

Report of the Committee on Rules, Privileges and Elections approving the designation of Barbara A. Lowe as a member of the New York City Health and Hospitals Corporation.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on December 17, 2014 and which was coupled with the resolution shown below, respectfully

REPORTS:

Topic I: New York City Health and Hospitals Corporation – (Council candidate for designation by the Council and subsequent appointment by the Mayor)

• **Barbara A. Lowe [Preconsidered M 212]**

The New York City Health and Hospitals Corporation (“HHC”) was constituted pursuant to Chapter 1016 of the laws of 1969, thereafter codified §7384 *et seq.* of the *Unconsolidated Laws of the State of New York*. HHC is a public benefit corporation whose purpose is to: (a) provide and deliver high quality, dignified and comprehensive care and treatment for the ill and infirm, both physical and mental, particularly to those who can least afford such services; (b) extend equally to all served, comprehensive health services of the highest quality, in an atmosphere of human care and respect; (c) promote and protect, as both innovator and advocate, the health, welfare and safety of the people of the State of New York and of the City of New York; and (d) join with other health workers and communities in a partnership to promote and protect health in its fullest sense—the total physical, mental and social well-being of the people. *HHC By Laws Article II*.

As provided by law, the HHC Board of Directors consists of sixteen members. As specified in HHC By Laws Article IV, §3, the Administrator of the Health Services Administration, the Commissioner of Health,³ the Commissioner of Mental Health, Mental Retardation and Alcoholism Services,⁴ the Administrator of the Human Resources Administration and the Deputy Mayor/City Administrator, or their successors shall be directors ex-officio. Ten additional directors are appointed by the Mayor, five of whom are designated by the City Council.⁵ The President of HHC serves as the sixteenth director.⁶

Under current HHC By-Laws,⁷ the Board of Directors has established the following standing committees: Executive Committee, Finance Committee, Capital Committee, Medical and Professional Affairs Committee/Information Technology Committee, Quality Assurance Committee, Audit Committee, Community Relations Committee, Strategic Planning Committee, and the Equal Employment Opportunity Committee. Each of the standing committees, except the Audit Committee,⁸ shall be composed of the Chair of the Board with approval of a majority of the Board. In addition to standing committees, the Board, by resolution passed by a majority of the whole number of directors, may designate special committees, each to consist of three or more directors, one of whom shall be the Chair of the Board. The Chair of each committee, both standing and special, shall be designated by a majority vote of the Board.

The term of a director, other than those serving ex-officio and/or at the pleasure of the Board, is for five years. The Mayor shall fill any vacancy which may occur by reason of death, resignation, or otherwise, in a manner consistent with the original appointment. The directors do not receive compensation for their services, but are reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

Ms. Lowe is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, December 17, 2014. If Ms. Lowe, a resident of Manhattan is designated by the Council, and subsequently appointed to HHC by the Mayor, she will fill a vacancy and be eligible to serve for the remainder of a five-year term that will expire on March 20, 2019. A copy of Ms. Lowe’s résumé and report/resolution is annexed to this briefing paper.

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³ This agency is now known as the Department of Health and Mental Hygiene. The Commissioner of the Department of Health and Mental Hygiene fills the seat for the Commissioner of the Department of Health.

⁴ In 2002, the Department of Mental Health, Mental Retardation and Alcoholism Services was merged with the Department of Health. The merged agency has been named the Department of Health and Mental Hygiene. HHC’s *By Laws* have not been amended to reflect this name change. The Director of Community Mental Health Services at the merged agency occupies the seat specified in the *By-Laws* for the Commissioner of the Department of Mental Health, Mental Retardation and Alcoholism Services.

⁵ The Mayor must confirm the Council’s designees in order for these individuals to serve on the Board of Directors.

⁶ The President of HHC is also referred to as the Chief Executive Officer. This individual is chosen by the other fifteen directors and serves at the pleasure of the Board of Directors. According to HHC *By-Laws* Article VII, §4(A), the President shall have general charge of the business and affairs of HHC and shall have the direction of all other officers, agents and employees. He or she shall, if present, and in absence of the Chair of the Board and Vice chair of the Board, preside at all meetings of the Board. The President may assign such duties to the other officers of HHC, as he or she deem appropriate. In HHC *By-Laws* Article VIII, §1, it is noted that the President appoints an Executive Director for each HHC facility. This individual serves at the pleasure of the President. Other duties of the President include the establishment of Community Advisory Boards for each HHC facility. Community Advisory Boards consider and advise HHC with respect to the plans and programs of HHC. See *HHC By-Laws*, Article X1.

⁷ As amended through December 20, 2012.

⁸ The Audit Committee consists of members designated by the Board of Directors other than those serving ex-officio.

Topic II: New York City Waterfront Management Advisory Board – (New York City Council Candidate for designation by the Council)

• **Hon. Deborah Rose [Preconsidered M 213]**

New York City Charter (“*Charter*”) §1303 provides for the establishment of a Waterfront Management Advisory Board (“the Board”). The Board serves as an advisory body to the Deputy Mayor for Economic Development, the Commissioner of Small Business Services, and the City Planning Commission concerning any matters relating to the industrial, commercial, residential, recreational or other use of wharves, waterfront property and waterfront infrastructure in the City.

The Board consists of 17 members: the Deputy Mayor for Economic Development, as Chairperson; the Commissioner of Small Business Services, as Vice Chair; the Chairperson of the City Planning Commission; the Commissioner of Environmental Protection; one City Council Member designated by the City Council; and twelve members to be appointed by the Mayor with the advice and consent of the City Council, provided that there is at least one appointed member from each borough. Appointed members shall include representatives of labor, the maritime industries, the transportation industries, the real estate industry, the hospitality industries, as well as environmental advocates and community advocates. [§1303(a).]

The 12 appointed members of the Board serve for staggered three-year terms, except that of the members first appointed: four shall be appointed for terms of one-year, four shall be appointed for terms of two years, and four shall be appointed for terms of three years. Members serve without compensation. [§1303(b).]

As enumerated in *Charter* §1303(e), the Board is required to:

(1) Hold at least one meeting every six months;

(2) Consult and advise the Deputy Mayor for Economic Development, the Commissioner of Small Business Services and the City Planning Commission on any matter relating to the industrial, commercial, residential, recreational or other use or development of wharves, waterfront property and waterfront infrastructure in the City, and on other matters as may be requested by the Chairperson of the Board;

(3) Create any committees or subcommittees consisting of at least one Board member or their designated representative as the board deems appropriate to carry out the Board’s responsibilities, provided that there shall be a committee on recreational uses of the waterfront; and

(4) Issue a report by March 1, 2010, and every two years after, to the Mayor, the City Council, and Borough Presidents regarding the development of wharves, and waterfront property and infrastructure in the City during the immediately preceding two calendar years.

If appointed, Council Member Rose, a resident of Staten Island, will fill a vacancy and serve an undefined term.

Topic III: New York City Commission on Public Information and Communication – (New York City Council Member candidate for election by the Council)

• **Hon. Ben Kallos - Preconsidered M 211**

New York City Charter (“*the Charter*”) § 1061 provides for the establishment of a Commission on Public Information and Communication (“CoPIC”). CoPIC consists of 11 members: the Public Advocate, as Chair, the Corporation Counsel or the delegate of such officer, the Director of Operations or the delegate of such officer, the Commissioner of the Department of Records and Information Services or the delegate of such officer, the Commissioner of Information Technology and Telecommunications or the delegate of such officer, the president of the WNYC Communications Group or the delegate of such officer, and one Council member elected by the Council, all of whom shall serve on the board without compensation. In addition, there shall be four other members, each appointed for a four-year term, who shall not hold or seek public or political party office or be public employees in any jurisdiction, except the representative of the community board as set forth herein, to be appointed as follows: two by the Mayor, one of whom is or has been a representative of the news media and one of whom shall be a member of a community board; one by the Public Advocate; and one by the borough presidents acting as a group. Such members shall receive a per diem compensation for each calendar day they perform the work of the commission. No such members shall serve more than two-consecutive four-year terms. All initial appointments shall be made the first day of March, nineteen hundred ninety.

Members may be removed by the Mayor for cause after notice and opportunity to be heard. Members shall serve until their successors have been appointed.

CoPIC shall appoint an Executive Director, a General Counsel and such officers, employees, and consultants as are necessary to fulfill its duties, within appropriations available therefore.

CoPIC shall: (1) undertake, by itself, or in cooperation with other entities, activities to educate the public about the availability and potential usefulness of City produced or maintained information and assist the public in obtaining access to such information (2) review (i) all City information policies, including but not limited to, policies regarding public access to city produced or maintained information, particularly, computerized information; (ii) the quality, structure, and costs to the public of such information; (iii) agency compliance with the various notice, comment, and hearing provisions of the *Charter* and other laws applicable to city agencies; and (iv) the usefulness and availability of City documents, reports and publications; (3) assist City agencies in facilitating public access to their meetings, transcripts, records, and other information, and monitor agency compliance with the provisions of the *Charter*, and other laws which require such public access; (4) hold at least one public hearing each year on City information policies and issue at least one report each year with such recommendations as the commission deems advisable; (5) on the request of any member of the public, elected official, or City agency, render advisory opinions regarding the application of those provisions of the charter or other laws which require public access to meetings, transcripts, records and other information. Such advisory opinions shall be indexed by subject matter and maintained on a cumulative basis; and (6) make recommendations regarding: (i) the application of new communications technology to improve public access to City produced or maintained information; (ii) the distribution of information to the public about the purposes and locations of the City's service delivery facilities; and (iii) programming for the municipal cable channels and broadcasting system. [*New York City Charter* § 1061.]

Upon election by the Council, Council Member Kallos will fill a vacancy and serve an unspecified term on CoPIC.

Copies of the following are annexed to this briefing paper: Ms. Lowe's résumé and pre-hearing questions with her associated answers, and the reports/resolutions for all three candidates.

PROJECT STAFF

- Jason A. Otaño, Esq., Counsel to the Committee on Rules, Privileges, and Elections
- Charles W. Davis III, Director of Investigations
- Diandra Johnson, Senior Legislative Investigator
- Diana Arreaga, Legislative Clerk

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Hon. Ben Kallos [M-211] and nominee Hon. Deborah Rose [M-213], please see the Reports of the Committee on Rules, Privileges and Elections for M-211 and M-213 printed below in these Minutes; For nominee Barbara A. Lowe [M-212], please see immediately below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of Barbara A. Lowe as a candidate for appointment by the Mayor to the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five year term that will expire on March 20, 2019.

This matter was referred to the Committee on December 17, 2014.

Accordingly, this Committee recommends its adoption.

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

Res. No. 529

RESOLUTION APPROVING THE DESIGNATION BY THE COUNCIL OF BARBARA A. LOWE AS A CANDIDATE FOR APPOINTMENT BY THE MAYOR TO THE THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.

By Council Member Lander.

RESOLVED, that pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Council does hereby approve the designation of Barbara A. Lowe as a candidate for appointment by the Mayor to the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2019

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, VINCENT M. IGNIZIO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, December 17, 2014. *Other Council Members Attending: Kallos, Rosenthal and Johnson.*

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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-213

Report of the Committee on Rules, Privileges and Elections approving the designation of Hon. Deborah Rose as a member of the New York City Waterfront Management Advisory Board.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on December 17, 2014 and which was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-212 printed above in these Minutes)

Pursuant to §1303 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the designation of the Hon. Deborah Rose as a member of the New York City Waterfront Management Advisory Board to serve for an unspecified term.

This matter was referred to the Committee on December 17, 2014

Accordingly, this Committee recommends its adoption.

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

Res. No. 530

RESOLUTION APPROVING THE DESIGNATION BY THE COUNCIL OF THE HON. DEBORAH ROSE AS A MEMBER OF THE NEW YORK CITY WATERFRONT MANAGEMENT ADVISORY BOARD.

By Council Member Lander.

RESOLVED, that pursuant to §1303 of the *New York City Charter*, the Council does hereby approve the designation of the Hon. Deborah Rose as a member of the New York City Waterfront Management Advisory Board to serve for an unspecified term.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, VINCENT M. IGNIZIO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, December 17, 2014. *Other Council Members Attending: Kallos, Rosenthal and Johnson.*

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant's Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
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Ana M. Maldonado	3289 Ampere Avenue #2 Bronx, N.Y. 10465	13	Tamerlyn M. Harris	245 Wortman Avenue #2F Brooklyn, N.Y. 11207	42
Banmattie Jaideo	120-19 Linden Blvd Queens, N.Y. 11420	28	Alice Canizio	1251 75th Street Brooklyn, N.Y. 11228	43
Jasmine Thimothe	685 Willoughby Avenue #2A Brooklyn, N.Y. 11206	36	Kathleen Johnson	31 87th Street Brooklyn, N.Y. 11209	43
Roopesh Ramjit	332 Crescent Street Brooklyn, N.Y. 11208	37	Angela Barbara	5611 13th Avenue Brooklyn, N.Y. 11219	44
Maria A. Riccardelli	1623 83rd Street #1 Brooklyn, N.Y. 11214	43	Chaya Schlafrig	4317 15th Avenue Brooklyn, N.Y. 11219	44
			Sheldon Levin	5709 14th Avenue Brooklyn, N.Y. 11219	44

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>			
David Ferber	40 Fifth Avenue #2A New York, N.Y. 10011	3	Marie Giardina-Walsh	1736 East 52nd Street Brooklyn, N.Y. 11234	46
Alexander Feingold	230 West 79th Street #12S New York, N.Y. 10024	6	Aaron D. Maslow	1761 Stuart Street Brooklyn, N.Y. 11229	46
Yan Jiao Chen	556 West 141st Street 42E New York, N.Y. 10031	7	Ethlyn Marie Chan	29 Avenue W #3D Brooklyn, N.Y. 11223	47
Emma R. Cuadrado	489 East 142nd Street #2D Bronx, N.Y. 10454	8	Diana Palma	105 Bay 50th Street Brooklyn, N.Y. 11214	47
Michael C. Ortiz	524 Southern Blvd Bronx, N.Y. 10455	8	Amy Rosario	1860 71st Street #1 Brooklyn, N.Y. 11204	47
Gwendolyn V. Junious	3550 Bivona Street #7H Bronx, N.Y. 10475	12	Robin K. Aryakia	282 Wilder Avenue Staten Island, N.Y. 10306	50
Clifton Robertson	814 Tilden Street Bldg A 45J Bronx, N.Y. 10467	12	Francois Bachaalany	246 Seaview Avenue Staten Island, N.Y. 10305	50
Laura Acosta	1315 Kearney Avenue 4I Bronx, N.Y. 10465	13	Richard Gralla	173 Paulding Avenue Staten Island, N.Y. 10314	50
Carolann Brumley-McManus	839 Wilcox Avenue Bronx, N.Y. 10465	13	Nadezhda Kravchenko	104 Brook Avenue Staten Island, N.Y. 10306	50
Dahaviah Rajah	2045 Holland Avenue #6C Bronx, N.Y. 10462	13	Candi N. Lee-Yau	21 Winston Street Staten Island, N.Y. 10312	51
Carmen N. Vega	2187 Cruger Avenue #2B Bronx, N.Y. 10462	13	Camille P. Manning	15 Salamander Court Staten Island, N.Y. 10309	51
Nilza Vazquez	1148 Taylor Avenue #3 Bronx, N.Y. 10472	18	Vincent Simineri	25 Serrell Avenue Staten Island, N.Y. 10312	51
Pi-Chu Kuo	136-17 Maple Avenue #8G Queens, N.Y. 11355	20	Doreen Zuccaro	51 Seguin Place Staten Island, N.Y. 10312	51
Lois Marbach	64-64 229th Street Queens, N.Y. 11364	23			
Maria Nickens	69-31B 213th Street Oakland Gardens, N.Y. 11364	23			
Li-Ping Tsuan	69-07 224th Street Queens, N.Y. 11364	23			
Vicente Abolenica, Jr.	187-36 Wexford Terrace Jamaica, N.Y. 11423	24			
Dorita Clarke	162-15 Highland Avenue #5R Queens, N.Y. 11432	24			
Theodore H. Johnson	92-15 50th Avenue Elmhurst, N.Y. 11373	25			
Alan Robert Block	66-25 103rd Street Queens, N.Y. 11375	29			
Lisandro Diaz	85-65 80th Street #2 Woodhaven, N.Y. 11421	30			
Josephine Panicola	71-27 71st Street Queens, N.Y. 11385	30			
Gary B. Spiegel	61-30 78th Street Middle Village, N.Y. 11379	30			
Shirley Greaves	165-16 144th Terrace Queens, N.Y. 11434	31			
Frances Cuadrado	163-27 96th Street Howard Beach, N.Y. 11414	32			
Gary Washington	280 Ocean Parkway #4S Brooklyn, N.Y. 11218	39			
Sylvia Cox	183 Dumont Avenue Brooklyn, N.Y. 11212	41			
Ann Marie Walter	563 Lenox Road Brooklyn, N.Y. 11203	41			
Betty Boney	426 Rockaway Parkway #A2 Brooklyn, N.Y. 11212	42			

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) M 211 & Res 528 - | Hon. Ben Kallos - as a member of the New York City Commission on Public Information and Communication. |
| (2) M 212 & Res 529 - | Barbara A. Lowe - as a member of the New York City Health and Hospitals Corporation. |
| (3) M 213 & Res 530 - | Hon. Deborah Rose - as a member of the New York City Waterfront Management Advisory Board. |
| (4) Int 55-A - | Regulating pet shops. |
| (5) Int 73-A - | Updating the definition of "pet shop" within the animal abuse registration act. |
| (6) Int 136-A - | Spaying, neutering and licensing of animals sold in pet shops. |
| (7) Int 146-A - | Microchipping animals sold in pet shops. |
| (8) Int 358-A - | Regulating social adult day care. |
| (9) Int 588 - | Date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto (with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage). |
| (10) Res 519 - | Approving the new designation and |

changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).

- (11) **L.U. 147 & Res 525 -** App. **20155176 HAM**, 304-306 East 8th Street, Block 390, Lot 9, Borough of Manhattan, Community Board 3, Council District 2.
- (12) **L.U. 151 & Res 526 -** App. **C 110122 ZMR**, Mariner's Harbor and Elm Park areas, Borough of Staten Island, Community Board 1, Council District 49.
- (13) **L.U. 159 & Res 527 -** App. **20155248 HAM** 538-548 West 53rd Street (Block 1081, part of Lot 1), Borough of the Manhattan, Council District 3.
- (14) **L.U. 160 & Res 521 -** Lands End I, Block 246, Lot 1; Manhattan, Community District No. 3, Council District No. 1.
- (15) **L.U. 161 & Res 522 -** Green Point Landing – Site E3, Block 2494, p/o Lot 1, 31 Eagle Street; Brooklyn, Council District No. 33.
- (16) **L.U. 162 & Res 523 -** 3160 Park Avenue – Low Income Project, Block 2419, p/o Lot 28 (to be known as Lot 1001); the Bronx, Community District No. 3, Council District No. 17.
- (17) **L.U. 163 & Res 524 -** 3160 Park Avenue – Mixed Income Project, Block 2419, p/o Lot 28 (to be known as Lot 1002); the Bronx, Community District No. 3, Council District No. 17.
- (18) **Resolution approving various persons Commissioners of Deeds.**

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

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

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

The following was the vote recorded for **Int No. 55-A**:

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

Negative – Matteo and Ignizio – **2**.

The following was the vote recorded for **Int No. 136-A**:

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

Negative – Matteo and Ignizio – **2**.

Abstention – Barron and Miller – **2**.

The following was the vote recorded for **Int No. 358-A**:

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

Negative – Matteo and Ignizio – **2**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 55-A, 73-A, 136-A, 146-A, 358-A, and 588 (passed under a Message of Necessity).

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

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote Res. No. Res 417

Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving a Resolution recognizing and commemorating January 13th as Korean American Day in the City of New York.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on September 23, 2014 (Minutes, page 3479), respectfully

REPORTS:

Introduction

On November 24, 2014, the Committee Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member James Van Bramer, held a hearing on Res. No. 417, a resolution recognizing and commemorating January 13th as Korean American Day in the City of New York. Among the witnesses who testified in favor of the resolution at that first hearing were various community based organizations, non-profit organizations, and professional associations such as Korean Community Services, the Korean American Association of Greater New York, the Korean American Association of Queens, the Council of Korean Americans, and the Korean American Foundation along with other interested individuals. On December 16, 2014, the Committee held a second hearing on Res. No. 417. At this second hearing, the Committee voted 7 to 0, with no abstentions, in favor of this resolution.

Res. No. 417

Res. No. 417 would indicate that according to the 2010 United States Census, there are over 1.4 million Korean Americans living in the United States and an estimated 96,741 New York City residents of Korean descent. Res. No. 417 would point out that according to the latest United States Census data, Korean Americans own and operate 192,465 businesses in the country, with an estimated revenue of \$78.6 billion annually. The resolution would indicate that in fact, there are 23,948 Korean-owned businesses in New York State, which has the second largest number of Korean-owned businesses in the United States with an estimated revenue of \$7.7 billion annually.

Res. No. 417 would note that in December 1902, 56 men, 21 women, and 25 children left Korea and traveled across the Pacific Ocean on the SS Gaelic, landing in Honolulu, Hawaii on January 13, 1903. The resolution would further note that the early Korean American community was united around the common goal of obtaining independence for their colonized mother country. The resolution would indicate that in the early 1950's, thousands of Koreans, fleeing from war, poverty, and political repression, came to the United States to seek opportunities.

The resolution would further point out that on January 13, 2014, the Congressional Asian Pacific American Caucus (CAPAC), including Congresswoman Grace Meng and Congressman Charles Rangel, celebrated Korean American Day in recognition of the 111th anniversary since Korean immigrants first arrived to the United States.

The resolution would indicate Korean Americans have made tremendous contributions to all sectors of our society, such as law, government, the visual and performing arts, business, academia, medicine, and science including the development of the first beating heart operation for coronary artery disease. The resolution would also indicate that members of the Korean American community have served with distinction in the Armed Forces of the United States.

Res. No. 417 would point out that New York City in particular has been culturally and socially enriched as a result of the many contributions of its vibrant Korean American community. Finally, the resolution would assert that the Council of

the City of New York recognizes and commemorates January 13th as Korean American Day in the City of New York.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 417:)

Res. No. 417

Resolution recognizing and commemorating January 13th as Korean American Day in the City of New York.

By Council Members Koo, Arroyo, Barron, Chin, Dickens, Gentile, Gibson, Johnson, Mendez, Richards, Vallone, Cohen, Van Bramer, Weprin, Crowley, Constantinides, Cabrera, Eugene, Kallos and Lander.

Whereas, In December 1902, 56 men, 21 women and 25 children left Korea and traveled across the Pacific Ocean on the SS Gaelic, landing in Honolulu, Hawaii on January 13, 1903; and

Whereas, The early Korean American community was united around the common goal of obtaining independence for their colonized mother country; and

Whereas, Furthermore, in the early 1950's, thousands of Koreans, fleeing from war, poverty and political repression, came to the United States seeking opportunities; and

Whereas, Korean Americans, like waves of immigrants that came to the United States before them, have taken root and thrived in the United States through strong family ties, community support and hard work; and

Whereas, According to the 2010 United States Census, there are over 1.4 million Korean Americans living in the United States; and

Whereas, According to the latest United States Census data, Korean Americans own and operate 192,465 business in the country, with an estimated revenue of \$78.6 billion annually; and

Whereas, Furthermore, there are 23,948 Korean-owned businesses in New York State, which has the second largest number of Korean-owned businesses in the United States with an estimated revenue of \$7.7 billion annually; and

Whereas, Korean Americans have made tremendous contributions to all sectors of our society, such as law, government, the visual and performing arts, business, academia, medicine and science, including the development of the first beating heart operation for coronary artery disease; and

Whereas, Additionally, members of the Korean American community have served with distinction in the Armed Forces of the United States; and

Whereas, New York City, in particular, has been culturally and socially enriched as a result of the many contributions of its vibrant Korean American community; and

Whereas, According to the 2010 United States Census, there are an estimated 96,741 New York City residents of Korean descent; and

Whereas, On January 13, 2014, the Congressional Asian Pacific American Caucus (CAPAC), including Congresswoman Grace Meng and Congressman Charles Rangel, celebrated Korean American Day in recognition of the 111th anniversary since Korean immigrants first arrived to the United States; and

Whereas, The triumphs and unwavering efforts of dedicated individuals have advanced the Korean American community and the community-at-large through outstanding advocacy, sterling achievement and an unfaltering dedication to societal well-being; now, therefore, be it

Resolved, That the Council of the City of New York recognizes and commemorates January 13th as Korean American Day in the City of New York.

JAMES G. VAN BRAMER, *Chairperson*; ELIZABETH S. CROWLEY, PETER A. KOO, STEPHEN T. LEVIN, COSTA G. CONSTANTINIDES, LAURIE A. CUMBO, HELEN K. ROSENTHAL. Committee on Cultural Affairs, Libraries and International Intergroup Relations, December 16, 2014. *Other Council Members Attending: Johnson.*

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 516

Resolution calling on the Mayor, the Mayor's Office of Environmental Coordination, the New York City Planning Commission, the New York City Department of City Planning, and all other relevant City agencies to re-examine the standards in the CEQR regulations and the Technical Manual for assessing when a possible adverse impact on a neighborhood's character or socioeconomic status requires a detailed analysis and possible mitigation, and calling on the relevant agencies, when such significant adverse impacts are identified, consistently to seek mitigation or development alternatives that provide long-term or permanent protection for the residents,

businesses, and character of the affected community, including through the provision of permanently affordable housing and commercial space.

By Council Members Barron, Arroyo, Cumbo, Gentile, Mendez and Johnson.

Whereas, In recent years, the City of New York has rezoned and redeveloped (or allowed to be redeveloped) a substantial portion of the real estate in the City; and

Whereas, Specifically, the Furman Center has reported that between 2002 and 2010 the City of New York rezoned roughly twenty percent of the land in the City and recent reports suggest that as much as forty percent of the City was rezoned between 2002 and 2014; and

Whereas, Some major redevelopment projects directly displace local residents and businesses to make room for new construction; and

Whereas, Such projects may also displace local residents and businesses by substantially altering the character and affordability of the affected neighborhoods (a process often called indirect or secondary displacement); and

Whereas, Before the City of New York may undertake or give discretionary approval to a project, Article 8 of the New York State Environmental Conservation Law and related regulations generally require the City to consider whether the proposed project would have a significant adverse impact on the "environment" (including on "existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character"); and

Whereas, The New York State environmental review regulations specify that projects may cause an adverse environmental impact if they "creat[e] . . . a material conflict with a community's current plans or goals as officially approved or adopted; . . . impair[] . . . existing community or neighborhood character; . . . [or cause] a substantial change in the use, or intensity of use, of land"; and

Whereas, Section 192 of the New York City Charter requires the City Planning Commission to "oversee implementation of" environmental review laws and "establish by rule procedures for environmental reviews of proposed actions by the city"; and

Whereas, The City of New York accordingly has adopted the City Environmental Quality Review (CEQR) process for evaluating any project it plans to undertake or give discretionary approval to; and

Whereas, Section 5-04 of Title 62 of the Rules of the City of New York obliges the Mayor's Office of Environmental Coordination to assist all city agencies in fulfilling their environmental review responsibilities, and to "[w]ork with appropriate city agencies to develop and maintain technical standards and methodologies for environmental review"; and

Whereas, The Mayor's Office of Environmental Coordination plays a central role in developing and maintaining the CEQR Technical Manual, which offers City agencies standards and guidance for conducting these required environmental reviews; and

Whereas, Depending on the type and scale of the project, CEQR review may involve several stages of study and evaluation, including 1) a determination of whether the action is the kind that requires any significant environmental review or instead has been identified by state or local rule as requiring no environmental study, 2) an Environmental Assessment Statement ("EAS") to help identify any impacts the proposed project may have on the environment and whether those environmental impacts may be significant and adverse, and 3) if significant adverse impacts might result, either adopting changes to the project or conducting a full Environmental Impact Statement ("EIS"), which generally involves a deeper analysis of the possible impacts and of project alternatives or mitigation measures; and

Whereas, Specifically, after considering the EAS, the reviewing agency may issue one of three determinations. A Negative Declaration means that the proposal will not result in any significant adverse environmental impacts. A Conditional Negative Declaration (which is only available for certain types of projects) means that, while the "action as initially proposed may result in one or more significant adverse environmental impacts," the proposal has been changed and will no longer cause such impacts. In other words, this finding means that, through mitigation or changes to the project, the project sponsor likely can avoid having to prepare a full EIS. Third, a Positive Declaration means that there are potentially significant adverse environmental impacts and a full EIS is necessary; and

Whereas, The Technical Manual offers guidance on assessing a variety of possible adverse environmental impacts, including socioeconomic impacts and damage to the character of the neighborhood; and

Whereas, The Technical Manual describes three major levels of analysis that may be necessary to evaluate each kind of potential adverse impact as part of an EAS or EIS. If a particular level of analysis cannot rule out the possibility of a significant adverse impact, the project sponsor must proceed to the next level and ultimately (if necessary) identify possible mitigation measures or project alternatives; and

Whereas, The first level is an initial screening, often consisting of a set of initial questions or thresholds spelled out in the Technical Manual and also included on the standard EAS forms; and

Whereas, The second level is a preliminary assessment; and

Whereas, The third level is a detailed analysis; and

Whereas, At the initial screening level, the Technical Manual calls for a project sponsor to undertake further socioeconomic assessment "if a project may be reasonably expected to create socioeconomic changes within the area affected by the project that would not be expected to occur without the project," including by producing levels of direct or indirect displacement of area residents and businesses that "typically" warrant further study, such as 1) the direct displacement of more than

500 residents, 2) the direct displacement of more than 100 employees, 3) the displacement of a business or industry that is “unusually important,” and 4) “substantial new development that is markedly different from existing uses, development, and activities within the neighborhood” — usually involving the addition of more than 200 residential units or 200,000 square feet of commercial development; and

Whereas, If at least one of those thresholds is met or the agency otherwise concludes that more analysis is necessary, the analysis proceeds to the next level, a “preliminary assessment.” Under the Technical Manual’s preliminary assessment standards, generally a project sponsor may have to go on and conduct the most detailed level of analysis of, for example, direct residential displacement only if: 1) more than 500 residents will be directly displaced, 2) the displaced residents constitute more than five percent of the population in the area surrounding the project, and 3) the average income of the displaced population is markedly lower than that of the relevant area more generally; and

Whereas, Similarly, the most detailed level of analysis of indirect residential displacement is usually only required if 1) the project would add a new population with higher average income relative to the people who would otherwise live in the area, 2) the population increase is more than five percent of the population otherwise expected to live in the area, and 3) the relevant area is not already experiencing a sustained trend toward increasing rents and new market rate development; and

Whereas, Although the Technical Manual emphasizes that adequate analysis depends upon the project’s context, the initial screening and preliminary assessment thresholds may in practice be applied formulaically—particularly the initial screening questions, which are presented in check-box format on the standardized EAS forms; and

Whereas, It is the view of the City Council that these initial screening and preliminary assessment thresholds for more detailed study underestimate the impact of displacing long-term area residents and businesses; and

Whereas, If the third, most detailed level of analysis reveals a change in socioeconomic conditions or neighborhood character, the project sponsor must assess the significance of the impact and, if it is significant and adverse, must identify possible mitigation measures or project alternatives; and

Whereas, The Technical Manual already recognizes a variety of reasonable mitigation measures that project proponents may rely on to address significant adverse socioeconomic impacts, including relocation expenses, lump-sum payments, building or preserving affordable housing, and similar measures for displaced businesses; and

Whereas, While the Technical Manual recognizes that a combination of multiple moderate impacts, such as a moderate socioeconomic impact combined with an impact on cultural and historic resources and on community facilities and services, can harm a neighborhood’s overall character, when assessing whether there is a significant adverse impact on “neighborhood character,” the Technical Manual focuses on a few “defining” features of the relevant community and so may miss major, adverse changes in the character of an affected neighborhood; and

Whereas, Because the thresholds for deciding when further study is needed, and ultimately for identifying potentially significant adverse socioeconomic and neighborhood character impacts, are too high, too many projects receive only limited CEQR scrutiny, stopping, for example, at the initial screening stage, and so project sponsors are never required to adequately assess or mitigate immediate and long-term displacement of community residents and businesses; and

Whereas, For example, if the Technical Manual set lower initial screening thresholds, more project sponsors would have to take a closer look at the characteristics of the neighborhood that the project will impact, providing additional valuable information for the agency and the public to consider when assessing the proposal; and

Whereas, Similarly, if the Technical Manual also set lower preliminary assessment and detailed study thresholds for identifying possible significant adverse socioeconomic impacts, more project sponsors could be required to adopt displacement mitigation measures (such as providing permanently affordable housing and commercial space) in order to receive a Conditional Negative Declaration following an EAS, or would be required to explicitly evaluate such mitigation options, along with less-impactful project alternatives, as part of an EIS; and

Whereas, When projects that may impact the relevant neighborhood are studied in greater detail, the resulting disclosures support meaningful review by community members and city stakeholders and may generate new and creative solutions for minimizing significant adverse effects (as occurred in the Greenpoint-Williamsburg rezoning process in 2004 to 2006); and

Whereas, Creating permanently affordable housing and commercial space for directly and indirectly displaced residents and businesses is essential to ameliorating the negative effects of redevelopment and preserving the character of our neighborhoods and should be a priority in every project undertaken or approved by the City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor, the Mayor’s Office of Environmental Coordination, the New York City Planning Commission, the New York City Department of City Planning, and all other relevant City agencies to re-examine the standards in the CEQR regulations and the Technical Manual for assessing when a possible adverse impact on a neighborhood’s character or socioeconomic status requires a detailed analysis and possible mitigation, and calls upon the relevant agencies, when such significant adverse impacts are identified, consistently to seek mitigation or development alternatives that provide long-term or permanent protection for the residents, businesses, and character of the affected community, including through the provision of permanently affordable housing and commercial space.

Referred to the Committee on Land Use

Res. No. 517

Resolution calling upon the New York State Legislature to pass, and the Governor to enact, an amendment to the State Education Law that mandates a firm, common deadline for all charter school applications and a common lottery date for any charter schools using lottery admissions, or alternatively, to pass legislation allowing New York City to enact such a law locally.

By Council Members Dickens, Arroyo, Chin, Gentile, Koslowitz, Lancman, Palma and Rodriguez.

Whereas, In 1998, the New York State Charter Schools Act provided for the creation of independent public schools known as charter schools; and

Whereas, According to the New York City Department of Education, there are 197 charter schools in operation in New York City for the 2014-2015 academic year; and

Whereas, The New York State Education Law requires that, if the number of applicants to a charter school submitting a timely application on or before April 1 exceeds the number of available seats, a random selection process such as a lottery must be used to select students for admission; and

Whereas, According to the New York City Charter School Center, more than 95 percent of charter schools in New York City receive more applications than they have open seats, and so they conduct lottery admissions; and

Whereas, Since 2010, the New York State Education Law has required that charter school admission applications “be submitted on a uniform application form created by the department,” but the law does not require a uniform lottery date; and

Whereas, According to the New York City Charter School Center, each charter school currently conducts its own application process and lottery, most with an application deadline and lottery sometime in April; and

Whereas, Keeping track of a large number of different application deadlines, lottery dates, and lottery results imposes a significant and unnecessary burden on families interested in enrolling their children in charter schools; and

Whereas, Several other cities and states have made progress in streamlining the charter application process, including Rhode Island’s decision to institute a common lottery date for charter schools, and Washington, D.C. and Denver, Colorado’s efforts to institute a single school choice and lottery process covering both charter and district-run schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to enact, an amendment to the State Education Law that mandates a firm, common deadline for all charter school applications and a common lottery date for any charter schools using lottery admissions, or alternatively, to pass legislation allowing New York City to enact such a law locally.

Referred to the Committee on Education

Res. No. 518

Resolution calling upon the New York State Legislature to pass and the Governor to enact an amendment to the New York State Charter Schools Act requiring charter schools to fill any vacancies created by departing students, at any grade level, if students remain on the charter school’s wait-list, or alternatively, to pass legislation allowing New York City to enact such a law locally.

By Council Members Dickens, Arroyo, Chin, Cumbo, Gentile and Palma.

Whereas, In 1998, the New York State Legislature adopted the New York State Charter Schools Act in part to “[i]ncrease learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure” and to “[p]rovide parents and students with expanded choices in the types of educational opportunities that are available within the public school system”; and

Whereas, According to the New York City Department of Education, New York City is home to 197 charter schools for the 2014-2015 academic year; and

Whereas, According to the New York City Charter School Center, more than 95 percent of charter schools in New York City receive more applications each year than the number of spots they make available for new students, and thousands of students are placed on wait-lists; and

Whereas, Every year in New York City, thousands of students leave or transfer out of their current school placements, including students at charter schools; and

Whereas, New York State Education Law does not require charter schools to fill every vacancy created by student attrition with a new or wait-listed student (a practice often referred to as “backfilling”); and

Whereas, The New York City Charter School Center’s 2012 “State of the Sector Report” suggested that New York City charter schools vary substantially in their backfilling policies, and reported that New York City charter schools’ attrition rates

exceeded their backfill admission rates for third through eighth grades in 2010-2011; and

Whereas, Some charter schools in New York City stop backfilling vacant spots above a certain grade level; and

Whereas, A May 2014 report from the Annenberg Institute for School Reform at Brown University entitled *Public Accountability for Charter Schools: Common Sense Regulation and Oversight for the Future* recommended that New York City mandate backfilling as a way to make the distribution of educational opportunities in New York City more equitable; and

Whereas, In order to fulfill the original goals of the New York State Charter Schools Act and maximize the number of educational choices available to New York City families, New York City charter schools should be obliged to fill every available seat, in every grade, if students remain on the wait-list; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to enact an amendment to the New York State Charter Schools Act requiring charter schools to fill any vacancies created by departing students, at any grade level, if students remain on the charter school's wait-list, or alternatively, to pass legislation allowing New York City to enact such a law locally.

Referred to the Committee on Education

Int. No. 585

By Council Members Dromm, Kallos, Chin, Cumbo, Lander, Mealy, Richards and Van Bramer.

A Local Law to amend the New York city charter, in relation to establishing term limits for community board members.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 2800 of chapter 70 of the New York city charter is amended to read as follows:

a. For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. *No community board member first appointed to a term commencing on or after April 1, 2016 shall serve more than six consecutive terms as a voting member of a particular community board.* The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member. One-half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president. Not more than twenty-five percent of the appointed members shall be city employees. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district. The borough president shall assure adequate representation from the different geographic sections and neighborhoods within the community district. In making such appointments, the borough president shall consider whether the aggregate of appointments fairly represents all segments of the community. Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members.

§ 2. This local law shall take effect 90 days following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations

Int. No. 586

By Council Members Espinal, Arroyo, Cabrera, Koslowitz and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to signs, posters or placards that advertise gas prices.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-672 of the administrative code of the city of New York is amended to read as follows:

b. 1. In addition to any sign or placard required pursuant to subdivision five of section one hundred ninety-two of the agriculture and markets law, there shall be a sign, poster or placard clearly visible to drivers of approaching motor vehicles on the premises of every location at which gasoline and/or diesel motor fuel are sold or offered for sale. Such sign shall be [in a size and style to be determined by the commissioner] *not less than 36 inches in width and 48 inches in height.* Such sign, in addition to any other sign, poster or placard that advertises the selling price of gasoline and directly or indirectly refers to a premises where the advertised gasoline and/or diesel motor fuel are sold or offered for sale, shall state the name, trade name, brand, mark or symbol and grade or quality classification of such gasoline or diesel motor fuel, together with the total selling price per gallon. Total selling price shall be the sum of the basic price per gallon plus all applicable taxes. Such sign, poster or placard shall conform to the rules and regulations of all governmental agencies with jurisdiction as to structure and location.

[1]2. A retail dealer shall only sell at the total selling price. Any such price when posted may not be raised for a period of not less than twenty-four hours.

[2]3. Where the total selling price *advertised on the sign, poster or placard required pursuant to paragraph one of this subdivision reflects a discounted rate* for purchases made with cash *or other specified form of non-cash payment and such discounted rate does not apply to* [is less than the total selling price for] purchases made with [credit card, debit card or other] *any other accepted* form of non-cash payment, *including credit card or debit card payment*, such sign, poster or placard shall [state the total selling price for each type of accepted payment] *clearly disclose that the advertised total selling price applies only to purchases made with cash or other such specified form of non-cash payment. Such sign, poster or placard shall clearly disclose all forms of payment for which the advertised total selling price is applicable.*

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

Referred to the Committee on Consumer Affairs.

Int. No. 587

By Council Members Eugene and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to create a fine and civil penalty payment plan.

Be it enacted by the Council as follows:

Section 1. Chapter five of title 19 of the administrative code of the city of New York amended by adding a new section 19-544 to read as follows:

§ 19-544 *Payment Plans. The commission shall provide by rule for the installment payment of any fines or civil penalties returnable before the commission or an administrative tribunal of the commission owed by any person who violates any of the provisions of this chapter or any rule or regulation issued thereunder. Notwithstanding any other provision of this chapter, the commission shall not suspend any drivers license issued by the commission solely for non-payment of any fines or civil penalties where the holder is in compliance with any terms and conditions related to such installment payment.*

§ 2. This local law shall take effect 90 days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Preconsidered Int. No. 588

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

A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of

proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand sixteen

Be it enacted by the Council as follows:

Section 1. During the calendar year 2015 and in relation to the 2016 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 24, 2015, and the council shall conduct public hearings on such report prior to May 4, 2015 and submit to the mayor and make public not later than May 4, 2015, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than February 9, 2015.

3. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than March 12, 2015.

4. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 9, 2015.

5. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 9, 2015.

6. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 24, 2015.

7. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 12, 2015.

8. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 12, 2015.

9. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 12, 2015.

10. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 23, 2015.

11. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than April 7, 2015.

12. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than April 7, 2015.

13. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before April 9, 2015.

14. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 20, 2015.

15. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than April 7, 2015.

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

Adopted by the Council – Passed under a Message of Necessity from the Mayor (preconsidered and adopted by the Committee on Finance).

Preconsidered Res. No. 519

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

By Council Member Ferreras.

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

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

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

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

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

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

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

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in the designation of certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 7; and be it further

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

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

Resolved, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 10.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 519 printed in these Minutes).

Int. No. 589

By Council Members Garodnick, Cohen, Constantinides, Cornegy, Cumbo, Dickens, Dromm, Espinal, Ferreras, Koslowitz, Lancman, Torres, Vacca, Van Bramer and Williams

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the operation of unmanned aerial vehicles except by the police department with a warrant.

Be it enacted by the Council as follows:

Section 1. Section 10-126 of the administrative code of the city of New York is amended to read as follows:

§ 10-126 Avigation in and over the city. a. Definitions. When used in this section the following words or terms [shall] mean or include:

[1. “Aircraft.” Any contrivance, now or hereafter invented for avigation or] *Aircraft. The term “aircraft” means a device that is used or intended to be used for flight in the air, including a captive balloon or UAV, except a parachute or other [contrivance] device designed for use[,] as and carried primarily as safety equipment.*

[2. “Place of landing.” Any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

3. "Limits of the city." The water, waterways and land under the jurisdiction of the city and the air space above same.]

[4. "Avigate." To] *Avigate. The term "avigate" means to pilot, steer, direct, fly or manage an aircraft in or through the air, whether [controlled from the ground or otherwise] from within the aircraft or remotely. The term "avigate" includes managing or initiating a computer system that pilots, steers, directs, flies or manages an aircraft.*

[5. "Congested area." Any land terrain within the limits of the city.

6. "Person." A natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.]

Limits of the city. The term "limits of the city" means the water, waterways and land under the jurisdiction of the city and the airspace above the same.

Place of landing. The term "place of landing" means any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

UAV. The term "UAV" is an acronym that means unmanned aerial vehicle.

Unmanned aerial vehicle. The term "unmanned aerial vehicle" means a vehicle capable of flight without a human pilot on board that is operated either autonomously by computers in the vehicle itself or by an individual from any location outside the vehicle.

b. Parachuting. It [shall be] is unlawful for any person to jump or leap from an aircraft in a parachute or any other device within the limits of the city except in the event of imminent danger or while under official orders of any branch of the military service.

c. Take offs and landings. It [shall be] is unlawful for any person avigating an aircraft to take off or land, except in an emergency, at any place within the limits of the city other than places of landing designated by the department of transportation or the port of New York authority.

d. Advertising. 1. It shall be unlawful for any person to use, suffer or permit to be used advertising in the form of towing banners from or upon an aircraft over the limits of the city, or to drop advertising matter in the form of pamphlets, circulars, or other objects from an aircraft over the limits of the city, or to use a loud speaker or other sound device for advertising from an aircraft over the limits of the city. Any person who employs another to avigate an aircraft for advertising in violation of this subdivision shall be guilty of a violation hereof.

2. Any person who employs, procures or induces another to operate, avigate, lend, lease or donate any aircraft as defined in this section for the purpose of advertising in violation of this subdivision shall be guilty of a violation hereof.

3. The use of the name of any person or of any proprietor, vendor or exhibitor in connection with such advertising shall be presumptive evidence that such advertising was conducted with his or her knowledge and consent.

e. Dangerous or reckless operation or avigation. 1. It [shall be] is unlawful for any person to operate or avigate an aircraft [either] on the ground, on the water or in the air within the limits of the city while under the influence of intoxicating liquor, narcotics or other habit-forming drugs, or to operate or avigate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

2. In any proceeding or action charging careless or reckless operation or avigation of an aircraft in violation of this section, the court, in determining whether the operation or avigation was careless or reckless, shall consider the standards for safe operation or avigation of aircraft prescribed by federal and state statutes [or] and regulations governing [aeronautics] aviation.

f. Air traffic rules. It [shall be] is unlawful for any person to navigate an aircraft within the limits of the city in any manner prohibited by [any provision of, or contrary to] the rules and regulations of[,] the federal aviation administration, including those regulating avigation within specified distances from airports.

g. Reports. It [shall be] is unlawful for the operator or owner of an aircraft to fail to report to the police department within ten hours a forced landing of aircraft within the limits of the city or an accident [to] involving an aircraft [where] that results in personal injury, property damage or serious damage to the aircraft [is involved].

h. *Unmanned aerial vehicles. No person may avigate a UAV within the limits of the city except:*

1. *The police department in accordance with section 14-133.1.*

2. *A person avigating such UAV pursuant to and within the limits of an express authorization by the federal aviation administration.*

[h.] i. Rules and regulations. The police commissioner is authorized to make such rules and regulations as the commissioner may deem necessary to enforce the provisions of this section.

[i.] j. Violations. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-133.1 to read as follows:

§ 14-133.1 *Use of unmanned aerial vehicles. a. Definitions. As used in this section, the following terms have the following meanings:*

City airspace. The term "city airspace" means the airspace above the water, waterways and land within the jurisdiction of the city.

Operate. The term "operate" means to pilot, steer, direct, fly or manage a UAV in or through the air, whether from within the UAV or remotely. The term "operate" includes initiating or managing a computer system that pilots, steers, directs, flies or manages a UAV.

UAV. The term "UAV" is an acronym that means unmanned aerial vehicle.

Unmanned aerial vehicle. The term "unmanned aerial vehicle" means a vehicle capable of flight without a human pilot on board that is operated either autonomously by computers or by an individual from outside the vehicle.

b. *The police department may operate a UAV in city airspace only pursuant to a valid search warrant that:*

1. *Specifies the particular location and time that the UAV may be operated; and*

2. *Is based on probable cause to believe that the operation of the UAV in such location and at such time will yield evidence connected with criminal activity; and*

3. *Complies with all applicable requirements of the federal and state constitutions, statutes and regulations.*

c. *A person applying for a warrant who seeks to operate a UAV pursuant to this section shall certify, in the written warrant application, that specific and articulable reasons exist that necessitate the use of a UAV for the particular operation and that specific measures have been taken to minimize danger to the public from the operation of the UAV.*

d. *A UAV operation conducted pursuant to this section must be concluded no later than forty-eight hours following the issuance of a warrant.*

e. *A police or peace officer executing a search warrant for which permission to use a UAV was granted pursuant to this section must serve a copy of the warrant on any person about whom personal information was collected within ten days. Such notice may be postponed with written authorization by a judicial officer upon a showing that exigent circumstances exist requiring the delay.*

§ 3. This local law shall take effect 90 days after it becomes law, except that the police commissioner shall take measures to make the public aware of the requirements of this local law before it takes effect.

Referred to the Committee on Public Safety.

Int. No. 590

By Council Members Greenfield, Cumbo, Eugene, Gentile, Koo, Lancman, Richards, Rose and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to allowing parking at missing or broken muni-meters up to the maximum time permitted in that parking meter zone.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-167.1 of the administrative code of the city of New York is amended to read as follows:

b. *If fifty percent or more of all muni-meters in a parking field or on one side of the street of a block are missing or broken, a person shall be allowed to park in such parking field or on such block up to the maximum amount of time otherwise lawfully permitted by such muni-meters in such controlled parking field or block or segment thereof. For the purposes of this subdivision, "muni-meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.*

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

Referred to the Committee on Transportation.

Int. No. 591

By Council Members Ignizio, Matteo, Rose, Vacca, Deutsch, Greenfield, Koo, Vallone, Ulrich, Eugene, Gentile, Koslowitz, Mendez and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to allowing the department of sanitation to purchase appropriate vehicles to utilize during a snowfall

Be it enacted by the Council as follows:

Section 1. Paragraph 11 of subdivision a of section 24-163.1 of the administrative code of the city of New York, as amended by local law number 38 for the year 2005, is amended to read as follows:

(11) "Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department or department of correction, or vehicles for the department of sanitation that can be used in response to snowfall or other emergencies.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 592

By Council Members Johnson, Chin, Torres, Reynoso, Richards, Levine, Miller, Van Bramer, Kallos, Rodriguez, Dromm, Lander, Ferreras, Lancman, Rose,

Constantinides, Deutsch, Dickens, Espinal, Eugene, Gentile, Gibson, King, Levin, Maisel, Vallone, Koslowitz, Cumbo, Rosenthal, Mendez and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to the preservation of hotels.

Be it enacted by the Council as follows:

Section 1. Title 25 of the administrative code of the city of New York is amended by adding a new chapter 7 to read as follows:

CHAPTER 7
CONVERSION OF HOTEL SPACE

- § 25-701 Definitions.
- § 25-702 Hotel conversions.
- § 25-703 Waiver; hotel conversion review board.

§ 25-701 Definitions. As used in this chapter:

“Accessory hotel space” means any space within a hotel other than primary hotel space. Accessory hotel space includes, but is not limited to, retail space, lobby areas, reception areas, administrative offices, storage areas, laundries, food and beverage facilities and banquet and conference facilities.

“Board” means the hotel conversion review board created pursuant to this chapter.

“Covered hotel conversion” means a conversion of any amount of primary hotel space on a covered lot to space used for purposes other than primary hotel space where such conversion commences on or after the effective date of the local law that added this chapter.

“Covered lot” means a zoning lot that, at any time on or after the effective date of the local law that added this chapter, contains primary hotel space with 150 or more sleeping units.

“Cumulative hotel conversion factor” means, for a zoning lot, the sum of the hotel conversion factors for each covered hotel conversion occurring on a covered lot.

“Floor area” means floor area as defined in section 12-10 of the New York city zoning resolution.

“Hotel” means a transient hotel as defined in section 12-10 of the New York city zoning resolution.

“Hotel conversion factor” means, for a covered hotel conversion, the greater of zero or the number obtained by subtracting the post-conversion area from the pre-conversion area, divided by the pre-conversion area, multiplied by 100.

“Pre-conversion area” means, for a covered hotel conversion, the floor area contained within primary hotel space on a covered lot immediately before such conversion.

“Post-conversion area” means, for a covered hotel conversion, the floor area contained within primary hotel space on a covered lot immediately after such conversion.

“Primary hotel space” means space within a hotel where such space consists of living or sleeping accommodations that are used or designed to be used primarily for transient occupancy. Primary hotel space does not include accessory hotel space.

§ 25-702 Hotel conversions. Except as provided in section 25-703:

a. No covered lot may have a cumulative hotel conversion factor of greater than 20.

b. No permit may be issued for work in connection with a covered hotel conversion at a covered lot where such conversion would increase the cumulative hotel conversion factor for such lot to greater than 20.

§ 25-703 Waiver; hotel conversion review board. a. There is hereby created a hotel conversion review board which shall review applications for waivers pursuant to this section. The board shall consist of the commissioner of finance, the commissioner of housing preservation and development and three other members appointed by the mayor to serve two-year terms. The mayor shall appoint the initial board members, other than the commissioner of finance and commissioner of housing preservation and development, within 180 days after the effective date of the local law that added this chapter.

b. On and after 180 days after the effective date of the local law that added this chapter, an owner of primary hotel space on a covered lot may apply to the board for a waiver of the provisions of section 25-702 in order to carry out a covered conversion that would increase the cumulative hotel conversion factor for the zoning lot containing such hotel space to greater than 20.

c. The board shall conduct a public hearing on each application for waiver under this section within 45 days after receiving such application.

d. If the board finds that the applicant is unable to earn a reasonable financial return on the primary hotel space existing at the time of such application, the board may issue a waiver allowing the cumulative hotel conversion factor for the lot where such primary hotel space is situated to exceed 20 to the minimum extent necessary to allow the applicant to earn a reasonable financial return. In determining whether to issue a waiver under this section, the board shall consider the financial state of the existing primary hotel space, including at least three years of income and balance sheets, the availability of financing for such space to continue as primary hotel space, any information presented at the public hearing on the application and any other information deemed relevant by the board, except that the board may not

consider returns expected from converting such primary hotel space to a use other than primary hotel space.

e. The board shall render a decision on any application for waiver under this section within 60 days after receiving such application.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 593

By Council Members Kallos, Constantinides, Reynoso, Richards, Miller, Williams, Rosenthal, Van Bramer, Rose, Cabrera, Chin, Espinal, Lancman, Lander, Levine, Vallone, Wills, Johnson, Eugene, Greenfield, Dromm, Levin, Garodnick, Koo, King, Torres, Crowley, Cornegy and Ignizio.

A Local Law to amend the New York city charter, in relation to early voting in municipal elections.

Be it enacted by the Council as follows:

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

§ 1057-c Early voting for municipal elections.

a. Beginning the second Tuesday prior to any primary, special, or general election, except a runoff election, for the offices of mayor, public advocate, comptroller, borough president, or councilmember, and ending the Friday prior to such election, persons duly registered and eligible to vote for candidates for such office shall be permitted to vote in person by ballot for a candidate for such office. Voters who cast a ballot at an early voting site during such period shall be prohibited from voting for such office on election day.

b. The New York city board of elections shall designate at least one polling site in each council district for persons to vote early pursuant to this section. Each polling site shall serve the eligible voters who reside within such council district. Eligible voters may vote early only at the early voting location or locations serving the council district in which they reside.

c. Polls shall be open for early voting from, at minimum, eight o'clock in the morning until eight o'clock in the evening from Monday through Friday, and from nine o'clock in the morning until five o'clock in the afternoon on Saturday and Sunday.

d. The New York city board of elections shall mail to all eligible voters a notice of their designated early voting location, and the days and hours of operation of such location, as part of the mailing sent out pursuant to subdivision one of section 4-117 of the election law, and shall coordinate with the voter assistance advisory committee to create a communication plan utilizing media outlets, including social media, to educate voters about the early voting process.

e. The form of paper ballots used in early voting, and the casting of such ballots, shall comply with applicable legal requirements for voting by paper ballot on election day; provided, however, that ballots cast during the early voting period shall not be canvassed until after the close of the polls on election day.

f. Voters casting ballots pursuant to this section shall be subject to challenge as provided in section 8-500, 8-502, and 8-504 of the election law, or successor provisions.

g. After polls have closed on election day, the removable electronic or computerized devices in use by all voting scanners used during the early voting period shall be counted, canvassed, and otherwise processed in the same manner as those devices used on election day.

h. Notwithstanding any inconsistent provisions of section 3-400 of the election law, election inspectors or poll clerks, if any, at early voting locations shall consist of either New York city board of elections employees who shall be appointed by the commissioners of such board, or duly qualified individuals appointed in the manner set forth in such section. Appointments to the offices of election inspector or poll clerk in each early voting location shall be equally divided between the major political parties.

i. The provisions of this section shall control notwithstanding any other inconsistent provision of law. Where not inconsistent with the provisions of this section, the process of voting in any primary, special, or general election shall otherwise be governed by applicable provisions of the election law.

§2. This local law shall take effect immediately following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 594

By Council Members Kallos, Rosenthal, Constantinides, Chin, Espinal, Levine, Mendez, Rodriguez, Rose, Vallone, King, Johnson, Miller, Dromm, Levin, Reynoso, Torres, Crowley, Mealy, Palma, Cohen and Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting hydraulic fracturing in New York City.

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-303.2 to read as follows:

§24-303.2 *Hydraulic fracturing prohibited. No person shall engage in hydraulic fracturing within the city. For the purposes of this section, "hydraulic fracturing" means the fracturing of underground rock formations by manmade fluid-driven techniques for any purpose, including stimulating oil, natural gas, or other subsurface hydrocarbon production.*

§2. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection

Int. No. 595

By Council Members Lander, Van Bramer, Constantinides, Rose, Chin, Cohen, Eugene, Gentile, Gibson, Koo, Richards, Torres, Ulrich and Levine.

A Local Law in relation to establishing a public library commission.

Be it enacted by the Council as follows:

Section 1. a. There is hereby established a temporary public library commission that shall study and make recommendations in relation to the city's library systems, including but not limited to the evaluation of opportunities for innovation and continued operation of such systems.

b. The mayor shall appoint five members and the speaker of the council shall appoint four members, with all such appointments occurring not more than ninety days following the enactment of this local law. The members of such commission shall serve without compensation.

c. The commission shall meet at least quarterly and no later than April 1, 2016, the commission shall post on the city's website and submit to the speaker of the council and the mayor a report concerning the city's public library systems. Such report shall include, but not be limited to, recommendations for the city's public library systems in relation to: governance and oversight; capital planning; coordination between such systems and between such systems and the city; possible increased and sustainable sources of funding; and the role of technology, including allocation of resources for technology related services and programs in relation to resources for books.

d. The commission shall terminate following the submission of the report required pursuant to subdivision c of this local law.

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

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

Res. No. 520

Resolution calling on the New York State Assembly to pass A.7823-A, the New York State Senate to pass S.5810, and the Governor to sign such legislation, which would provide a property tax exemption for privately-owned vacant land while such property is being used for the public benefit.

By Council Members Levin, Chin, Eugene, Gentile, Rose and Wills.

Whereas, In the urban landscape of the City of New York, there is a demand for public space and a need for the benefits that derive therefrom; and

Whereas, There are numerous parcels of privately-owned vacant land in the City which are not currently under development for economic or other reasons; and

Whereas, Private owners of such vacant land may need a financial incentive to develop these properties, even temporarily, into positive amenities for the public; and

Whereas, On June 5, 2013, A.7823-A was introduced in the New York State Assembly and on June 17, 2013, S.5810 was introduced in the New York State Senate; and

Whereas, Both pieces of legislation would provide a property tax exemption for privately-owned vacant property so long as such property is used for the public benefit, and not for any profitable purpose for the owner, for a minimum of twenty hours per week in November through March and twenty-five hours per week in April through October; and

Whereas, According to the New York State Legislature's Memorandum in Support of the legislation, it has been shown that public spaces, such as community gardens, stabilize neighborhoods and add vitality to their immediate surroundings; and

Whereas, In addition to community gardens, urban farms have proven to be a crucial link in providing fresh food of different varieties to areas that may not have sufficient access to such fresh food; and

Whereas, So-called "pop-up parks," or land that is intentionally temporarily transformed into park area, is another recent urban development that provides additional space to the public for rest and recreation; and

Whereas, Beneficial uses of vacant land could improve the quality of life for residents in the surrounding neighborhood; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass A.7823-A, the New York State Senate to pass S.5810, and the

Governor to sign such legislation, which would provide a property tax exemption for privately-owned vacant land while such property is being used for the public benefit.

Referred to the Committee on Finance

Int. No. 596

By Council Members Richards, Cohen, Eugene, Koo, Mendez, Rose and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a study and mitigation of the impacts of methane gas emissions on city trees.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

§ 18-142 *Study of fugitive methane gas impacts on the urban forest. a. The department, in conjunction with the department of environmental protection, shall create or review and adopt maps showing fugitive methane gas emissions from gas mains in the city.*

b. Where maps of the canopy of trees under the jurisdiction of the commissioner, when overlaid upon the maps described in subdivision a, indicate, in the discretion of the department and the department of environmental protection, that trees under the jurisdiction of the commissioner may be impacted by fugitive methane gas emissions, the department shall confirm, by means of a field survey, whether such trees have been damaged by such emissions.

c. Where field surveys confirm damage to trees under the jurisdiction of the commissioner from fugitive methane gas emissions, the department shall document such damage, take appropriate steps to notify the responsible utility and mandate mitigation or seek reimbursement as may be appropriate.

§2. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation

Int. No. 597

By Council Member Torres.

A Local Law to amend the administrative code of the city of New York, in relation to car sharing in the city fleet.

Be it enacted by the Council as follows:

Section 1. 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 *Car sharing in the city fleet. a. For the purposes of this section, the following terms shall have the following meanings:*

(1) "Car sharing" means a shared-use motor vehicle program that provides a geographically distributed fleet of motor vehicles that are made available to entities or persons on an hourly or short term basis.

(2) "Car sharing organization" means an organization that provides pre-approved members with access to motor vehicles at geographically distributed locations for an hourly rate that includes fuel, maintenance, and insurance.

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

(4) "Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department of environmental protection, office of emergency management, sheriff's office of the department of finance, police department, fire department, department of correction, or any other similar such agency.

b. The city shall establish a car sharing program for city agencies utilizing motor vehicles.

c. Beginning January 1, 2016 and each year thereafter through December 31, 2020, the city shall remove from service without replacement at least five percent of the total existing number of motor vehicles in the city fleet through the use of strategies including, but not limited to, car sharing.

d. No later than February 1, 2017 and no later than February 1 thereafter through February 1, 2021, the mayor shall submit to the comptroller and the speaker of the council a report regarding the car sharing program and reductions in city fleet during the immediately preceding calendar year. Such reports shall include, but not be limited to: (i) an evaluation of the car sharing program; (ii) recommendations the for car sharing program; (iii) data regarding the use of car sharing, disaggregated by city agency; (iv) if applicable, utilization of services of car sharing organizations; (v) impact of the car sharing program on expenses related to the city fleet; and (vi) number of motor vehicles removed from the city fleet.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 598

By Council Members Torres, Koo, Rose and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to inspections, reinspections and penalties concerning violations relating to rodents.

Be it enacted by the Council as follows:

Section 1. This local law shall be known and may be cited as the “Rodent Reinspection and Bait Application Three Strikes Law.”

§ 2. Section 17-133.1 of the administrative code of the city of New York is hereby amended to read as follows:

§ 17-133.1 Failure to abate rodents; penalties. *a. Notwithstanding any other provision of law, [E]very person, corporation, or body that shall violate or not conform to any provisions of the health code of the city of New York or any applicable law, rule or regulation pertaining to the eradication of rodents, the elimination of rodent harborages or other rodent related nuisances shall be liable to pay a civil penalty of not less than three hundred dollars for the first violation. The penalty for each subsequent violation of the same provision of law, rule or regulation, at the same premises and under the same ownership or control, within a two-year period, shall be double the amount of the previous violation; provided, however, that such penalty shall not exceed the maximum allowable penalty set forth in section 17-133 of this code. Such penalties may be sued for and recovered by and in the name of the department, with costs, before any judge, justice, administrative law judge or hearing examiner in the city having jurisdiction of such or similar actions. The judge, justice, administrative law judge or hearing examiner who presided at a trial or hearing where such penalty is determined and assessed shall fix, in writing, the amount of the penalty to be recovered, and shall direct that such amount be included in the judgment or decision.*

b. Notwithstanding any other provision of law, where (A) the department has performed two or more complaint-based inspections at the same premises within a twelve-month period, (B) each such inspection has resulted in the issuance of a violation pursuant to this section, and (C) not all such violations have been corrected, the department may impose an inspection fee of two hundred dollars for the third and for each subsequent complaint-based inspection that it performs at such premises within the same twelve-month period that results in issuance of a violation. Such inspection fee shall be in addition to any civil penalties that may be due and payable and may be increased by the department to match increased inspection costs.

c. Notwithstanding any other provision of law, where (A) the department has performed two or more complaint-based inspections at the same premises within a twelve-month period, (B) each such inspection has resulted in the issuance of a violation pursuant to this section, (C) not all such violations have been corrected, and (D) the department has applied the use of bait to correct any such violation, the department may, in addition to any other penalties and reinspection fees, assess a bait application fee for the third and for each subsequent bait application that it performs at such premises within the same twelve-month period. The department shall establish such bait application fee by rule.

d. Fees pursuant to subdivision b or c of this section shall not be applicable to inspections (1) performed in a multiple dwelling that is active in the alternative enforcement program pursuant to article ten of subchapter five of chapter two of title twenty-seven of the administrative code of the city of New York, or (2) performed in a multiple dwelling that is subject to a court order appointing an administrator as the result of a proceeding brought by the department pursuant to article seven-a of the New York state real property actions and proceedings law.

e. All fees that remain unpaid shall constitute a debt recoverable from the owner and a lien upon the premises, and upon the rents and other income thereof. The provisions of section 17-151 of this chapter shall govern the effect and enforcement of such debt and lien.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Health.

Int. No. 599

By Council Members Vacca, Johnson, Koo, Gentile, Mendez and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to posting of information and warnings regarding anabolic steroids and human growth hormone in locker rooms.

Be it enacted by the Council as follows:

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

§ 17-198 Anabolic steroid and human growth hormone warning posters. *a. Definitions. For the purposes of this section, the following terms shall have the following meanings: 1. “Covered languages” shall mean Chinese, English, Korean, Russian and Spanish, and any other language determined by the department.*

2. “Health club” shall mean any firm, corporation, partnership, unincorporated association, or other business enterprise offering instruction, training, assistance or facilities for the preservation, maintenance, encouragement or development of physical fitness or well-being. Such term shall include but shall not be limited to health spas; sports, tennis, racquet ball, platform tennis and health clubs; figure salons; health studios; gymnasiums; weight control studios; martial arts and self-defense schools; and any other similar entity offering physical training.

2. “School” shall mean any school in a building owned or leased by the department of education, including charter schools, and any private or parochial school that contains any combination of students from grade six through grade twelve.

b. The department shall create a poster containing information and warnings regarding use of anabolic steroids and human growth hormone, to be posted in locker rooms. Such poster shall be printed in the covered languages and shall be made available by the department to health clubs and schools.

c. Every health club and school shall post, in accordance with rules promulgated by the department, the poster created by the department pursuant to subdivision b of this section, in every locker room in a conspicuous location accessible to all members, employees, students or faculty who use the facility.

d. Any health club or school that violates subdivision c of this section or any rule promulgated pursuant to this section shall be liable for a fine not to exceed two hundred dollars for the first violation and not to exceed five hundred dollars for each succeeding violation within two years.

§ 2. This local law shall take effect one hundred twenty days after its enactment into law, provided that the commissioner shall take all action, including promulgation of rules, necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Int. No. 600

By Council Members Vallone, Ulrich, Arroyo, Cabrera, Cohen, Constantinides, Eugene, Gentile, Richards, Rose, Wills and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of veterans receiving agency services.

Be it enacted by the council as follows:

Section 1. Subchapter one of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-116 to read as follows:

§ 3-116. Reporting of veterans receiving certain city services. *a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

(1) “DCA” shall mean the department of consumer affairs;

(2) “HRA” shall mean the human resources administration;

(3) “HPD” shall mean the department of housing preservation and development;

(4) “HUD-VASH voucher” shall mean any voucher funded by the united states department of housing and urban development and department of veterans affairs supportive housing program;

(5) “Mitchell-Lama housing” shall mean any housing development operated pursuant to article two of the private housing finance law;

(6) “NYCHA” shall mean the new york city housing authority;

(7) “NYCHA housing” shall mean any housing development operated by the new york city housing authority;

(8) “One-shot grant” shall mean a one-time emergency grant provided by HRA.

(9) “Vending license” shall mean a license as required by section 17-307 of this code;

(10) “Veteran” shall mean a person who has served in the active military service of the United States and who has been released from such service otherwise than by dishonorable discharge;

b. Reports of citywide utilization data. Not later than January thirtieth in each year the mayor’s office of operations shall report to the director of the office of veterans affairs, the veterans advisory board, and the council the following data, to the extent practicable, disaggregated by borough: (1) the total number of veterans residing in Mitchell-Lama housing for the prior year; (2) the total number of applications received by HPD for Mitchell-Lama housing from households containing at least one veteran in the prior year; (3) the total number of vending licenses provided by DCA to veterans in the prior year; (4) the total number of veterans who submitted an application to DCA for a vending license in the prior year; (5) the total number of veterans residing in NYCHA housing utilizing a HUD-VASH voucher in the prior year; (6) the total number of veterans receiving services through HRA-operated job centers in the prior year, disaggregated by the number of veterans receiving one-shot grants, cash assistance, and supplemental nutrition assistance program benefits. Such data may also be made available as part of the management report provided for in section 12 of the charter.

§2. This local law shall take effect immediately.

Referred to the Committee on Veterans.

Int. No. 601

By Council Members Vallone, Johnson, Koo, Ferreras, Weprin, Maisel, Ulrich, Koslowitz, Crowley, Cabrera, Arroyo, Cohen, Constantinides, Cornegy, Deutsch, Espinal, Greenfield, Lancman, Lander, Mendez, Rose, Vacca, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of the use of unmanned aerial vehicles in city airspace

Be it enacted by the Council as follows:

Section 1. Section 10-126 of the administrative code of the city of New York is amended to read as follows:

§ 10-126 Avigation in and over the city. a. Definitions. When used in this section the following words or terms [shall] mean or include:

[1. "Aircraft." Any contrivance, now or hereafter invented for avigation or] *Aircraft. The term "aircraft" means a device that is used or intended to be used for flight in the air, including a captive balloon or UAV, except a parachute or other [contrivance] device designed for use[,] as and carried primarily as safety equipment.*

[2. "Place of landing." Any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

[3. "Limits of the city." The water, waterways and land under the jurisdiction of the city and the air space above same.]

[4. "Avigate." To] *Avigate. The term "avigate" means to pilot, steer, direct, fly or manage an aircraft in or through the air, whether [controlled from the ground or otherwise] from within the aircraft or remotely. The term "avigate" includes managing or initiating a computer system that pilots, steers, directs, flies or manages an aircraft.*

[5. "Congested area." Any land terrain within the limits of the city.

[6. "Person." A natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.]

Dangerous instrument. The term "dangerous instrument" means an instrument, article or substance that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

Limits of the city. The term "limits of the city" means the water, waterways and land under the jurisdiction of the city and the airspace above the same.

Open-air assembly. The term "open-air assembly" means any outdoor space used for the gathering of persons for purposes such as civic, social or religious functions, recreation, consumption of food or drink, awaiting transportation or similar group activities. "Open-air assembly" includes but is not limited to stadiums, amusement park structures and outdoor theaters.

Place of landing. The term "place of landing" means any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

Surveillance. The term "surveillance" means the monitoring or close observation of an individual, a group of individuals or real property without the knowledge and consent of such individual or group of individuals or the owner of such real property that is the subject of such monitoring or observation.

UAV. The term "UAV" is an acronym that means unmanned aerial vehicle.

Unmanned aerial vehicle. The term "unmanned aerial vehicle" means a vehicle capable of flight without a human pilot on board that is operated either autonomously by computers or by an individual from outside the vehicle.

Weapon. The term "weapon" means any device designed to harm persons or property, including any projectile, chemical, electrical or directed-energy device.

b. Parachuting. It [shall be] *is* unlawful for any person to jump or leap from an aircraft in a parachute or any other device within the limits of the city except in the event of imminent danger or while under official orders of any branch of the military service.

c. Take offs and landings. It [shall be] *is* unlawful for any person avigating an aircraft to take off or land, except in an emergency, at any place within the limits of the city other than places of landing designated by the department of transportation or the port of New York authority.

d. Advertising. 1. It shall be unlawful for any person to use, suffer or permit to be used advertising in the form of towing banners from or upon an aircraft over the limits of the city, or to drop advertising matter in the form of pamphlets, circulars, or other objects from an aircraft over the limits of the city, or to use a loud speaker or other sound device for advertising from an aircraft over the limits of the city. Any person who employs another to avigate an aircraft for advertising in violation of this subdivision shall be guilty of a violation hereof.

2. Any person who employs, procures or induces another to operate, avigate, lend, lease or donate any aircraft as defined in this section for the purpose of advertising in violation of this subdivision shall be guilty of a violation hereof.

3. The use of the name of any person or of any proprietor, vendor or exhibitor in connection with such advertising shall be presumptive evidence that such advertising was conducted with his or her knowledge and consent.

e. Dangerous or reckless operation or avigation. 1. It [shall be] *is* unlawful for any person to operate or avigate an aircraft [either] on the ground, on the water or in the air within the limits of the city while under the influence of intoxicating liquor, narcotics or other habit-forming drugs, or to operate or avigate an aircraft in a careless or reckless manner so as to endanger *the* life or property of another.

2. In any proceeding or action charging careless or reckless operation or avigation of *an* aircraft in violation of this section, the court, in determining whether the operation or avigation was careless or reckless, shall consider the standards for safe operation or avigation of aircraft prescribed by federal *and state* statutes [or] *and* regulations governing [aeronautics] *aviation*.

f. Air traffic rules. It [shall be] *is* unlawful for any person to navigate an aircraft within the limits of the city in any manner prohibited by [any provision of, or contrary to] the rules and regulations of[,] the federal aviation administration, *including those regulating avigation within specified distances from airports.*

g. Reports. It [shall be] *is* unlawful for the operator or owner of an aircraft to fail to report to the police department within ten hours a forced landing of aircraft within the limits of the city or an accident [to] *involving* an aircraft [where] *that results in* personal injury, property damage or serious damage to the aircraft [is involved].

h. Unmanned aerial vehicles. 1. Unless otherwise authorized by law, no person may avigate a UAV within the limits of the city except in accordance with this subdivision and with applicable federal and state regulations. No person may avigate a UAV:

(a) For the purpose of conducting surveillance, unless otherwise permitted by law; or

(b) Within five miles of any airport; or

(c) With intent to use such UAV or anything attached to such UAV to cause harm to persons or property; or

(d) That is equipped with a weapon, regardless of whether such person intends to cause harm to persons or property; or

(e) That is equipped with a dangerous instrument, regardless of whether such person intends to cause harm to persons or property; or

(f) Within one-quarter mile of any open-air assembly, school, hospital or house of worship; or

(g) At any altitude greater than four hundred feet above ground level; or

(h) Outside the line of sight of the operator; or

(i) Whenever weather conditions would impair the operator's ability to do so safely; or

(j) At night.

2. *Exceptions. (a) Notwithstanding subparagraph b of paragraph 1 of this subdivision, a UAV may be avigated within five miles of an airport where the operator of such UAV has received advance permission from the airport operator and air traffic control for the avigation or is otherwise expressly authorized by federal law and regulations.*

(b) Notwithstanding subparagraph f of paragraph 1 of this subdivision, a UAV may be avigated in any location designated for such avigation by the department of parks and recreation.

(c) Notwithstanding subparagraphs f, i and j of paragraph 1 of this subdivision, a UAV may be avigated inside a structure if such avigation is permitted by the owner of the structure, can be accomplished without unreasonable risk to persons or property and is otherwise permitted by law.

(d) Notwithstanding subdivision c of this section, a UAV may take off or land in a location where a UAV may be avigated legally, so long as such takeoff or landing does not pose an unreasonable risk of harm to persons or property.

(e) Agencies of the city are exempt from the provisions of this subdivision.

[h.] *i. Rules and regulations. The police commissioner is authorized to make such rules and regulations as the commissioner may deem necessary to enforce the provisions of this section.*

[i.] *j. Violations. 1. Any person who violates [any of the provisions] subdivision b, c, e, f or g of this section, or subparagraph a, b, c or d of paragraph 1 of subdivision h of this section shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than one year, or both.*

2. Any person who violates subparagraph e, f, g, h, i or j of paragraph 1 of subdivision h of this section shall be guilty of a violation punishable by a fine of not more than two hundred fifty dollars (\$250) or imprisonment of not more than fifteen days, or both.

§ 2. This local law shall take effect 90 days after it becomes law, except that the police commissioner shall take measures to make the public aware of the requirements of this local law before it takes effect.

Referred to the Committee on Public Safety.

Int. No. 602

By Council Members Vallone, Constantinides, Cumbo, Eugene, Koo, Rose and Vacca.

A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules on Christmas Day as observed by the Eastern Orthodox Church.

Be it enacted by the Council as follows:

Section one. Subdivision (a) of section 19-163 of the administrative code of the city of New York is amended as follows:

§19-163 Holiday suspension of the parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, *Orthodox Christmas*, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays.

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

Referred to the Committee on Transportation.

Int. No. 603

By Council Members Van Bramer, Rodriguez, Chin, Gibson, Koo, Lander, Mendez, Richards, Rose and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for leaving the scene of an incident without reporting.

Be it enacted by the Council as follows:

Section 1. Subdivisions a and b of section 19-191 of title 19 of the administrative code of the city of New York is amended to read as follows:

a. Except as provided in the vehicle and traffic law, in addition to or as an alternative to any penalties assessed thereunder, any driver who, knowing or having cause to know that damage has been caused to the real property or the personal property of another due to an incident involving the driver's motor vehicle, leaves the scene of an incident without complying with all of the provisions of paragraph a of subdivision one of section six hundred of the vehicle and traffic law, shall be liable for a civil penalty, recoverable at the environmental control board, of not more than five hundred dollars for the first violation and not less than one thousand dollars for a second or subsequent violation.

b. Except as provided in the vehicle and traffic law, in addition to or as an alternative to any penalties assessed thereunder, any driver who, knowing or having cause to know that physical injury has been caused to another person due to an incident involving the driver's motor vehicle, leaves the scene of an incident without complying with all of the provisions of paragraph a of subdivision two of section six hundred of the vehicle and traffic law, shall be liable for a civil penalty, recoverable at the environmental control board, of not less than one thousand dollars nor more than two thousand dollars for the first violation and not less than two thousand dollars and not more than five thousand dollars for a second or subsequent violation, except where such injury is a serious physical injury, such driver shall be liable for a civil penalty, recoverable at the environmental control board, of not less than two thousand dollars nor more than ten thousand dollars for the first violation and not less than five thousand dollars and not more than ten thousand dollars for a second or subsequent violation, and where such injury results in death, such driver shall be liable for a civil penalty, recoverable at the environmental control board, of not less than five thousand dollars nor more than ten thousand dollars for the first violation and not less than ten thousand dollars for a second or subsequent violation.

§ 2. This local law shall take effect 90 days after enactment.

Referred to the Committee on Transportation.

Int. No. 604

By Council Members Van Bramer, Rodriguez, Chin, Gibson, Koo, Lander, Mendez, Rose and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to reporting information related to leaving the scene of an incident without reporting.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 14-153 of the administrative code of the city of New York, as amended by local law 5 for the year 2014, is amended to read as follows:

c. For the quarter beginning July first, two thousand fifteen and quarterly thereafter, the department shall provide a report, in writing, to the speaker of the council regarding: (1) the number of traffic-related incidents during the prior quarter that involved at least one vehicle and resulted in critical injury and where the driver of a vehicle involved in such incident left the scene of such incident without reporting, in violation of section six hundred of the vehicle and traffic law; (2) the number of such incidents the department closed during the prior quarter resulting in an arrest being made for violation of such section of the vehicle and traffic law; [and] (3) the number of such incidents the department closed during the prior quarter without an arrest being made for violation of such provision of the vehicle and traffic law, and (4) notices of violation issued pursuant to section 19-191 of the code and the amount of civil penalties paid pursuant to such section. The data in such report

shall be disaggregated by precinct and the cross streets of the incident and the department shall also publish such data on the department's website. Additionally, the department shall provide to the speaker of the council in writing a brief description of what steps were taken to investigate each such incident, noting the cross streets of the incident. For purposes of this subdivision, "critical injury" shall mean any injury determined to be critical by the emergency medical service personnel responding to any such incident.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 605

By Council Members Williams, Gibson, Cumbo, Rodriguez, Rose and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to post quarterly reports on its website relating to the use of "seat belt holds" and "chokeholds."

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§14-155. Use of "seat belt holds" and "chokeholds". a. Definitions. The following definitions are applicable to this section:

1. "Chokehold" shall mean to wrap an arm around or grip a person's neck in a manner that may limit or cut off either the flow of air by compressing the windpipe, or the flow of blood through the carotid arteries on each side of the neck.

2. "Seat belt hold" shall mean to wrap an arm over a person's shoulder with the other arm wrapped under the opposite armpit with hands clasped together in front of the body.

b. Use of "seat belt hold" and "chokehold" reports. The commissioner shall post a report on the department website within twenty days of the beginning of each fiscal year quarter containing information pertaining to the use of force for the prior quarter. Such quarterly report shall include: (1) the total number of "seat belt holds"; and (2) the total number of "seat belt holds" that were deemed failed and resulted in the use of a "chokehold."

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 606

By Council Members Williams, Gibson, Richards, Rodriguez, Rose, Wills and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York Police Department to issue quarterly reports on the use of force and its relationship to quality of life offenses.

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§ 14-155. Use of force reports for quality of life offense.

a. Definitions. The following terms shall have the following meanings:

"Quality of life offenses" shall mean any of the following: penal law sections 240, 140.05, 140.10, 140.15, 221.05, 221.10, 221.15, 145, 165.15, 230; administrative code sections 10-175, 16-118, 24-218, 19-176; compilation of codes, rules and regulations of the state of New York, title 21, chapter 21, subchapter d, part 1050.7; and rules of the city of New York, title 56, section 1-03.

"Use of force" shall mean any instance in which a member of the department in performing his/her official duties (1) draws or displays a firearm; (2) uses a baton; (3) uses oleoresin capsicum or other chemical spray; (4) uses hands-on physical force beyond what is necessary to effect an arrest; or (5) any other use of force, such as the use of a Taser.

b. Use of force reports. The commissioner shall post a report on the department website within twenty days of the beginning of each fiscal year quarter containing information pertaining to the use of force for the prior quarter. Such quarterly report shall include: (1) the total number of instances of the use of force disaggregated by the type of force used; and (2) the total number of instances of the use of force, disaggregated by the type of force used incident to arrest when an officer approaches and interacts with an individual solely on the suspicion or the actual commission of a quality of life offense.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 607

By Council Members Williams, Gibson, Greenfield, Cumbo, Lancman and the Public Advocate (Ms. James).

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a police officer body-worn camera task force.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended to add a new section 10-172 to read as follows:

§10-172. *Police officer body-worn camera task force.*

a. There is hereby established a Police Officer Body-Worn Camera Task Force, which shall consist of ten members as follows:

(i) Three members shall be appointed by the mayor, provided that: (1) one member shall be an employee of the New York city police department with knowledge of the department's patrol services bureau; and (2) one member shall be an employee of the New York city police department with knowledge of the department's office of information technology;

(ii) Three members shall be appointed by the speaker of the council, provided that one member shall be a person familiar with the work of the council's public safety committee; and

(iii) Four members shall be appointed jointly by the speaker of the council and the mayor.

b. Membership on the task force shall not constitute the holding of a public office, and members of the task force shall not be required to take and file oaths of office before serving on the task force. Members of the task force shall serve without compensation.

c. The task force shall meet at least four times per year. At its first meeting, the task force shall select a chairperson from among its members by majority vote of the task force.

d. 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.

e. Each member shall serve for a term of 24 months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force 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.

f. No member of the task force shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

g. The task force may request and shall receive all possible cooperation from any department, division, board, bureau, commission, borough president, agency or public authority of the city of New York, for assistance, information, and data as will enable the task force to properly carry out its functions.

h. The task force shall issue a report to the mayor and council no later than twelve months after the final member of the task force is appointed. Such report shall include the following:

(i) An analysis of the feasibility and implications of equipping New York city police department officers with body-worn cameras to record all interactions, including but not limited to: (1) the costs associated with equipping officers with such cameras and building an infrastructure to support the use of said cameras; (2) the privacy implications associated with equipping officers with such cameras; (3) best practices that the department should undertake to ensure that video footage is properly stored; (4) best practices that the department should undertake with regards to how such cameras will begin recording and when an officer may disengage such recording device; and (5) the evidentiary issues associated with using video footage recorded by a police officer in criminal proceedings; and

(ii) Any other recommendations to assist the department in developing a body-work camera policy.

i. The task force shall terminate upon the publication of the report.

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety

Int. No. 608

By Council Members Williams, Vallone, Mealy, Rose, Wills and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting unauthorized surveillance by a global positioning system or similar technology.

Be it enacted by the Council as follows:

Section 1. Chapter one of title ten of the administrative code of the city of New York is amended by adding a new section 10-172 to read as follows:

§ 10-172 *Unauthorized surveillance by global positioning system or similar technology.* a. *Definitions.* For the purposes of this section, the following terms shall have the following meanings:

1. "Motor vehicle" has the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

2. "Tracking device" means a global positioning system or similar technology that utilizes electronic frequencies or other signal to determine the location of an object.

b. Except as otherwise provided in the provisions of this section, it shall be unlawful for any person to intentionally utilize a tracking device to monitor or determine the location of a motor vehicle without the knowledge or consent of the authorized operator of such motor vehicle or intentionally place in or on a motor vehicle a tracking device and thereby monitor or determine the location of such motor vehicle under circumstances where such authorized operator has a reasonable expectation of the privacy of such information. Such unlawful action shall be a misdemeanor punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars recoverable before the environmental control board. For purposes of this section, a "reasonable expectation of privacy" is not extinguished by the mere presence of a motor vehicle in a public place.

c. This section shall not apply to conduct by a law enforcement official pursuant to a warrant issued by an authorized court or that is authorized by lawful exception to the warrant requirement or to a person who is an owner of the vehicle in or on which the device was placed, when the operator of such vehicle is a minor.

d. It shall be an affirmative defense to subdivision b of this section that, under the circumstances, a person engaged in such conduct for a legitimate purpose and such authorized operator's reasonable expectation of privacy was minimal.

e. Nothing in this section shall be construed to diminish or enlarge any power of the courts, or any authority of law enforcement personnel engaged in the conduct of their authorized duties, with respect to the conduct described in this section.

§ 2. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 160

By Council Members Ferreras:

Lands End I, Block 246, Lot 1; Manhattan, Community District No. 3, Council District No. 1.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 161

By Council Members Ferreras:

Green Point Landing – Site E3, Block 2494, p/o Lot 1, also known as 31 Eagle Street; Brooklyn, Community District No. 1, Council District No. 33.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 162

By Council Members Ferreras:

3160 Park Avenue – Low Income Project, Block 2419, p/o Lot 28 (to be known as Lot 1001); the 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. 163

By Council Members Ferreras:

3160 Park Avenue – Mixed Income Project, Block 2419, p/o Lot 28 (to be known as Lot 1002); the Bronx, Community District No. 3, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 164

By Council Member Greenfield:

Application No. N 150102 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution relating to Article IX, Chapter 8 (Special West Chelsea District) to expand the Special District and Article I, Chapter 4 (Sidewalk Café Regulations) to allow unenclosed sidewalk cafes in areas of the Special District, Borough of Manhattan, Community Board 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 165

By Council Member Greenfield:

Application No. C 150101 ZMM, submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 8b, to expand the Special West Chelsea District, Borough of Manhattan, Community Board 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 166

By Council Member Greenfield:

Application No. 20155174 HKK (N 150124 HKK), pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Doering Bohack House, 1090 Green Avenue (Block 3924, Lot 1) (Designation List 474, LP-2548), Borough of Brooklyn, Community Board 4, Council District 34, as a landmark.

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

L.U. No. 167

By Council Member Greenfield:

Application No. 20155204 HKM (N 150157 HKM), pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission regarding the First German Baptist Church, 334 East 14th Street (Block 455, Lot 24, in part) (Designation List 475, LP-2475) Borough of Manhattan, Community Board 3, Council District 2, as a landmark.

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

L.U. No. 168

By Council Member Greenfield:

Application No. 20155203 HKM (N 150158 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission regarding the Mills Hotel No. 3, 485 Seventh Avenue (Block 812, Lot 1) (Designation List No. 475, LP-2424). Borough of Manhattan, Community Board 5, Council District 3, as a landmark.

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

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

ANNOUNCEMENTS:

The Next Stated Council Meeting

Will be

The Charter Meeting

On Wednesday, January 7, 2015

12:00 Noon

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Charter Meeting on January 7, 2015.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 216-B, 356-A, 361-A, and 493-A, all adopted by the Council at the November 25, 2014 Stated Meeting, were signed into law by the Mayor on December 12, 2014 as, respectively, Local Laws Nos. 60, 61, 62, and 63 of 2014.

Int Nos. 345-A, 348-A, 378, 409-A, and 480, all adopted at the November 13, 2014 Stated Council Meeting, were returned unsigned by the Mayor on December 12, 2014. These bills became law on December 14, 2014 pursuant to the City Charter due to the lack of Mayoral action within the Charter-prescribed thirty day time period and were assigned subsequently as, respectively, Local Laws Nos. 64, 65, 66, 67, and 68 of 2014.

