

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING

of

Tuesday, April 28, 2015, 1:56 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
Daniel R. Garodnick	Darlene Mealy	Jumaane D. Williams
Vincent J. Gentile	Carlos Menchaca	Ruben Wills

Absent: Council Members Ferreras and 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 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Rev. Dr. Barbara Austin-Lucas, Agape International Fellowship, 8712 Glenwood Road, Brooklyn, N.Y. 11236.

I want to begin with a story that ... was told by Fannie Lou Hamer of Mississippi, a civil rights leader. She said that there was a man in a certain town that was known for his wisdom. And some young people decided one day that they would test whether or not this man really had wisdom. So they decided they would take a bird and put the bird in their hands. And they would go to the old man, [they would ask the] Old man, that which we have in our hands, is it alive or dead? If he said it was alive, they would squash it, kill it, open their hands and prove him wrong. It was dead. If he said it was dead, they would open their hands and allow it to fly, and they would show that again he wrong, for it was alive. They approached the old man as he sat in his chair on his porch. And they said, "Old man, we know you have wisdom. That which we hold in our hand is it alive or is it dead?" He looked at them and pierced that which they desired to trick him with. And he simply responded, "It's in your hands."

Oh, God, as we come before you this afternoon, we understand the task that is before the Mayor, the Public Advocate, the Speaker and the members of the City Council. There is so much that is happening throughout our city, but we also understand God you love this city. You love the diversity of its people. You love the energy that cultures and ethnicities bring to the city. And we thank you that you created us different. I simply pray at this time that the Council will sit in wisdom. That they will sit in understanding. That they would move to do those things that are needed for the city, for the many people and the various expressions. That we might be able to live and not die. It's in your name that we ask it all. And we thank you that as we ask it, it is so. And together we say Amen.

On behalf of Council Member Maisel, the Public Advocate (Ms. James) moved to spread the Invocation in full upon the Record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) asked all to recognize the thousands who lost their lives and the millions injured or displaced by the earthquake that struck Nepal on April 25, 2015. She urged New Yorkers to donate to the relief efforts to the best of their ability. She then asked those assembled in the Chambers to join in a Moment of Silence.

At this point, the Speaker (Council Member Mark-Viverito) also briefly mentioned the unrest in Baltimore. She asked that we keep the late Freddie Gray and his family in our thoughts and prayers and urged that the protests in Baltimore remain peaceful. She expressed her wish that we all pull together to uplift our communities and achieve justice without the use of violence.

ADOPTION OF MINUTES

Council Member Cumbo moved that the Minutes of the Stated Meeting of March 31, 2015 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-277

Communication from the Office of Management & Budget – Transfer City funds between various agencies in Fiscal Year 2015 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-5).

April 23, 2015

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2015 to implement changes in the City's expense budget.

This modification (MN-5) will implement expense budget changes which were reflected in the City's February Financial Plan. In addition, as requested by the City Council, this modification reallocates appropriations that were included in the FY 2015 Adopted Budget to fund City Council local initiatives.

Appendix A details State, Federal and other funds impacted by these changes.

April 28, 2015

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Your approval of modification MN-5 is respectfully requested.

Sincerely,

Dean Fuleihan

(For text of the MN-5 and Appendix A numbers, please see the attachment to the resolution following the Report of the Committee on Finance for M-277 printed in these Minutes)

Referred to the Committee on Finance.

Preconsidered M-278

Communication from the Office of Management & Budget – Appropriate new revenues of \$1.074 billion in Fiscal Year 2015, pursuant to Section 107(e) of the New York City Charter (MN-6).

April 23, 2015

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new revenues of \$1.074 billion in fiscal year 2015.

This modification (MN-6) will implement revenue budget changes reflected in the City's February Financial Plan. The \$1.074 billion of new revenues and the reduction of \$400 million to the General Reserve will be used to increase the Budget Stabilization Account by \$1.474 billion to prepay fiscal year 2016 debt service in fiscal year 2015.

Your approval of modification MN-6 is respectfully requested.

Sincerely,

Dean Fuleihan

(For text of the MN-6 numbers, please see the attachment to the resolution following the Report of the Committee on Finance for M-278 printed in these Minutes)

Referred to the Committee on Finance.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer Affairs

Report for Int. No. 178-A

Report of the Committee on Consumer Affairs 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 price displays for second-hand automobiles.

The Committee on Consumer Affairs, to which the annexed proposed local law was referred on March 12, 2014 (Minutes, page 694), respectfully

REPORTS:

I. INTRODUCTION

On April 27, 2015 the Committee on Consumer Affairs, chaired by Council Member Rafael Espinal, will hold a vote on Proposed Introductory Number 178-A (“Proposed Int. No. 178-A”), a Local Law to amend the administrative code of the city of New York, in relation to price displays for second-hand automobiles. The committee first heard the bill on October 28, 2014.

II. Background

The Department of Consumer Affairs (“DCA”) licenses second-hand automobile dealers in New York City. Year after year, the used car industry tops the list of consumer complaints received by DCA. In 2013, the DCA received 261 complaints against used car dealers and secured over \$300,000 in restitution.¹ The previous year, the department received close to 300 complaints.² The majority of these consumer complaints concern “bait-and-switch” advertising, high-pressure sales tactics, undisclosed dealer fees and the cost of optional add-on products. Such practices are currently illegal under various state laws, as well as the City’s consumer protection law, but further regulation of price disclosure could resolve some of these recurring issues.

¹ Dep’t of Consumer Affairs, “New York City’s Department of Consumer Affairs Launches Investigation into the Sale of Unrepaired Recalled Used Cars, Aggressively Protecting New Yorkers from Potentially Fatal Defects,” Press release, July 30, 2014, Available at http://www.nyc.gov/html/dca/html/pr2014/pr_073014.shtml.

² Dep’t of Consumer Affairs, “Department of Consumer Affairs Charges Nine Used Car Dealers with Using Illegal Sales Tactics to Deceive and Pressure Consumer to Pay More than Advertised Prices,” Press release, May 1, 2013, Available at http://www.nyc.gov/html/dca/html/pr2013/pr_050113.shtml

III. Analysis of Proposed Int. No. 178-A

Proposed Int. No. 178-A would grant greater protections to consumers seeking to purchase a used car by giving clear instruction to dealers that the posted price must be the actual price of any vehicle offered for sale, exclusive of taxes and costs necessary to secure registration and certificate of title pursuant to relevant state and local laws. The bill would require dealers to post the total selling price, inclusive of any administrative, service or other dealer fees and costs, of each used car offered for sale by means of a sign displayed on the dashboard of the vehicle or at the point of display of each vehicle offered for sale.

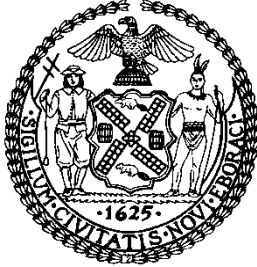
At the October 28th hearing on the bill, DCA testified that, in addition to clarifying the sticker price of the vehicle, clarity is necessary in relation to add-on products that may be sold with the vehicle. To that end, Proposed Int. No. 178-A would require dealers to post the total selling price of common add-on products that are offered for sale along with each vehicle. The posting could be done by signage at the point of sale or by signage located anywhere within the dealership where such products are sold. In addition to pricing, the signage would also disclose that purchase of such add-on products is optional.

Proposed Int. No. 178-A would make clear that nothing in the law would prevent a dealer from offering a lower price than the posted total selling price of a vehicle or add-on product. The bill is not intended to freeze or impede the sale of used cars, as the used car market is an attractive and affordable option for New York City residents who need a car. The purchase of a used vehicle typically involves bargaining between the consumer and the dealer. The objective of this bill is to ensure that consumers have the information necessary to engage in meaningful and productive negotiation, and are not surprised by undisclosed costs and fees at the very end of the transaction. The disclosure of the total selling price of the vehicle and add-on products is not intended to prohibit a dealer from providing a consumer with the option of purchasing one or more products as a package, or at a preferred rate or price.

Proposed Int. No. 178-A creates a penalty scheme for violations of its provisions. A first offense is subject to a civil penalty of \$500. A second offense within one year of the first is subject to a civil penalty of \$750. A third offense, as well as other subsequent offenses, within one year of the first is subject to a civil penalty of \$1000. For the purpose of assessing penalties, all violations assessed on the same day would be assessed as a single violation. Finally, the bill would provide that the commissioner of DCA may promulgate rules to implement its provisions.

Proposed Int. No. 178-A would take effect 120 days after enactment into law.

(The following is the text of the Fiscal Impact Statement for Int. No. 178-A:)



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 178-A
COMMITTEE:
Consumer Affairs**

TITLE: A local law to amend the administrative code of the city of New York, in relation to price displays for second-hand automobiles

SPONSOR(S): Council Members Williams, Chin, Koo, Mendez, Rodriguez, Rosenthal, Wills, Gibson, Palma, Reynoso, Vallone, Richards, Miller, Barron, Kallos, Gentile, Crowley, Koslowitz, Dickens, Cohen, Vacca and Ferreras

SUMMARY OF LEGISLATION: The proposed legislation would amend the administrative code of the city of New York to require that licensed second-hand automobile dealers must clearly and conspicuously post the total selling price of any used car offered for sale and the cost of any add-on product for sale and the fact that the purchase of any add-on product is optional. The legislation would not prevent a licensed second-hand automobile dealer from offering a lower price than the total selling price advertised.

Proposed Int. 178-A would also create a penalty schedule for any violation of its provisions ranging from \$500 to \$1,000.

EFFECTIVE DATE: This local law would take effect 120 days after its enactment into law; provided, however, that the commissioner of the Department of Consumer Affairs (DCA) may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Despite the imposition of fines for violations of the legislation, it is estimated that there would be no impact on revenues resulting from the enactment of this legislation as full compliance with the law would be expected.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DCA would use existing resources to implement and enforce this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Emre Edev, Unit Head
Rebecca Chasan, Assistant Counsel
Tanisha Edwards, Chief Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 12, 2014 as Intro. No. 178 and was referred to the Committees on Consumer Affairs. A hearing was held by the Committee on Consumer Affairs on October 28, 2014 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. No. 178-A, will be considered by the Committee on Consumer Affairs on April 27, 2015. Upon successful vote by the Committee, Proposed Intro. No. 178-A will be submitted to the full Council for a vote on April 28, 2015.

DATE PREPARED: April 24, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 178-A:)

Int. No. 178-A

By Council Members Williams, Chin, Koo, Mendez, Rodriguez, Rosenthal, Wills, Gibson, Palma, Reynoso, Vallone, Richards, Miller, Barron, Kallos, Gentile, Crowley, Koslowitz, Dickens, Cohen, Vacca, Ferreras, Lander, Van Bramer, Dromm and Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to price displays for second-hand automobiles

Be it enacted by the Council as follows:

Section one. Section 20-271 of the administrative code of the city of New York is amended to read as follows:

§ 20-271. Labelling of second-hand articles *and posting of prices for second-hand automobiles.*

a. Every person licensed as a dealer in second-hand articles, who also sells new articles within the licensed premises, shall label all second-hand articles in such manner that the public will be informed [thereof] that such articles are not new.

b. Every person required to be licensed as a second-hand automobile dealer pursuant to section 20-265 of this subchapter, who sells second-hand automobiles at retail, shall clearly and conspicuously post:

1. the total selling price, which shall include any administrative, service or other fee charged by the second-hand automobile dealer exclusive of all taxes and fees for securing a registration or certificate of title, of each second-hand automobile offered for sale at his or her place of business, by means of a sign on the dashboard of each such automobile or by means of a sign at the point of display of each such automobile; and

2. the total selling price of any add-on product offered for sale by means of a sign at the point of display of the second-hand automobile for which such product is available for purchase or at each location within the dealer's place of business where any such product is offered for sale. Such sign shall inform consumers that the purchase of any add-on product is optional. For purposes of this paragraph, "add-on product" shall mean vehicle service contracts, extended service contracts, prepaid maintenance packages, road service or club membership, theft protection, car alarm, auto immobilizer, vehicle identification number etching, mechanical breakdown, guaranteed auto protection, and credit life, accident or disability insurance.

c. Nothing in this section shall prevent a second-hand automobile dealer from selling a second-hand automobile or an add-on product at a lower selling price than the price posted pursuant to subdivision b of this section.

d. 1. Any person who violates subdivision b of this section or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than:

(a) five hundred dollars for the first violation;

(b) seven hundred and fifty dollars for the second violation committed within one year of the first violation; and

(c) one thousand dollars for the third or any subsequent violation committed within one year of the first violation.

2. For purposes of assessing penalties in accordance with this subdivision, all violations committed by the same dealer on the same day shall count as one violation.

§ 2. Subdivision b of section 20-275 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

b. [Any] *Except as otherwise provided in this subchapter, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or of subdivision a of section 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or of subdivision a of section 20-271 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically, by mail or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 3. The administrative code of the city of New York is amended by adding new section 20-275.1 to read as follows:

§ 20-275.1. Rules. The commissioner may promulgate such rules as are necessary to carry out the provisions of this subchapter.

§ 4. This local law shall take effect 120 days after its enactment into law; provided, however, that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

RAFAEL L. ESPINAL, Jr., *Chairperson*; VINCENT J. GENTILE, JULISSA FERRERAS, KAREN KOSLOWITZ; Committee on Consumer Affairs, April 27, 2015.

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

Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations

Report for Int. No. 419-A

Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to a comprehensive cultural plan.

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed amended proposed local law was referred on July 24, 2014 (Minutes, page 2947), respectfully

REPORTS:

INTRODUCTION

On Monday, April 27, 2015, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Jimmy Van Bramer, will hold a hearing to consider Proposed Int. No. 419-A, a local law to amend the New York city charter, in relation to a comprehensive cultural plan. Earlier in this legislative session, there was a hearing on September 29, 2014, to consider an earlier version of this legislation. Witnesses invited to present testimony at that hearing included the Department of Cultural Affairs (DCLA), various arts and cultural organizations and concerned advocates. The legislation was amended to address the witness testimony presented including concerns from the Administration. There was also a hearing on a prior version of this legislation in the previous legislative session.¹

The current legislation requires DCLA to submit to the Mayor and Speaker of the Council, and post on the Department's website, a comprehensive cultural plan for New York City that would increase the agency's participation in cultural activities throughout the City by mandating the establishment of a transitory, uncompensated citizens' advisory committee; a robust community outreach process; an analysis of

the relationship between cultural activities and social and economic health and welfare in the City; and an analysis of the needs of artists in the City. The Plan would be reviewed and may be revised, as needed, every ten years.

The current version of this legislation expands significantly upon the earlier version.

BACKGROUND

Presently, there is no comprehensive cultural plan for the City. More specifically, there is no measure of what is considered an acceptable level of cultural resources and how such resources should be provided. It is important to understand the scope of cultural services throughout the City, where these services are lacking and how cultural service gaps may be filled. In an effort to achieve such goals, the City needs to identify the current level of service of cultural groups in each neighborhood, assess the needs through community outreach and establish a strategy to meet the specified needs of each community.

ANALYSIS

Section one of Proposed Int. No. 419-A would amend chapter 67 of the Charter for the City of New York by adding new section 2506 to provide for the creation of a comprehensive cultural plan (“the Plan”) for the City.

Pursuant to subdivision 1 of such section 2506, the legislation would establish that on, or before, July 1, 2017, the Commissioner for DCLA shall produce the Plan to be submitted to the Mayor and Speaker of the Council and posted to the DCLA website. It would also designate DCLA responsible for developing, implementing and overseeing the Plan.

Pursuant to subdivision 2 of such section 2506, the legislation would establish that the Cultural Affairs Advisory Commission shall advise DCLA with respect to the Plan.

Pursuant to subdivision 3 of such section 2506, the legislation would require DCLA to establish a Citizens’ Advisory Committee (CAC) to advise them with respect to the development, gathering community input and implementation of the Plan. The Commissioner would be responsible for determining the size and composition of such committee, as outlined in paragraphs a of this subdivision.

Paragraph a of subdivision 3 of such section 2506 would require the CAC to consist of at least twelve uncompensated members; one appointed by each Borough President, at least three appointed by the Speaker of the Council and at least three appointed by the Mayor – provided that the Speaker and Mayor have an equal number of appointments. The Commissioner shall be responsible for appointing the chair of the CAC. Members of the CAC shall have backgrounds and experiences, as well as represent a variety of interests, relevant to the Plan. Furthermore, the Speaker would be responsible for appointing at least one representative of a cultural institution that is a member of the Cultural Institutions Group and at least two

members that are either representative of a community-based organization concerned with the promotion or support of cultural activities; an individual with a background and experience in business; an individual with a background and experience in real estate; a representative of a charitable organization; an individual with a background and experience in public housing; or a representative of a borough arts council.

Paragraph b of subdivision 3 of section 2506 would specify that CAC appointments shall occur not more than ninety days after the effective date and that vacancies shall be filled in the same manner as the original appointment.

Paragraph c of subdivision 3 of section 2506 would specify that, prior to submitting the Plan, the CAC shall meet as often as necessary, at the discretion of DCLA, but not less than quarterly. Once the Plan has been submitted the CAC would continue to meet as necessary, but not more than semiannually, to review biannual reports pursuant to subdivision nine.

Paragraph d of subdivision 3 of section 2506 would dissolve the CAC following its submission to the Commissioner of any recommendations it may make following its review of the second biannual report, pursuant to subdivision 9 of section 2506, or five years following the submission of the Plan, whichever is shorter.

Pursuant to subdivision 4 of such section 2506, the legislation would detail what the Plan shall, at minimum, address, as outlined in paragraphs therein.

Paragraph a of subdivision 4 of section 2506 would include in the Plan the availability and distribution of cultural activities throughout the City.

Paragraph b of subdivision 4 of section 2506 would include in the Plan the relationship between cultural activities and social and economic health and welfare in the City.

Paragraph c of subdivision 4 of section 2506 would include in the Plan the role of the community outreach process in its development.

Paragraph d of subdivision 4 of section 2506 would include in the Plan feedback from a robust community outreach process.

Paragraph e of subdivision 4 of section 2506 would include in the Plan the needs of artists with respect to affordable housing and affordable long-term and temporary studio, office and rehearsal space.

Paragraph f of subdivision 4 of section 2506 would include in the Plan increasing arts education and cultural activities in the schools of the city school district.

Paragraph g of subdivision 4 of section 2506 would include in the Plan how cultural activities can be incorporated into community development, economic development and land use planning processes and policies.

Paragraph h of subdivision 4 of section 2506 would include in the Plan the needs of artists and communities with respect to the creation of public art in public settings.

Paragraph i of subdivision 4 of section 2506 would include in the Plan a scheme of how city agencies will coordinate with respect of cultural activities.

Pursuant to subdivision 5 of such section 2506, the legislation would permit the Plan to refer to relevant data sets.

Pursuant to subdivision 6 of such section 2506, the legislation would require the Plan to utilize technology to enhance outreach and communication of the planning process, when feasible.

Pursuant to subdivision 7 of such section 2506, the legislation would require the Plan to indicate, if known, the time period of each recommendation, initiative and priority categorized as short-, medium-, or long-term.

Pursuant to subdivision 8 of such section 2506, the legislation would require DCLA and other relevant agencies to consider, and act upon as appropriate, the conclusions and recommendations in the Plan.

Pursuant to subdivision 9 of such section 2506, the legislation would require that beginning two years following the submission of the Plan, and every two years thereafter, DCLA submit to the Mayor and the Speaker a report detailing progress made on its recommendations, initiatives and priorities. The Cultural Affairs Advisory Commission and the CAC, during such committee's existence, would be required to review such biannual report and may make recommendations to the Commissioner, who would then consider such recommendations.

Pursuant to subdivision 10 of such section 2506, the legislation would provide that such Plan would be reviewed and may be revised, as appropriate, every ten years.

Finally, section two of Proposed Int. No. 419-A would establish that this local law would take effect immediately.

SIGNIFICANT CHANGES BETWEEN PROPOSED INT. NO. 419-A AND INT. NO. 419

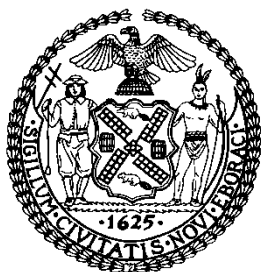
Proposed Int. No. 419-A significantly expands upon the previous version of this legislation that was introduced and the subject of a Committee hearing during the previous legislative session. The new legislation would extend the deadline for the DCLA Commissioner to submit the Plan, to July 1, 2017.

The "working group" and "cultural plan action group" provisions were eliminated in favor of the CAC, which will now include individuals with background and experience relevant to the Plan and who collectively represent a variety of interests relevant to the plan, that were to make up each of the groups. Appointees to the CAC are now prescribed so that it consists of a minimum of twelve members; each borough president shall appoint one member, the Speaker of the Council shall appoint at least three members and the Mayor shall appoint at least three members, provided that the Speaker and the Mayor have an equal number of appointments, exclusive of the Chair who shall be appointed by the Commissioner. It also imposes that appointments be made not more than ninety days after the effective date and establishes a minimum number of meetings prior to submission of the Plan and a maximum number of meetings after submission. Furthermore, it stipulates that the CAC is temporary and is to dissolve following its submission to the Commissioner of any recommendations it may make following its review of the second biannual report, or five years following submission of the Plan, if that comes sooner.

In the current legislation, the items that the Plan addresses have been streamlined and must now include the availability and distribution of cultural activities throughout the City; the relationship between cultural activities and social and economic health and welfare in the City; the role of the community outreach process in the development of the Plan; feedback from a robust community outreach process; the needs of artists with respect to affordable housing and affordable long-term and temporary studio, office and rehearsal space; increasing arts education and cultural activities in the schools of the city school district; how cultural activities can be incorporated into community development, economic development and land use planning processes and policies; the needs of artists and communities with respect to the creation of public art in public settings; and a plan of how city agencies will coordinate with respect to cultural activities.

¹ See hearing record by the New York City Council's Committee on Cultural Affairs, Libraries and International Intergroup Relations on November 19, 2013, on Int. No. 1136, A Local Law to amend the New York city charter, in relation to a comprehensive cultural plan, link at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1469772&GUID=B171E5FA-1939-4390-82F8-C69DF1192908&Options=Advanced&Search=>

(The following is the text of the Fiscal Impact Statement for Int. No. 419-A:)



**THE COUNCIL OF THE CITY OF
NEW YORK**

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.: 419-A

**COMMITTEE:
Cultural Affairs**

TITLE: A local law to amend the New York city charter, in relation to a comprehensive cultural plan.

SPONSOR(S): Council Members Levin, Van Bramer, Chin, Cumbo, Johnson, Mendez, Reynoso, Torres, Rodriguez, Wills, Deutsch, Richards, Dickens, Vallone, Cohen, Rose, Barron, Maisel, Eugene, Treyger, Espinal, Lancman, King, Lander, Williams, Levine, Ferreras, Kallos, Miller, Constantinides, Cabrera, Gentile, Crowley, Dromm, Arroyo, Koo and Ulrich

SUMMARY OF LEGISLATION: The proposed legislation would require the creation of a comprehensive cultural plan for the City (the Plan) to be submitted by

the Commissioner of the Department of Cultural Affairs (DCLA) to the Mayor and the Speaker of the Council on or before July 1, 2017. The Cultural Affairs Advisory Commission (the Commission), which is mandated by the Charter to advise DCLA on issues related to the City's cultural life, would advise DCLA with respect to the Plan. The legislation would further require DCLA to create a citizens' advisory committee (the Committee) to advise DCLA with respect to the development and implementation of the Plan, as well as to gather community input for the Plan. The Committee must consist of at least 12 members, who would serve without compensation, appointed by the Borough Presidents, the Mayor, and the Speaker.

The Plan would analyze the availability of cultural activities throughout the City; the relationship between cultural activities and social and economic health and welfare in the City; the role of the community outreach process in the development of the Plan; feedback from a robust community outreach process; the needs of artists with respect to affordable housing and affordable long-term and temporary studio, office, and rehearsal space; increasing arts education and cultural activities in New York City public schools; how cultural activities can be incorporated into community development, economic development, and land use planning process and policies; the needs of artists and communities with respect to the creation of public art in public settings; and how city agencies should coordinate with respect to cultural activities.

Every two years after the Plan is released, DCLA would be required to report to the Mayor and the Speaker on the progress of the Plan. The Committee would be required to review such biannual report and may make recommendations to the Commissioner of DCLA. The Plan may be revised every ten years.

Before the Plan is released, the Committee would meet as often as needed but no less than quarterly. After the Plan is released, the Committee would meet as needed, but not more than semiannually, to review the biannual reports. After the review of the second biannual report or five years after the release of the plan, whichever is shorter, the Committee would cease to exist.

EFFECTIVE DATE: This local law would take effect immediately upon enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DCLA would use existing resources to implement this local law and members of the Committee would serve without compensation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Emre Edev, Unit Head
Rebecca Chasan, Assistant Counsel
Tanisha Edwards, Chief Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on July 24, 2014 as Intro. No. 419 and was referred to the Committees on Cultural Affairs, Libraries and International Intergroup Relations. A hearing was held by the Committee on September 29, 2014 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. No. 419-A, will be considered by the Committee on April 27, 2015. Upon successful vote by the Committee, Proposed Intro. No. 419-A will be submitted to the full Council for a vote on April 28, 2015.

DATE PREPARED: April 24, 2015

Accordingly, this Committee recommends its adoption, as amended.

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(The following is the text of Int. No. 419-A:)

Int. No. 419-A

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

A Local Law to amend the New York city charter, in relation to a comprehensive cultural plan.

Be it enacted by the Council as follows:

Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2506 to read as follows:

§ 2506. Cultural plan. 1. On or before July 1, 2017, the commissioner shall submit to the mayor and speaker of the council and post on the department's website a comprehensive cultural plan. The department shall be the primary agency responsible for developing, implementing, and overseeing the cultural plan.

2. The cultural affairs advisory commission shall advise the department with respect to the cultural plan in accordance with section twenty-five hundred five of this charter.

3. The department shall establish a citizens' advisory committee to advise the department with respect to the development of the cultural plan, gathering community input for such plan, and how to implement such plan. The commissioner shall determine the size and composition of such committee consistent with the provisions set forth in paragraph a of this subdivision.

a. The citizens' advisory committee shall consist of a minimum of twelve members. Each borough president shall appoint one member, the speaker of the council shall appoint at least three members, and the mayor shall appoint at least three members, provided that the speaker and mayor shall have an equal number of appointments, exclusive of the chair of such committee who shall be appointed by the commissioner. Such committee shall consist of members whose backgrounds and experiences are relevant to the plan and who collectively represent a variety of interests relevant to the plan. The members appointed by the speaker of the council shall include at least one representative of a cultural institution that is a member of the Cultural Institutions Group and at least two members meeting the following description: a representative of a community-based organization whose principal purpose is the promotion or support of cultural activities; an individual with background and experience in business; an individual with background and experience in real estate; a representative of a charitable organization; an individual with background and experience in public housing; or a representative of a borough arts council. All committee members shall serve without compensation.

b. Appointments to the citizens' advisory committee shall occur not more than ninety days after the effective date of this section. Any vacancy in membership shall be filled in the same manner as the original appointment.

c. Prior to the submission of the cultural plan, the citizens' advisory committee shall meet as often as needed, as determined by the committee in consultation with the department, but not less than quarterly. Following the submission of the cultural plan, and subject to the provisions of paragraph d of this subdivision, the citizens' advisory committee shall meet as needed, but not more than semiannually, to review the biannual reports required pursuant to subdivision nine of this section.

d. The citizens' advisory committee shall cease to exist following its submission to the commissioner of any recommendations it may make following its review of the second biannual report required pursuant to subdivision nine of this section, or five years following the submission of the cultural plan, whichever is shorter.

4. The cultural plan shall address, but not be limited to:

- a. the availability and distribution of cultural activities throughout the city;*
- b. the relationship between cultural activities and social and economic health and welfare in the city;*
- c. the role of the community outreach process in the development of the plan;*
- d. feedback from a robust community outreach process;*
- e. the needs of artists with respect to affordable housing and affordable long-term and temporary studio, office, and rehearsal space;*
- f. increasing arts education and cultural activities in the schools of the city school district;*
- g. how cultural activities can be incorporated into community development, economic development and land use planning processes and policies;*
- h. the needs of artists and communities with respect to the creation of public art in public settings; and*
- i. a plan of how city agencies will coordinate with respect to cultural activities, as consistent with the law.*

5. The cultural plan may refer to data sets relevant to the plan.

6. The cultural plan shall, where feasible, utilize technology to enhance outreach and communication of the planning process.

7. All recommendations, initiatives, and priorities included in the cultural plan shall be designated, if known, as short-, medium-, or long-term.

8. The department and other relevant agencies shall consider the conclusions and recommendations in the cultural plan and may act upon such recommendations as appropriate.

9. Beginning two years following the submission of the cultural plan and every two years thereafter, the department shall submit to the mayor and the speaker a report detailing progress made on the recommendations, initiatives and priorities that result from such plan. The cultural affairs advisory commission and the citizens' advisory committee, during such committee's existence, shall review such biannual report and may make recommendations to the commissioner. The

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commissioner shall consider any recommendations received from the cultural affairs advisory commission and the citizens' advisory committee.

10. The cultural plan may be revised as appropriate every ten years.

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

JAMES G. VAN BRAMER, *Chairperson*; ELIZABETH S. CROWLEY, JULISSA FERRERAS, PETER A. KOO, STEPHEN T. LEVIN, COSTA G. CONSTANTINIDES, LAURIE A. CUMBO, HELEN K. ROSENTHAL. Committee on Cultural Affairs, Libraries and International Intergroup Relations, April 27, 2015. *Other Council Members Attending: Williams.*

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

Reports of the Committee on Finance

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. 665

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 April 28, 2015, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 26, 2014, the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the "Fiscal 2015 Expense Budget"). On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"). On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget").

Analysis. This Resolution, dated April 28, 2015, 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, approves new designations and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving youth discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget, funding pursuant to a certain initiative in accordance with the Fiscal 2014 Expense Budget, and local discretionary funding pursuant to the Fiscal 2013 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget, and youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as well as amendments to the the Description/Scope of Services of certain organizations receiving youth discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget, funding pursuant to a certain initiative in accordance with the Fiscal 2014 Expense Budget, and local discretionary funding pursuant to the Fiscal 2013 Expense Budget.

This Resolution sets forth the new designation and changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 1; sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 2; sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 3; sets forth the new designation and changes in the designation of funding pursuant to certain initiatives in the Fiscal 2015 Expense Budget, as described in Charts 4-7; sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 8; amends the description for the Description/Scope of Services for certain organizations receiving youth discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget, as described in Chart 9; amends the description for the Description/Scope of Services for a certain organization receiving funding pursuant to a certain initiative in accordance with the Fiscal 2014 Expense Budget, as described in Chart 10; and amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as described in Chart 11.

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, Adjustments Summary/Schedule C/Fiscal 2014

Expense Budget, dated June 27, 2013, and Adjustments Summary/Schedule C/Fiscal 2013 Expense Budget, dated June 28, 2012.

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

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

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget. One of these changes will be effectuated upon a budget modification.

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

Chart 5 sets forth the new designation and 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 6 sets forth the change in the designation of a certain organization, specifically a change to the administering agency, receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2015 Expense Budget. This change will be effectuated upon a budget modification.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 9 amends the description for the Description/Scope of Services for certain organizations receiving youth discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2015 Expense Budget.

Chart 10 amends the description for the Description/Scope of Services for a certain organization receiving funding pursuant to a certain initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 11 amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget.

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

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

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

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 665:)

Res. No. 665

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

Whereas, On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 and Fiscal 2015 Expense Budgets by approving 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 2013, Fiscal 2014, and Fiscal 2015 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

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

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

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

Resolved, That the City Council approves the new designation and 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 new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness 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 changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving youth discretionary funding and funding pursuant to certain initiatives 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 a certain organization receiving funding pursuant to a certain initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 11.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agg #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Arroyo	Puerto Rican Family Institute, Inc., The	13-6167177	DYCD	(\$5,000.00)	260	005		
Arroyo	Roofop Films, Inc.	35-2323897	DYCD	\$5,000.00	260	005		
Ferreiras	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$5,000.00)	126	003		
Ferreiras	Girl Be Heard Institute	27-1848709	DCLA	\$5,000.00	126	003		
Levin	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$5,000.00)	126	003		
Levin	Girl Be Heard Institute	27-1848709	DCLA	\$5,000.00	126	003		
Levine	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$7,500.00)	126	003		
Levine	Girl Be Heard Institute	27-1848709	DCLA	\$7,500.00	126	003		
Mendez	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$3,000.00)	126	003		
Mendez	Girl Be Heard Institute	27-1848709	DCLA	\$3,000.00	126	003		
Rosenthal	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$3,500.00)	126	003		
Rosenthal	Girl Be Heard Institute	27-1848709	DCLA	\$3,500.00	126	003		
Koslowitz	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$2,500.00)	126	003		
Koslowitz	Girl Be Heard Institute	27-1848709	DCLA	\$2,500.00	126	003		
Lander	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$5,000.00)	126	003		
Lander	Girl Be Heard Institute	27-1848709	DCLA	\$5,000.00	126	003		
Menchaca	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$3,500.00)	126	003		
Menchaca	Girl Be Heard Institute	27-1848709	DCLA	\$3,500.00	126	003		
Williams	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$3,500.00)	126	003		
Williams	Girl Be Heard Institute	27-1848709	DCLA	\$3,500.00	126	003		
Williams	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$50,000.00)	126	003		
Speaker	Project Girl Performance Collective Institute	27-1848709	DCLA	(\$7,500.00)	260	005		
Speaker	Girl Be Heard Institute	27-1848709	DCLA	\$7,500.00	260	005		
Cumbo	Caribbean Research Center at Medgar Evers College, The **	11-2631618	DYCD	(\$7,500.00)	042	001		
Williams	Caribbean Research Center at Medgar Evers College, The **	13-6400434	CJNY	(\$3,500.00)	260	005		
Williams	Caribbean Research Center at Medgar Evers College, The **	11-2631618	DYCD	(\$3,500.00)	260	005		
Williams	Caribbean Research Center at Medgar Evers College, The **	13-6400434	CJNY	(\$3,500.00)	042	001		
Van Bramer	Sunnyside Gardens Preservation Alliance, Inc., The	54-2143785	DYCD	(\$4,000.00)	260	005	Woodside on the Move, Inc.	11-2435565
Van Bramer	Sunnyside Gardens Preservation Alliance, Inc., The	54-2143785	DYCD	\$4,000.00	260	005		
Vacca	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DYCD	(\$1,500.00)	260	005		
Vacca	Jewish Community Council of Palham Parkway, Inc.	13-3099520	DYCD	\$1,500.00	260	005		
Eugene	Horticultural Society of New York, The **	13-0854930	DSRS	(\$4,000.00)	801	002		
Eugene	Horticultural Society of New York, The **	13-0854930	DYCD	\$4,000.00	260	005		

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

CHART 2: Aging Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Mealy	New York City Housing Authority - Brownsville Senior Center **	13-5400434	DFTA	(\$20,000.00)	125	003		
Mealy	New York City Housing Authority - Brownsville Senior Center **	13-5400434	NYCHA	\$20,000.00	125	003		
Mealy	New York City Housing Authority - Brownsville Senior Center **	13-5400434	DFTA	(\$8,000.00)	125	003		
Mealy	New York City Housing Authority - Brownsville Senior Center **	13-5400434	NYCHA	\$8,000.00	125	003		
Mark-Viverito	Department for the Aging	13-5400434	DFTA	(\$23,500.00)	125	003		
Mark-Viverito	Union Settlement Association, Inc.	13-1632530	DFTA	\$15,000.00	125	003		
Mark-Viverito	East Side House, Inc.	13-1623989	DFTA	\$8,500.00	125	003		

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

CHART 3: Youth Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Vacca	Pelham Parkway Little League	13-3208259	DYCD	(\$1,500.00)	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811 *
Vacca	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DYCD	\$1,500.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	
Vacca	49th Precinct Law Enforcement Explorers Program	020798353	DYCD	(\$3,500.00)	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811 *
Vacca	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$3,500.00	260	312		
Vallone	Queens Botanical Garden Society, Inc.**	11-1635083	DYCD	(\$5,000.00)	260	312		
Vallone	Queens Botanical Garden Society, Inc.**	11-1635083	DCLA	\$5,000.00	126	011		

* Indicates pending completion of pre-qualification review.

CHART 4: Anti-Poverty Initiative - Fiscal 2015

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Reynoso	Bushwick Housing Independence Project (BHIP)	20-1518304	HPD	(\$15,000.00)	806	009		
Reynoso	Catholic Migration Services, Inc.	11-2634818	HPD	\$15,000.00	806	009		

* Indicates pending completion of pre-qualification review.

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

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

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Koslowitz	Dancing Classrooms - Public School 220Q	22-2542960	DCLA	(\$20,000.00)	126	003
Koslowitz	Midtown Management Group, Inc. - Public School 220Q	13-3192793	DCLA	\$20,000.00	126	003
Cumbo	Project Girl Performance Collective - Dr. Susan McKinney Secondary School (13K, 265)	27-1848709	DCLA	(\$20,000.00)	126	003
Cumbo	Girl Be Heard Institute - Dr. Susan McKinney Secondary School (13K, 265)	27-1848709	DCLA	\$20,000.00	126	003
Dickens	Project Girl Performance Collective - Harlem Renaissance High School	27-1848709	DCLA	(\$20,000.00)	126	003
Dickens	Girl Be Heard Institute - Public School 79M Horan School	27-1848709	DCLA	\$20,000.00	126	003
Johnson	Project Girl Performance Collective Institute - Humanities Preparatory Academy	27-1848709	DCLA	(\$20,000.00)	126	003
Johnson	Girl Be Heard Institute - Humanities Preparatory Academy	27-1848709	DCLA	\$20,000.00	126	003
Levine	Project Girl Performance Collective Institute - New Design Middle School	27-1848709	DCLA	(\$20,000.00)	126	003
Levine	Girl Be Heard Institute - New Design Middle School	27-1848709	DCLA	\$20,000.00	126	003
Williams	Project Girl Performance Collective aka Girls Be Heard - IS 240 Andries Hudde	27-1848709	DCLA	(\$20,000.00)	126	003
Williams	Girl Be Heard Institute - IS 240 Andries Hudde	27-1848709	DCLA	\$20,000.00	126	003

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

CHART 6: A Greener NYC Initiative - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Wildlife Conservation Society **	13-1740011	DYCD	(\$50,000.00)	260	005
Wildlife Conservation Society **	13-1740011	DCLA	\$50,000.00	126	007

* Indicates pending completion of pre-qualification review.

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

CHART 7: Autism Awareness - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Federation Employment and Guidance Service (FEGS), Inc.	13-1624000	DOHMH	(\$9,531.90)	816	121	
United Cerebral Palsy of New York City, Inc.	13-5654532	DOHMH	\$9,531.90	816	121	*

* Indicates pending completion of pre-qualification review.

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

CHART 8: Youth Discretionary - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Vacca	Felham Parkway Little League	13-3208259	DYCD	(\$3,000.00)	260	312		
Vacca	Neighborhood Initiatives Development Corporation	13-3110811	DYCD	\$3,000.00	260	312		

* Indicates pending completion of pre-qualification review.

CHART 9: Purpose of Funds Changes - Fiscal 2015

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Youth	Van Bramer	Sunnyside Community Service, Inc.	51-0189327	DYCD	(\$40,000.00)	Funding to support for youth services
Youth	Van Bramer	Sunnyside Community Service, Inc.	51-0189327	DYCD	\$40,000.00	Funds will be used to support our youth services, which help young people to discover and develop their own talents and ultimately achieve their own educational and career goals. SCS operates a Universal Pre-kindergarten Program, Sunnyside Up Pre-K. The program helps children to develop the skills they need to be prepared for school. SCS' two after-school programs promote physical fitness and social and emotional growth while providing students academic assistance that their parents may be unable to offer because of limited English proficiency or time constraints. Our Work Readiness Program helps youth develop resumes and search for jobs. The College Readiness Program enables young people who are disadvantaged in the college application process to gain access to and succeed in higher education.
Youth	Deutsch	Union of Orthodox Jewish Congregations of America	13-5623717	DYCD	(\$10,000.00)	Club for teenagers to interact with one another out of school time activities or other proper purposes.
Youth	Deutsch	Union of Orthodox Jewish Congregations of America	13-5623717	DYCD	\$10,000.00	Funds will be used solely for out of school time activities. Outreach includes interactive meetings, group discussions and community wide events to help strengthen community awareness and for the purpose of empowering leadership, behavioral skills and problem solving skills to all participants. The community is informed by distribution of flyers, email blasts and newspaper ads as well as via several forms of social media.
NYC Cleanup Initiative	Dickens	125th Street Business Improvement District	13-3740434	DSBS	(\$42,313.25)	Funds will be used to extend hours of service for 2 hours, 6-8pm. Cleanup will take place between Morningside Avenue & 5th Avenue. Trash pick-up, sweep side walk 18' from curb, graffiti removal or street furniture and introduce street management app to record problem areas and send directly to appropriate agencies.
NYC Cleanup Initiative	Dickens	125th Street Business Improvement District	13-3740434	DSBS	\$42,313.25	Funds will be used to extend hours of service for (6) hours per day, 6-8pm. Cleanup will take place between Morningside Avenue & 5th Avenue. Trash pick-up, sweep side walk 18' from curb, cleaning of trash receptacles, and graffiti removal and maintenance of street furniture.
Boro	Bronx Delegation	Per Scholias, Inc.	043252955	DYCD	(\$75,000.00)	
Boro	Bronx Delegation	Per Scholias, Inc.	043252955	DYCD	\$75,000.00	The funds were allocated to support Per Scholias in delivering our 14 week, entry-level tech training program for low-income adults. The funds will be used towards the salaries of our career development instructors.

* Indicates pending completion of pre-qualification review.

CHART 10: Purpose of Funds Changes - Fiscal 2014

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Boro	Brooklyn Delegation	Central Fulton Street District Management Association, Inc.	80-0356502	DSBS	(\$8,500.00)	
Boro	Brooklyn Delegation	Central Fulton Street District Management Association, Inc.	80-0356502	DSBS	\$8,500.00	Funding will be used to create, promote and produce a series of free classes, events and activities at the Putnam Triangle Plaza.

* Indicates pending completion of pre-qualification review.

CHART 11: Purpose of Funds Changes - Fiscal 2013

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Ulrich	Locust Grove Civic Association of Queens County, Inc.	061438450	DYCD	(\$3,500.00)	Program will be either a dinner or dinner theatre with bus transportation to and from location.
Local	Ulrich	Locust Grove Civic Association of Queens County, Inc.	061438450	DYCD	\$3,500.00	Funds will be used for general operating expenses including printing, supplies for events and meetings and for neighborhood landscaping materials and supplies for the civic association sponsored traffic triangle.

* Indicates pending completion of pre-qualification review.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, April 28, 2015.

April 28, 2015

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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 M-277

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget transferring City funds between various agencies in Fiscal Year 2015 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-5).

The Committee on Finance to which the annexed preconsidered Communication was referred on April 28, 2015, and was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on April 28, 2015, the Committee on Finance considered a communication, dated April 23, 2015, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit "1" (the "Modification"), to modify units of appropriation and transfer city funds between various agencies in the amount of \$514,360,791 in the Fiscal Year 2015 expense budget as adopted by the Council on June 26, 2014, pursuant to Section 107(b) of the New York City Charter (the "Charter").

Analysis. 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 (the "Fiscal 2015 Expense Budget"). This Modification reallocates appropriations that were reflected in the Fiscal 2015 Expense Budget to fund City Council initiatives.

The Fiscal 2015 Current Budget totals \$78.5 billion. This Modification seeks to move \$514.4 million within and among City agency budgets. The net effect of this Modification is zero, so the City's Fiscal 2015 Expense Budget is left unchanged. The Modification makes changes to agency spending introduced in the February

Financial Plan. These changes include \$230.5 million in new needs and \$262.5 million in collective bargaining adjustments. The Modification also reduces the debt service budget by \$329 million in recognition of debt service savings.

This Modification will effect allocations within the following agencies and budgets:

1. Administration for Children's Services
2. Board of Correction
3. Bronx Community Boards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12
4. Brooklyn Community Boards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18
5. Brooklyn Public Library
6. Business Integrity Commission
7. City Clerk
8. City Council
9. City University of New York
10. Civilian Complaint Review Board
11. Commission on Human Rights
12. Conflicts of Interest Board
13. Debt Service
14. Department for the Aging
15. Department of Buildings
16. Department of City Planning
17. Department of Citywide Administrative Services
18. Department of Consumer Affairs
19. Department of Correction
20. Department of Cultural Affairs
21. Department of Design and Construction
22. Department of Education
23. Department of Emergency Management
24. Department of Environmental Protection
25. Department of Finance
26. Department of Health and Mental Hygiene
27. Department of Homeless Services
28. Department of Housing Preservation and Development
29. Department of Information Technology and Telecommunications
30. Department of Investigation
31. Department of Parks and Recreation
32. Department of Probation
33. Department of Records and Information Services
34. Department of Sanitation
35. Department of Small Business Services
36. Department of Social Services
37. Department of Transportation
38. Department of Youth and Community Development
39. Equal Employment Practices Commission

40. Fire Department
41. Health and Hospitals Corporation
42. Independent Budget Office
43. Landmarks Preservation Commission
44. Law Department
45. Manhattan Community Boards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12
46. Mayoralty
47. Miscellaneous
48. NYC Taxi and Limousine Commission
49. Office of Administrative Trials and Hearings
50. Office of Collective Bargaining
51. Office of the Comptroller
52. Pension Contributions
53. Police Department
54. Public Administrator – Bronx County
55. Public Administrator – Kings County
56. Public Administrator – New York County
57. Queens Community Boards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14
58. Staten Island Community Boards 1, 2, and 3

The net effect of the Modification is zero. For more detail on the funding transfer between agencies, see Appendix A of the Modification.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of approval.

April 28, 2015

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

TO: Honorable Melissa Mark-Viverito
Speaker

Honorable Julissa Ferreras
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division
Tanisha Edwards, Chief Counsel, Finance Division
Nathan Toth, Deputy Director, Finance Division
Regina Poreda Ryan, Deputy Director, Finance Division
Paul Scimone, Deputy Director, Finance Division
Ray Majewski, Deputy Director/Chief Economist, Finance Division
Rebecca Chasan, Assistant Counsel, Finance Division

DATE: April 28, 2015

SUBJECT: A budget modification (MN-5) for Fiscal Year 2015 to implement changes in the City's expense budget.

INITIATION: By letter dated April 23, 2015, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to modify units of appropriation and transfer funds between various agencies in the amount of \$514,360,791 to implement changes in the City's expense budget.

BACKGROUND: MN-5 reallocates appropriations that were reflected in the Fiscal 2015 Adopted Budget to implement expense budget changes which were reflected in the 2015 February Financial Plan and to fund City Council local initiatives.

FISCAL IMPACT: MN-5 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

April 28, 2015

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

Res. No. 675

RESOLUTION APPROVING THE MODIFICATION (MN-5) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.

By Council Member Ferreras.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on April 28, 2015, the Committee on Finance considered a communication, dated April 23, from the Office of Management and Budget of the Mayor of the City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit “1” (the “Modification”), to modify units of appropriation and transfer city funds between various agencies in the amount of \$514,360,791 in the Fiscal Year 2015 expense budget as adopted by the Council on June 26, 2014, pursuant to Section 107(b) of the Charter of the City of New York (the “Charter”); and

Whereas, Pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.

2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:

The City of New York
Office of Management and Budget
255 Greenwich Street - New York, New York 10007 - 2146
(212) 788-5900

Dean Fuleihan
Director

April 23, 2015

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2015 to implement changes in the City's expense budget.

This modification (MN-5) will implement expense budget changes which were reflected in the City's February Financial Plan. In addition, as requested by the City Council, this modification reallocates appropriations that were included in the FY 2015 Adopted Budget to fund City Council local initiatives.

Appendix A details State, Federal and other funds impacted by these changes.

Your approval of modification MN-5 is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Fuleihan".

Dean Fuleihan

Fiscal Year 2015 Budget Modification

- MN 5 -

FROM

002	MAYORALTY	
040	OFFICE OF MGMT AND BUDGET-PS	-66,333
050	CRIMINAL JUSTICE PROGRAMS PS	-38,323
260	OFF FOR PEOPLE WITH DISAB-PS	-10,799
380	OFFICE OF OPERATIONS-PS	-34,480
015	OFFICE OF THE COMPTROLLER	
002	FIRST DEPUTY COMPT-PS	-6,883
004	THIRD DEPUTY COMPT-PS	-70,231
017	DEPARTMENT OF EMERGENCY MANAGEMENT	
001	PERSONAL SERVICES	-93,830
030	DEPARTMENT OF CITY PLANNING	
002	OTHER THAN PERSONAL SERVICES	-3,400,000
068	ADMIN FOR CHILDREN'S SERVICES	
004	HEADSTART/DAYCARE-OTPS	-245,000
073	BOARD OF CORRECTION	
001	PERSONAL SERVICES	-98,400
095	PENSION CONTRIBUTIONS	
001	CITY ACTUARIAL PENSIONS	-2,192,925
002	NON-CITY PENSIONS	-3,000,000
098	MISCELLANEOUS	
003	FRINGE BENEFITS	-34,133,328
002	GENERAL RESERVE	-108,082,842
099	DEBT SERVICE	
001	FUNDED DEBT-W/O CONST LIMIT	-169,820,577
003	LEASE PURCH & CITY GUAR DEBT	-92,940,884
006	NYC Transitional Finance Authority	-66,136,000
102	CITY COUNCIL	
002	COMMITTEE STAFFING	-83,500

FROM

133	EQUAL EMPLOYMENT PRACTICES COMMISSION	
	002 OTHER THAN PERSONAL SERVICES	-34,971
226	COMMISSION ON HUMAN RIGHTS	
	003 COMMUNITY DEVELOP P.S.	-1,499
260	DEPARTMENT OF YOUTH & COMMUNITY DEV	
	005 COMMUNITY DEVELOPMENT OTPS	-163,000
313	OFFICE OF COLLECTIVE BARGAINING	
	002 OTHER THAN PERSONAL SERVICES	-22,500
341	MANHATTAN COMMUNITY BOARD #1	
	001 PERSONAL SERVICES	-454
343	MANHATTAN COMMUNITY BOARD #3	
	001 PERSONAL SERVICES	-468
391	BRONX COMMUNITY BOARD #11	
	001 PERSONAL SERVICES	-269
471	BROOKLYN COMMUNITY BOARD #1	
	001 PERSONAL SERVICES	-480
476	BROOKLYN COMMUNITY BOARD #6	
	001 PERSONAL SERVICES	-253
781	DEPARTMENT OF PROBATION	
	003 PROBATION SERVICES-OTPS	-1,960,256
801	DEPARTMENT OF SMALL BUSINESS SERVICES	
	005 CONTRACT COMP & BUS OPP - OTPS	-1,500,000
	006 ECONOMIC DEVELOPMENT CORP.	-4,810,062
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
	102 DISEASE CONTROL - PS	-50,325
	103 HEALTH PROMOTION AND DISEASE PREVEN.- PS	-2,320,000
819	HEALTH AND HOSPITALS CORP	
	001 LUMP SUM	-2,553,119
827	DEPARTMENT OF SANITATION	
	107 SNOW BUDGET-PS	-8,530,800
	110 WASTE DISPOSAL-OTPS	-11,958,000

April 28, 2015

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FROM

-514,360,791

TO

002	MAYORALTY	
020	OFFICE OF THE MAYOR-PS	109,399
061	OFF OF LABOR RELATIONS-PS	406,636
062	OFF OF LABOR RELATIONS-OTPS	632,000
070	NYC COMM TO THE UN-PS	7,861
340	COMMUNITY AFFAIRS UNIT-PS	17,259
560	SPECIAL ENFORCEMENT-PS	958
015	OFFICE OF THE COMPTROLLER	
001	EXECUTIVE MANAGEMENT-PS	32,737
003	SECOND DEPUTY COMPT-PS	11,814
017	DEPARTMENT OF EMERGENCY MANAGEMENT	
002	OTHER THAN PERSONAL SERVICES	435,547
025	LAW DEPARTMENT	
001	PERSONAL SERVICES	13,969
002	OTHER THAN PERSONAL SERVICES	2,361,000
032	DEPARTMENT OF INVESTIGATION	
001	PERSONAL SERVICES	582,500
002	OTHER THAN PERSONAL SERVICES	75,000
038	BROOKLYN PUBLIC LIBRARY	
001	LUMP SUM	185,754
040	DEPARTMENT OF EDUCATION	
401	GE INSTR & SCH LEADERSHIP - PS	35,447,300
402	GE INSTR & SCH LEADERSHIP - OTPS	1,198,472
403	SE INSTR & SCH LEADERSHIP - PS	191,318
415	SCHOOL SUPPORT ORGANIZATION	2,001,387
416	School Support Organization OTPS	578,017
421	CW SE INSTR & SCHL LEADERSHIP - PS	1,409,075
423	SE INSTRUCTIONAL SUPPORT - PS	1,372,797
435	SCHOOL FACILITIES - PS	39,790,731
453	CENTRAL ADMINISTRATION - PS	148,491

TO

040	DEPARTMENT OF EDUCATION	
454	CENTRAL ADMINISTRATION - OTPS	535,895
461	FRINGE BENEFITS - PS	6,076,937
481	CATEGORICAL PROGRAMS - PS	1,672,669
042	CITY UNIVERSITY OF NEW YORK	
001	COMMUNITY COLLEGE-OTPS	106,340
002	COMMUNITY COLLEGE PS	1,084,338
054	CIVILIAN COMPLAINT REVIEW BOARD	
001	CCRB-PS	286,587
002	CCRB-OTPS	145,255
056	POLICE DEPARTMENT	
001	OPERATIONS	2,741,828
002	EXECUTIVE MANAGEMENT	507,473
003	SCHOOL SAFETY- P.S.	33,832
004	ADMINISTRATION-PERSONNEL	2,737,751
006	CRIMINAL JUSTICE	80,350
007	TRAFFIC ENFORCEMENT	33,832
008	TRANSIT POLICE-PS	194,531
009	HOUSING POLICE-PS	2,585,223
100	OPERATIONS-OTPS	20,379,437
200	EXECUTIVE MANAGEMENT-OTPS	52,425
400	ADMINISTRATION-OTPS	13,064,881
057	FIRE DEPARTMENT	
001	EXECUTIVE ADMINISTRATIVE	10,441,162
002	FIRE EXTING AND EMERG RESP	17,076,759
004	FIRE PREVENTION	557,546
005	EXECUTIVE ADMIN-OTPS	7,046,055
006	FIRE EXTING & RESP-OTPS	4,216,677
008	FIRE PREVENTION-OTPS	155,325

TO

057	FIRE DEPARTMENT	
009	EMERGENCY MEDICAL SERVICES-PS	7,045,652
010	EMERGENCY MEDICAL SERV-OTPS	176,771
068	ADMIN FOR CHILDREN'S SERVICES	
001	PERSONAL SERVICES	5,533,694
002	OTHER THAN PERSONAL SERVICES	25,049
003	HEADSTART and DAYCARE-PS	17,941
005	ADMINISTRATIVE-PS	11,424
007	JUVENILE JUSTICE - PS	878,525
008	JUVENILE JUSTICE - OTPS	1,960,256
069	DEPARTMENT OF SOCIAL SERVICES	
101	ADMINISTRATION-OTPS	1,605,639
103	PUBLIC ASSISTANCE - OTPS	22,090,366
105	ADULT SERVICES - OTPS	59,774
201	ADMINISTRATION	2,909,319
203	PUBLIC ASSISTANCE	1,849,319
071	DEPARTMENT OF HOMELESS SERVICES	
100	DEPT OF HOMELESS SERVICES-PS	4,509,837
200	DEPT OF HOMELESS SERVICES-OTPS	6,442,877
072	DEPARTMENT OF CORRECTION	
001	ADMINISTRATION	1,735,518
002	OPERATIONS	16,572,078
003	OPERATIONS - OTPS	1,954,391
073	BOARD OF CORRECTION	
002	OTHER THAN PERSONAL SERVICE	120,000
098	MISCELLANEOUS	
001	RESERVE FOR COLLECTIVE BARGAINING	162,509,908
002	OTHER THAN PERSONAL SERVICES	2,035,275
005	INDIGENT DEFENSE SERVICES	8,803,526

April 28, 2015

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TO

102	CITY COUNCIL	
	001 COUNCIL MEMBERS	83,500
103	CITY CLERK	
	001 PERSONAL SERVICES	9,410
125	DEPARTMENT FOR THE AGING	
	003 COMMUNITY PROGRAMS - OTPS	26,795
126	DEPARTMENT OF CULTURAL AFFAIRS	
	003 CULTURAL PROGRAMS	23,000
	007 THE WILDLIFE CONSERVATION SOC.	35,800
	011 QUEENS BOTANICAL GARDEN	55,000
	022 OTHER CULTURAL INSTITUTIONS	3,500
132	INDEPENDENT BUDGET OFFICE	
	001 PERSONAL SERVICE	1,245,217
133	EQUAL EMPLOYMENT PRACTICES COMMISSION	
	001 PERSONAL SERVICES	115,616
136	LANDMARKS PRESERVATION COMM.	
	002 OTHER THAN PERSONAL SERVICES	2,606
156	NYC TAXI AND LIMOUSINE COMM	
	002 OTHER THAN PERSONAL SERVICE	25,000
226	COMMISSION ON HUMAN RIGHTS	
	001 PERSONAL SERVICES	22,252
260	DEPARTMENT OF YOUTH & COMMUNITY DEV	
	312 OTHER THAN PERSONAL SERVICES	699,809
312	CONFLICTS OF INTEREST BOARD	
	002 OTHER THAN PERSONAL SERVICES	12,797
313	OFFICE OF COLLECTIVE BARGAINING	
	001 PERSONAL SERVICES	28,054
342	MANHATTAN COMMUNITY BOARD #2	
	001 PERSONAL SERVICES	474
344	MANHATTAN COMMUNITY BOARD #4	
	001 PERSONAL SERVICES	6,130

TO

345	MANHATTAN COMMUNITY BOARD #5	
	001 PERSONAL SERVICES	171
346	MANHATTAN COMMUNITY BOARD #6	
	001 PERSONAL SERVICES	1,456
347	MANHATTAN COMMUNITY BOARD #7	
	001 PERSONAL SERVICES	3,774
348	MANHATTAN COMMUNITY BOARD #8	
	001 PERSONAL SERVICES	1,892
349	MANHATTAN COMMUNITY BOARD #9	
	001 PERSONAL SERVICES	2,651
350	MANHATTAN COMMUNITY BOARD #10	
	001 PERSONAL SERVICES	40
	003 RENT	1,500
351	MANHATTAN COMMUNITY BOARD #11	
	001 PERSONAL SERVICES	5,199
352	MANHATTAN COMMUNITY BOARD #12	
	001 PERSONAL SERVICES	1,602
381	BRONX COMMUNITY BOARD #1	
	001 PERSONAL SERVICES	939
382	BRONX COMMUNITY BOARD #2	
	001 PERSONAL SERVICES	1,136
383	BRONX COMMUNITY BOARD #3	
	001 PERSONAL SERVICES	4,100
384	BRONX COMMUNITY BOARD #4	
	001 PERSONAL SERVICES	1,209
385	BRONX COMMUNITY BOARD #5	
	001 PERSONAL SERVICES	4,905
386	BRONX COMMUNITY BOARD #6	
	001 PERSONAL SERVICES	1,122
387	BRONX COMMUNITY BOARD #7	
	001 PERSONAL SERVICES	2,674

TO

388	BRONX COMMUNITY BOARD #8	
	001 PERSONAL SERVICES	483
389	BRONX COMMUNITY BOARD #9	
	001 PERSONAL SERVICES	1,839
390	BRONX COMMUNITY BOARD #10	
	001 PERSONAL SERVICES	1,232
392	BRONX COMMUNITY BOARD #12	
	001 PERSONAL SERVICES	1,021
431	QUEENS COMMUNITY BOARD #1	
	001 PERSONAL SERVICES	3,240
432	QUEENS COMMUNITY BOARD #2	
	001 PERSONAL SERVICES	1,033
433	QUEENS COMMUNITY BOARD #3	
	001 PERSONAL SERVICES	1,452
434	QUEENS COMMUNITY BOARD #4	
	001 PERSONAL SERVICES	1,339
435	QUEENS COMMUNITY BOARD #5	
	001 PERSONAL SERVICES	1,307
436	QUEENS COMMUNITY BOARD #6	
	001 PERSONAL SERVICES	743
437	QUEENS COMMUNITY BOARD #7	
	001 PERSONAL SERVICES	1,081
438	QUEENS COMMUNITY BOARD #8	
	001 PERSONAL SERVICES	3,353
439	QUEENS COMMUNITY BOARD #9	
	001 PERSONAL SERVICES	1,003
440	QUEENS COMMUNITY BOARD #10	
	001 PERSONAL SERVICES	1,971
441	QUEENS COMMUNITY BOARD #11	
	001 PERSONAL SERVICES	1,066

TO

442	QUEENS COMMUNITY BOARD #12	
	001 PERSONAL SERVICES	1,260
443	QUEENS COMMUNITY BOARD #13	
	001 PERSONAL SERVICES	1,827
444	QUEENS COMMUNITY BOARD #14	
	001 PERSONAL SERVICES	1,110
472	BROOKLYN COMMUNITY BOARD #2	
	001 PERSONAL SERVICES	1,265
473	BROOKLYN COMMUNITY BOARD #3	
	001 PERSONAL SERVICES	1,001
474	BROOKLYN COMMUNITY BOARD #4	
	001 PERSONAL SERVICES	1,812
475	BROOKLYN COMMUNITY BOARD #5	
	001 PERSONAL SERVICES	2,295
477	BROOKLYN COMMUNITY BOARD #7	
	001 PERSONAL SERVICES	951
478	BROOKLYN COMMUNITY BOARD #8	
	001 PERSONAL SERVICES	2,050
479	BROOKLYN COMMUNITY BOARD #9	
	001 PERSONAL SERVICES	2,066
480	BROOKLYN COMMUNITY BOARD #10	
	001 PERSONAL SERVICES	851
481	BROOKLYN COMMUNITY BOARD #11	
	001 PERSONAL SERVICES	1,852
482	BROOKLYN COMMUNITY BOARD #12	
	001 PERSONAL SERVICES	2,906
483	BROOKLYN COMMUNITY BOARD #13	
	001 PERSONAL SERVICES	738
484	BROOKLYN COMMUNITY BOARD #14	
	001 PERSONAL SERVICES	990

TO

485	BROOKLYN COMMUNITY BOARD #15	
	001 PERSONAL SERVICES	2,427
486	BROOKLYN COMMUNITY BOARD #16	
	001 PERSONAL SERVICES	3,175
487	BROOKLYN COMMUNITY BOARD #17	
	001 PERSONAL SERVICES	667
488	BROOKLYN COMMUNITY BOARD #18	
	001 PERSONAL SERVICES	1,091
491	STATEN ISLAND COMMUNITY BOARD #1	
	001 PERSONAL SERVICES	1,408
492	STATEN ISLAND COMMUNITY BOARD #2	
	001 PERSONAL SERVICES	2,302
493	STATEN ISLAND COMMUNITY BOARD #3	
	001 PERSONAL SERVICES	818
	003 RENT AND ENERGY	23,615
781	DEPARTMENT OF PROBATION	
	001 EXECUTIVE MANAGEMENT	27,558
	002 PROBATION SERVICES	46,922
801	DEPARTMENT OF SMALL BUSINESS SERVICES	
	001 DEPT. OF BUSINESS P.S.	537,477
	002 DEPT. OF BUSINESS O.T.P.S.	1,781,043
	004 CONTRACT COMP & BUS. OPP - PS	25,000
	011 WORKFORCE INVESTMENT ACT - OTPS	490,000
806	HOUSING PRESERVATION AND DEVELOPMENT	
	001 OFFICE OF ADMINISTRATION	603,895
	002 OFFICE OF DEVELOPMENT	273,918
	004 OFFICE OF HOUSING PRESERVATION	60,945
	006 HOUSING MAINTENANCE AND SALES	65,265
	008 OFFICE OF ADMINISTRATION OTPS	26,000

TO

810	DEPARTMENT OF BUILDINGS	
	001 PERSONAL SERVICES	2,298,500
	002 OTHER THAN PERSONAL SERVICES	2,437,000
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
	104 ENVIRONMENTAL HEALTH - PS	57,982
	106 OFFICE OF CHIEF MEDICAL EXAMINER - PS	245,927
	111 HEALTH ADMINISTRATION - OTPS	12,389
	112 DISEASE CONTROL - OTPS	521,572
	113 HEALTH PROMOTION AND DISEASE PREV.-OTPS	2,274,580
	114 ENVIRONMENTAL HEALTH - OTPS	3,427
	116 OFFICE OF CHIEF MEDICAL EXAMINER - OTPS	787,859
	117 HEALTH CARE ACCESS AND IMPROVEMENT- OTPS	3,525,741
	120 MENTAL HEALTH	416,971
820	OFFICE OF ADMIN TRIALS & HEARINGS	
	002 OFFICE OF ADMIN. TRIALS & HEARINGS- OTPS	8,000
826	DEPARTMENT OF ENVIRONMENTAL PROTECT.	
	002 ENVIRONMENTAL MANAGEMENT	4,487
	003 WATER SUP. & WASTEWATER COLL	1,710,114
	004 UTILITY - OTPS	55,042
	005 ENVIRONMENTAL MANAGEMENT -OTPS	432,458
827	DEPARTMENT OF SANITATION	
	101 EXECUTIVE ADMINISTRATIVE	431,774
	102 CLEANING & COLLECTION	722,309
	103 WASTE DISPOSAL	3,465
	104 BUILDING MANAGEMENT	373
	105 BUREAU OF MOTOR EQUIP	1,464
	106 EXEC & ADMINISTRATIVE-OTPS	20,000
	109 CLEANING & COLLECTION-OTPS	6,500
	112 MOTOR EQUIPMENT-OTPS	3,000,000

TO

827	DEPARTMENT OF SANITATION	
	113 SNOW-OTPS	8,530,800
829	BUSINESS INTEGRITY COMMISSION	
	002 OTHER THAN PERSONAL SERVICES	213,000
836	DEPARTMENT OF FINANCE	
	001 ADMINISTRATION & PLANNING	100,265
	002 OPERATIONS	95,014
	003 PROPERTY	402,814
	004 AUDIT	995,758
	005 LEGAL	1,676
	007 PARKING VIOLATIONS BUREAU	9,794
	009 CITY SHERIFF	82,648
	099 CITY SHERIFF-OTPS	3,020,000
841	DEPARTMENT OF TRANSPORTATION	
	001 EXEC ADM & PLANN MGT.	369,370
	002 HIGHWAY OPERATIONS	17,237,454
	003 TRANSIT OPERATIONS	50,549
	004 TRAFFIC OPERATIONS	366,138
	006 BUREAU OF BRIDGES	812,824
	007 BUREAU OF BRIDGES - OTPS	113,500
	011 OTPS-EXEC AND ADMINISTRATION	1,136,017
	012 OTPS-HIGHWAY OPERATIONS	9,104,161
	014 OTPS-TRAFFIC OPERATIONS	3,869,054
846	DEPARTMENT OF PARKS AND RECREATION	
	002 MAINTENANCE & OPERATIONS	5,303,000
	004 RECREATION SERVICES	270,000
	006 MAINT & OPERATIONS - OTPS	2,617,200
	009 RECREATION SERVICES-OTPS	30,000
850	DEPARTMENT OF DESIGN & CONSTRUCTION	
	001 PERSONAL SERVICES	39,381

TO

856	DEPARTMENT OF CITYWIDE ADMIN SERVICE	
001	HUMAN CAPITAL	316,403
005	BD OF STANDARD & APPEALS PS	14,957
006	BD. OF STANDARD & APPEAL OTPS	238,000
100	EXECUTIVE AND OPERATIONS SUPPORT	86,133
190	EXECUTIVE AND OPERATIONS SUPPORT - OTPS	24,167
200	DIV OF ADMINISTRATION AND SECURITY - PS	16,532
300	ASSET MANAGEMENT-PUBLIC FACILITIES	47,430
400	OFFICE OF CITYWIDE PURCHASING	5,348
500	DIV OF REAL ESTATE SERVICES	2,000
600	EXTERNAL PUBLICATIONS AND RETAIL	6,965
700	ENERGY MANAGEMENT	10,167
790	ENERGY MANAGEMENT - OTPS	5,509
800	CITYWIDE FLEET SERVICES	6,576
858	DEPARTMENT OF INFO TECH & TELECOMM	
001	PERSONAL SERVICES	2,621,850
002	OTHER THAN PERSONAL SERVICES	2,196,114
860	DEPARTMENT OF RECORDS & INFORMATION SVS	
100	PERSONAL SERVICES	251,458
200	OTHER THAN PERSONAL SERVICES	49,946
866	DEPARTMENT OF CONSUMER AFFAIRS	
002	LICENSING/ENFORCEMENT	407,813
003	OTHER THAN PERSONAL SERVICE	19,826
941	PUBLIC ADMINISTRATOR-NEW YORK COUNTY	
002	OTHER THAN PERSONAL SERVICES	91,034
942	PUBLIC ADMINISTRATOR-BRONX COUNTY	
002	OTHER THAN PERSONAL SERVICES	23,675
943	PUBLIC ADMINISTRATOR-KINGS COUNTY	
002	OTHER THAN PERSONAL SERVICES	52,275
		514,360,791

April 28, 2015

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TO

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APPENDIX A
Summary of Changes By Agency

	FROM						CD	Federal	
	Total	Intra/City	City	State	Capital	CD		State	Other
002 MAYORALTY									
040 OFFICE OF MGMT AND BUDGETS-PS	360,095	0	-66,333	-72,137	274,670	0	55,713	23,908	
050 CRIMINAL JUSTICE PROGRAMS-PS	36,332	0	-38,323	0	9,051	11,197	0	54,407	
260 OFF FOR PEOPLE WITH DISAB-PS	7,982	795	-10,799	2,597	5,275	0	10,114	0	
380 OFFICE OF OPERATIONS-PS	21,565	0	-34,480	0	40,042	0	16,003	0	
015 OFFICE OF THE COMPTROLLER									
002 FIRST DEPUTY COMPT-PS	159,245	0	-6,883	0	166,128	0	0	0	
004 THIRD DEPUTY COMPT-PS	57,376	0	-70,231	127,607	0	0	0	0	
017 DEPARTMENT OF EMERGENCY MANAGEMENT									
001 PERSONAL SERVICES	320,415	0	-93,830	0	0	0	0	414,245	
030 DEPARTMENT OF CITY PLANNING									
002 OTHER THAN PERSONAL SERVICES	-3,400,000	0	-3,400,000	0	0	0	0	0	
068 ADMIN FOR CHILDREN'S SERVICES									
004 HEADSTART/DAYCARE-OIPS	-245,000	0	-245,000	0	0	0	0	0	
073 BOARD OF CORRECTION									
001 PERSONAL SERVICES	-98,400	0	-98,400	0	0	0	0	0	
095 PENSION CONTRIBUTIONS									
001 CITY ACTUARIAL PENSIONS	-2,192,925	0	-2,192,925	0	0	0	0	0	
002 NON-CITY PENSIONS	-3,000,000	0	-3,000,000	0	0	0	0	0	
098 MISCELLANEOUS									
003 FRINGE BENEFITS	-3,477,692	0	-34,133,328	6,661,525	23,994,111	0	0	0	
002 GENERAL RESERVE	-108,082,842	0	-108,082,842	0	0	0	0	0	
099 DEBT SERVICE									
001 FUNDED DEBT-W/O CONST LIMIT	-172,216,081	0	-169,820,577	-2,395,504	0	0	0	0	
003 LEASE PURCH & CITY GUAR DEBT	-92,940,884	0	-92,940,884	0	0	0	0	0	
006 NYC Transitional Finance Authority	-66,136,000	0	-66,136,000	0	0	0	0	0	

	<u>Total</u>	<u>Intra/City</u>	<u>FROM City</u>	<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
102 CITY COUNCIL									
002 COMMITTEE STAFFING	-83,500	0	-83,500	0	0	0	0	0	0
133 EQUAL EMPLOYMENT PRACTICES COMMISSION									
002 OTHER THAN PERSONAL SERVICES	-34,971	0	-34,971	0	0	0	0	0	0
226 COMMISSION ON HUMAN RIGHTS									
003 COMMUNITY DEVELOP.P.S.	4,740	0	-1,499	0	0	0	6,239	0	0
260 DEPARTMENT OF YOUTH & COMMUNITY DEV									
005 COMMUNITY DEVELOPMENT OTFS	-163,000	0	-163,000	0	0	0	0	0	0
313 OFFICE OF COLLECTIVE BARGAINING									
002 OTHER THAN PERSONAL SERVICES	-22,500	0	-22,500	0	0	0	0	0	0
341 MANHATTAN COMMUNITY BOARD #1									
001 PERSONAL SERVICES	-454	0	-454	0	0	0	0	0	0
343 MANHATTAN COMMUNITY BOARD #3									
001 PERSONAL SERVICES	-468	0	-468	0	0	0	0	0	0
391 BRONX COMMUNITY BOARD #11									
001 PERSONAL SERVICES	-269	0	-269	0	0	0	0	0	0
471 BROOKLYN COMMUNITY BOARD #1									
001 PERSONAL SERVICES	-480	0	-480	0	0	0	0	0	0
476 BROOKLYN COMMUNITY BOARD #6									
001 PERSONAL SERVICES	-253	0	-253	0	0	0	0	0	0
781 DEPARTMENT OF PROBATION									
003 PROBATION SERVICES-OTFS	1,298,313	3,258,569	-1,960,256	0	0	0	0	0	0
801 DEPARTMENT OF SMALL BUSINESS SERVICES									
005 CONTRACT COMP & BUS ORP - OTFS	-1,500,000	0	-1,500,000	0	0	0	0	0	0
006 ECONOMIC DEVELOPMENT CORP.	-4,810,062	0	-4,810,062	0	0	0	0	0	0
816 DEPARTMENT OF HEALTH AND MENTAL HYGIENE									
102 DISEASE CONTROL - PS	-50,325	0	-50,325	0	0	0	0	0	0
103 HEALTH PROMOTION AND DISEASE PREVEN	-3,625,000	0	-2,320,000	0	0	-1,305,000	0	0	0

	<i>Total</i>	<i>FROM</i>				<i>Categ.</i>	<i>Capital</i>	<i>State</i>	<i>CD</i>	<i>Federal</i>	
		<i>Intra/City</i>	<i>City</i>	<i>State</i>	<i>Other</i>						
819 HEALTH AND HOSPITALS CORP											
001 LUMP SUM	1,475,192	4,028,311	-2,553,119	0	0	0	0	0	0	0	0
827 DEPARTMENT OF SANITATION											
107 SNOW BUDGET-PS	-8,530,800	0	-8,530,800	0	0	0	0	0	0	0	0
110 WASTE DISPOSAL-OTPS	-11,958,000	0	-11,958,000	0	0	0	0	0	0	0	0
	-478,828,651	7,287,675	-514,360,791	4,468,362	24,489,277	-1,293,803	88,069	-492,560			

	<u>Total</u>	<u>Intra/City</u>	<u>TO City</u>	<u>CD</u>	<u>State</u>	<u>Capital</u>	<u>Categ.</u>	<u>Federal</u>	<u>Other</u>
002 MAYORALTY									
020 OFFICE OF THE MAYOR-PS	349,081	49,971	109,399	0	8,157	175,588	5,966	0	0
061 OFF OF LABOR RELATIONS-PS	472,110	4,046	406,636	0	0	0	61,428	0	0
062 OFF OF LABOR RELATIONS-OTPS	632,000	0	632,000	0	0	0	0	0	0
070 NYC COMM TO THE UN-PS	7,861	0	7,861	0	0	0	0	0	0
340 COMMUNITY AFFAIRS UNIT-PS	17,259	0	17,259	0	0	0	0	0	0
560 SPECIAL ENFORCEMENT-PS	958	0	958	0	0	0	0	0	0
015 OFFICE OF THE COMPTROLLER									
001 EXECUTIVE MANAGEMENT-PS	32,737	0	32,737	0	0	0	0	0	0
003 SECOND DEPUTY COMPT-PS	90,599	0	11,814	0	78,785	0	0	0	0
017 DEPARTMENT OF EMERGENCY MANAGEMENT									
002 OTHER THAN PERSONAL SERVICES	435,547	0	435,547	0	0	0	0	0	0
025 LAW DEPARTMENT									
001 PERSONAL SERVICES	238,134	69,825	13,969	0	0	154,340	0	0	0
002 OTHER THAN PERSONAL SERVICES	2,361,000	0	2,361,000	0	0	0	0	0	0
030 DEPARTMENT OF CITY PLANNING									
001 PERSONAL SERVICES	115,166	0	0	0	0	0	0	115,166	0
003 GEOGRAPHIC SYSTEMS	15,039	0	0	0	0	0	0	15,039	0
032 DEPARTMENT OF INVESTIGATION									
001 PERSONAL SERVICES	582,500	0	582,500	0	0	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	75,000	0	75,000	0	0	0	0	0	0
038 BROOKLYN PUBLIC LIBRARY									
001 LUMP SUM	185,754	0	185,754	0	0	0	0	0	0
040 DEPARTMENT OF EDUCATION									
401 GE INSTR & SCH LEADERSHIP - PS	35,447,300	0	35,447,300	0	0	0	0	0	0
402 GE INSTR & SCH LEADERSHIP - OTPS	1,198,472	0	1,198,472	0	0	0	0	0	0
403 SE INSTR & SCH LEADERSHIP - PS	191,318	0	191,318	0	0	0	0	0	0
415 SCHOOL SUPPORT ORGANIZATION	2,001,387	0	2,001,387	0	0	0	0	0	0

		<u>Total</u>	<u>Intra-City</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
040	DEPARTMENT OF EDUCATION									
416	School Support Organization OTFS	578,017	0	578,017	0	0	0	0	0	0
421	CW SE INSTR. & SCHL LEADERSHIP - PS	1,409,075	0	1,409,075	0	0	0	0	0	0
423	SE INSTRUCTIONAL SUPPORT - PS	1,372,797	0	1,372,797	0	0	0	0	0	0
435	SCHOOL FACILITIES - PS	39,790,731	0	39,790,731	0	0	0	0	0	0
453	CENTRAL ADMINISTRATION - PS	148,491	0	148,491	0	0	0	0	0	0
454	CENTRAL ADMINISTRATION - OTFS	535,895	0	535,895	0	0	0	0	0	0
461	FRINGE BENEFITS - PS	11,126,812	0	6,076,937	5,049,875	0	0	0	0	0
481	CATEGORICAL PROGRAMS - PS	1,672,669	0	1,672,669	0	0	0	0	0	0
482	CATEGORICAL PROGRAMS - OTFS	3,625,000	3,625,000	0	0	0	0	0	0	0
042	CITY UNIVERSITY OF NEW YORK									
001	COMMUNITY COLLEGE-OTFS	106,340	0	106,340	0	0	0	0	0	0
002	COMMUNITY COLLEGE PS	1,257,488	0	1,084,338	173,150	0	0	0	0	0
054	CIVILIAN COMPLAINT REVIEW BOARD									
001	CCRB-PS	286,587	0	286,587	0	0	0	0	0	0
002	CCRB-OTFS	145,255	0	145,255	0	0	0	0	0	0
056	POLICE DEPARTMENT									
001	OPERATIONS	1,991,828	0	2,741,828	0	0	0	0	-750,000	0
002	EXECUTIVE MANAGEMENT	507,473	0	507,473	0	0	0	0	0	0
003	SCHOOL SAFETY - PS	33,832	0	33,832	0	0	0	0	0	0
004	ADMINISTRATION-PERSONNEL	2,737,751	0	2,737,751	0	0	0	0	0	0
006	CRIMINAL JUSTICE	80,350	0	80,350	0	0	0	0	0	0
007	TRAFFIC ENFORCEMENT	33,832	0	33,832	0	0	0	0	0	0
008	TRANSIT POLICE-PS	194,531	0	194,531	0	0	0	0	0	0
009	HOUSING POLICE-PS	2,585,223	0	2,585,223	0	0	0	0	0	0
100	OPERATIONS-OTFS	20,379,437	0	20,379,437	0	0	0	0	0	0
200	EXECUTIVE MANAGEMENT-OTFS	52,425	0	52,425	0	0	0	0	0	0
400	ADMINISTRATION-OTFS	13,064,881	0	13,064,881	0	0	0	0	0	0

	<u>Total</u>	<u>TO</u>		<u>Categ.</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	
		<u>Intra/City</u>	<u>City</u>				<u>Other</u>	<u>Other</u>
057 FIRE DEPARTMENT								
001 EXECUTIVE ADMINISTRATIVE	10,475,109	0	10,441,162	0	33,947	0	0	0
002 FIRE EXTING AND EMERG RESP	17,076,759	0	17,076,759	0	0	0	0	0
004 FIRE PREVENTION	557,546	0	557,546	0	0	0	0	0
005 EXECUTIVE ADMIN-OTPS	7,046,055	0	7,046,055	0	0	0	0	0
006 FIRE EXTING & RESP-OTPS	4,216,677	0	4,216,677	0	0	0	0	0
008 FIRE PREVENTION-OTPS	155,325	0	155,325	0	0	0	0	0
009 EMERGENCY MEDICAL SERVICES-PS	7,045,652	0	7,045,652	0	0	0	0	0
010 EMERGENCY MEDICAL SERV-OTPS	176,771	0	176,771	0	0	0	0	0
068 ADMIN FOR CHILDREN'S SERVICES								
001 PERSONAL SERVICES	14,774,472	0	5,533,694	0	7,320,495	0	1,920,283	0
002 OTHER THAN PERSONAL SERVICES	32,467	0	25,049	0	5,297	0	2,121	0
003 HEADSTART and DAYCARE-PS	79,945	0	17,941	0	44,278	0	17,726	0
005 ADMINISTRATIVEPS	393,635	0	11,424	0	272,943	0	109,268	0
007 JUVENILE JUSTICE - PS	123,037	0	878,525	0	-539,509	0	-215,979	0
008 JUVENILE JUSTICE -OTPS	1,960,256	0	1,960,256	0	0	0	0	0
069 DEPARTMENT OF SOCIAL SERVICES								
101 ADMINISTRATION-OTPS	1,606,763	0	1,605,639	0	360	0	764	0
103 PUBLIC ASSISTANCE - OTPS	27,224,718	0	22,090,366	0	1,583,781	0	3,550,571	0
105 ADULT SERVICES - OTPS	62,659	0	59,774	0	923	0	1,962	0
201 ADMINISTRATION	2,909,319	0	2,909,319	0	0	0	0	0
203 PUBLIC ASSISTANCE	2,372,109	0	1,849,319	0	189,268	0	333,522	0
071 DEPARTMENT OF HOMELESS SERVICES								
100 DEPT OF HOMELESS SERVICES-PS	4,509,837	0	4,509,837	0	0	0	0	0
200 DEPT OF HOMELESS SERVICES-OTPS	6,442,877	0	6,442,877	0	0	0	0	0
072 DEPARTMENT OF CORRECTION								
001 ADMINISTRATION	1,735,518	0	1,735,518	0	0	0	0	0
002 OPERATIONS	16,572,078	0	16,572,078	0	0	0	0	0

	<u>Total</u>	<u>Intra/City</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
072 DEPARTMENT OF CORRECTION									
003 OPERATIONS - OTFS	1,954,391	0	1,954,391	0	0	0	0	0	0
073 BOARD OF CORRECTION									
002 OTHER THAN PERSONAL SERVICE	120,000	0	120,000	0	0	0	0	0	0
098 MISCELLANEOUS									
001 RESERVE FOR COLLECTIVE BARGAINING	162,509,908	0	162,509,908	0	0	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	1,201,185	0	2,035,275	0	-834,090	0	0	0	0
005 INDIGENT DEFENSE SERVICES	8,803,526	0	8,803,526	0	0	0	0	0	0
102 CITY COUNCIL									
001 COUNCIL MEMBERS	83,500	0	83,500	0	0	0	0	0	0
005 COUNCIL SERVICES DIVISION	0	0	0	0	0	0	0	0	0
103 CITY CLERK									
001 PERSONAL SERVICES	9,410	0	9,410	0	0	0	0	0	0
125 DEPARTMENT FOR THE AGING									
003 COMMUNITY PROGRAMS - OTFS	26,795	0	26,795	0	0	0	0	0	0
126 DEPARTMENT OF CULTURAL AFFAIRS									
003 CULTURAL PROGRAMS	23,000	0	23,000	0	0	0	0	0	0
007 THE WILDLIFE CONSERVATION SOC.	35,800	0	35,800	0	0	0	0	0	0
011 QUEENS BOTANICAL GARDEN	55,000	0	55,000	0	0	0	0	0	0
022 OTHER CULTURAL INSTITUTIONS	3,500	0	3,500	0	0	0	0	0	0
132 INDEPENDENT BUDGET OFFICE									
001 PERSONAL SERVICE	1,245,217	0	1,245,217	0	0	0	0	0	0
133 EQUAL EMPLOYMENT PRACTICES COMMISSION									
001 PERSONAL SERVICES	115,616	0	115,616	0	0	0	0	0	0
136 LANDMARKS PRESERVATION COMM.									
001 PERSONAL SERVICES	4,213	0	0	0	0	0	4,213	0	0
002 OTHER THAN PERSONAL SERVICES	2,606	0	2,606	0	0	0	0	0	0

	<u>Total</u>	<u>Intra-City</u>	<u>TO</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
156 NYC TAXI AND LIMOUSINE COMM										
002 OTHER THAN PERSONAL SERVICE	25,000	0	0	25,000	0	0	0	0	0	0
226 COMMISSION ON HUMAN RIGHTS										
001 PERSONAL SERVICES	22,252	0	0	22,252	0	0	0	0	0	0
260 DEPARTMENT OF YOUTH & COMMUNITY DEV										
312 OTHER THAN PERSONAL SERVICES	699,809	0	0	699,809	0	0	0	0	0	0
312 CONFLICTS OF INTEREST BOARD										
002 OTHER THAN PERSONAL SERVICES	12,797	0	0	12,797	0	0	0	0	0	0
313 OFFICE OF COLLECTIVE BARGAINING										
001 PERSONAL SERVICES	28,054	0	0	28,054	0	0	0	0	0	0
342 MANHATTAN COMMUNITY BOARD #2										
001 PERSONAL SERVICES	474	0	0	474	0	0	0	0	0	0
344 MANHATTAN COMMUNITY BOARD #4										
001 PERSONAL SERVICES	6,130	0	0	6,130	0	0	0	0	0	0
345 MANHATTAN COMMUNITY BOARD #5										
001 PERSONAL SERVICES	171	0	0	171	0	0	0	0	0	0
346 MANHATTAN COMMUNITY BOARD #6										
001 PERSONAL SERVICES	1,456	0	0	1,456	0	0	0	0	0	0
347 MANHATTAN COMMUNITY BOARD #7										
001 PERSONAL SERVICES	3,774	0	0	3,774	0	0	0	0	0	0
348 MANHATTAN COMMUNITY BOARD #8										
001 PERSONAL SERVICES	1,892	0	0	1,892	0	0	0	0	0	0
349 MANHATTAN COMMUNITY BOARD #9										
001 PERSONAL SERVICES	2,651	0	0	2,651	0	0	0	0	0	0
350 MANHATTAN COMMUNITY BOARD #10										
001 PERSONAL SERVICES	40	0	0	40	0	0	0	0	0	0
003 RENT	1,500	0	0	1,500	0	0	0	0	0	0

	<u>Total</u>	<u>Intra/City</u>	<u>TO City</u>	<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
351 MANHATTAN COMMUNITY BOARD #11									
001 PERSONAL SERVICES	5,199	0	5,199	0	0	0	0	0	0
352 MANHATTAN COMMUNITY BOARD #12									
001 PERSONAL SERVICES	1,602	0	1,602	0	0	0	0	0	0
381 BRONX COMMUNITY BOARD #1									
001 PERSONAL SERVICES	939	0	939	0	0	0	0	0	0
382 BRONX COMMUNITY BOARD #2									
001 PERSONAL SERVICES	1,136	0	1,136	0	0	0	0	0	0
383 BRONX COMMUNITY BOARD #3									
001 PERSONAL SERVICES	4,100	0	4,100	0	0	0	0	0	0
384 BRONX COMMUNITY BOARD #4									
001 PERSONAL SERVICES	1,209	0	1,209	0	0	0	0	0	0
385 BRONX COMMUNITY BOARD #5									
001 PERSONAL SERVICES	4,905	0	4,905	0	0	0	0	0	0
386 BRONX COMMUNITY BOARD #6									
001 PERSONAL SERVICES	1,122	0	1,122	0	0	0	0	0	0
387 BRONX COMMUNITY BOARD #7									
001 PERSONAL SERVICES	2,674	0	2,674	0	0	0	0	0	0
388 BRONX COMMUNITY BOARD #8									
001 PERSONAL SERVICES	483	0	483	0	0	0	0	0	0
389 BRONX COMMUNITY BOARD #9									
001 PERSONAL SERVICES	1,839	0	1,839	0	0	0	0	0	0
390 BRONX COMMUNITY BOARD #10									
001 PERSONAL SERVICES	1,232	0	1,232	0	0	0	0	0	0
392 BRONX COMMUNITY BOARD #12									
001 PERSONAL SERVICES	1,021	0	1,021	0	0	0	0	0	0
431 QUEENS COMMUNITY BOARD #1									
001 PERSONAL SERVICES	3,240	0	3,240	0	0	0	0	0	0

	<u>Total</u>	<u>Intra/City</u>	<u>TO</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
432 QUEENS COMMUNITY BOARD #2 001 PERSONAL SERVICES	1,033	0	0	1,033	0	0	0	0	0	0
433 QUEENS COMMUNITY BOARD #3 001 PERSONAL SERVICES	1,452	0	0	1,452	0	0	0	0	0	0
434 QUEENS COMMUNITY BOARD #4 001 PERSONAL SERVICES	1,339	0	0	1,339	0	0	0	0	0	0
435 QUEENS COMMUNITY BOARD #5 001 PERSONAL SERVICES	1,307	0	0	1,307	0	0	0	0	0	0
436 QUEENS COMMUNITY BOARD #6 001 PERSONAL SERVICES	743	0	0	743	0	0	0	0	0	0
437 QUEENS COMMUNITY BOARD #7 001 PERSONAL SERVICES	1,081	0	0	1,081	0	0	0	0	0	0
438 QUEENS COMMUNITY BOARD #8 001 PERSONAL SERVICES	3,353	0	0	3,353	0	0	0	0	0	0
439 QUEENS COMMUNITY BOARD #9 001 PERSONAL SERVICES	1,003	0	0	1,003	0	0	0	0	0	0
440 QUEENS COMMUNITY BOARD #10 001 PERSONAL SERVICES	1,971	0	0	1,971	0	0	0	0	0	0
441 QUEENS COMMUNITY BOARD #11 001 PERSONAL SERVICES	1,066	0	0	1,066	0	0	0	0	0	0
442 QUEENS COMMUNITY BOARD #12 001 PERSONAL SERVICES	1,260	0	0	1,260	0	0	0	0	0	0
443 QUEENS COMMUNITY BOARD #13 001 PERSONAL SERVICES	1,827	0	0	1,827	0	0	0	0	0	0
444 QUEENS COMMUNITY BOARD #14 001 PERSONAL SERVICES	1,110	0	0	1,110	0	0	0	0	0	0
472 BROOKLYN COMMUNITY BOARD #2 001 PERSONAL SERVICES	1,265	0	0	1,265	0	0	0	0	0	0

	<u>Total</u>	<u>TO</u>		<u>City</u>	<u>Cates.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
		<u>Intra-City</u>	<u>City</u>							
473 BROOKLYN COMMUNITY BOARD #3 001 PERSONAL SERVICES	1,001	0	1,001	0	0	0	0	0	0	0
474 BROOKLYN COMMUNITY BOARD #4 001 PERSONAL SERVICES	1,812	0	1,812	0	0	0	0	0	0	0
475 BROOKLYN COMMUNITY BOARD #5 001 PERSONAL SERVICES	2,295	0	2,295	0	0	0	0	0	0	0
477 BROOKLYN COMMUNITY BOARD #7 001 PERSONAL SERVICES	951	0	951	0	0	0	0	0	0	0
478 BROOKLYN COMMUNITY BOARD #8 001 PERSONAL SERVICES	2,050	0	2,050	0	0	0	0	0	0	0
479 BROOKLYN COMMUNITY BOARD #9 001 PERSONAL SERVICES	2,066	0	2,066	0	0	0	0	0	0	0
480 BROOKLYN COMMUNITY BOARD #10 001 PERSONAL SERVICES	851	0	851	0	0	0	0	0	0	0
481 BROOKLYN COMMUNITY BOARD #11 001 PERSONAL SERVICES	1,852	0	1,852	0	0	0	0	0	0	0
482 BROOKLYN COMMUNITY BOARD #12 001 PERSONAL SERVICES	2,906	0	2,906	0	0	0	0	0	0	0
483 BROOKLYN COMMUNITY BOARD #13 001 PERSONAL SERVICES	738	0	738	0	0	0	0	0	0	0
484 BROOKLYN COMMUNITY BOARD #14 001 PERSONAL SERVICES	990	0	990	0	0	0	0	0	0	0
485 BROOKLYN COMMUNITY BOARD #15 001 PERSONAL SERVICES	2,427	0	2,427	0	0	0	0	0	0	0
486 BROOKLYN COMMUNITY BOARD #16 001 PERSONAL SERVICES	3,175	0	3,175	0	0	0	0	0	0	0
487 BROOKLYN COMMUNITY BOARD #17 001 PERSONAL SERVICES	667	0	667	0	0	0	0	0	0	0

	<u>Total</u>	<u>Intra-City</u>	<u>TO</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
488 BROOKLYN COMMUNITY BOARD #18										
001 PERSONAL SERVICES	1,091	0	0	1,091	0	0	0	0	0	0
491 STATEN ISLAND COMMUNITY BOARD #1										
001 PERSONAL SERVICES	1,408	0	0	1,408	0	0	0	0	0	0
492 STATEN ISLAND COMMUNITY BOARD #2										
001 PERSONAL SERVICES	2,302	0	0	2,302	0	0	0	0	0	0
493 STATEN ISLAND COMMUNITY BOARD #3										
001 PERSONAL SERVICES	818	0	0	818	0	0	0	0	0	0
003 RENT AND ENERGY	23,615	0	0	23,615	0	0	0	0	0	0
781 DEPARTMENT OF PROBATION										
001 EXECUTIVE MANAGEMENT	27,558	0	0	27,558	0	0	0	0	0	0
002 PROBATION SERVICES	1,946,922	1,900,000	0	46,922	0	0	0	0	0	0
801 DEPARTMENT OF SMALL BUSINESS SERVICES										
001 DEPT. OF BUSINESS P.S.	541,749	0	0	537,477	0	0	0	4,272	0	0
002 DEPT. OF BUSINESS O.T.P.S.	1,781,043	0	0	1,781,043	0	0	0	0	0	0
004 CONTRACT COMP & BUS. ORP - PS	25,000	0	0	25,000	0	0	0	0	0	0
011 WORKFORCE INVESTMENT ACT - OTIS	490,000	0	0	490,000	0	0	0	0	0	0
806 HOUSING PRESERVATION AND DEVELOPMENT										
001 OFFICE OF ADMINISTRATION	662,995	0	0	603,895	0	11,500	0	47,600	0	0
002 OFFICE OF DEVELOPMENT	305,302	0	0	273,918	0	25,808	0	5,576	0	0
004 OFFICE OF HOUSING PRESERVATION	169,799	0	0	60,945	0	0	0	108,854	0	0
006 HOUSING MAINTENANCE AND SALES	128,244	0	0	65,265	0	52,986	0	9,993	0	0
008 OFFICE OF ADMINISTRATION OTIS	26,000	0	0	26,000	0	0	0	0	0	0
810 DEPARTMENT OF BUILDINGS										
001 PERSONAL SERVICES	2,298,500	0	0	2,298,500	0	0	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	2,437,000	0	0	2,437,000	0	0	0	0	0	0
816 DEPARTMENT OF HEALTH AND MENTAL HYGIENE										
104 ENVIRONMENTAL HEALTH - PS	57,982	0	0	57,982	0	0	0	0	0	0

		<u>Total</u>	<u>Intra-City</u>	<u>City</u>	<u>Cates.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE									
106	OFFICE OF CHIEF MEDICAL EXAMINER - IS	245,927	0	245,927	0	0	0	0	0	0
111	HEALTH ADMINISTRATION - OTS	29,980	0	12,389	0	0	17,591	0	0	0
112	DISEASE CONTROL - OTS	811,581	0	521,572	0	0	290,009	0	0	0
113	HEALTH PROMOTION AND DISEASE PREV-O	3,579,580	0	2,274,580	0	0	1,305,000	0	0	0
114	ENVIRONMENTAL HEALTH - OTS	3,427	0	3,427	0	0	0	0	0	0
116	OFFICE OF CHIEF MEDICAL EXAMINER - OT	787,859	0	787,859	0	0	0	0	0	0
117	HEALTH CARE ACCESS AND IMPROVEMENT	4,792,410	0	3,525,741	0	0	1,266,669	0	0	0
120	MENTAL HEALTH	416,971	0	416,971	0	0	0	0	0	0
820	OFFICE OF ADMIN TRIALS & HEARINGS									
002	OFFICE OF ADMIN TRIALS & HEARINGS-OT	8,000	0	8,000	0	0	0	0	0	0
826	DEPARTMENT OF ENVIRONMENTAL PROTECT.									
002	ENVIRONMENTAL MANAGEMENT	4,487	0	4,487	0	0	0	0	0	0
003	WATER SUP. & WASTEWATER COLL	1,710,114	0	1,710,114	0	0	0	0	0	0
004	UTILITY - OTS	55,042	0	55,042	0	0	0	0	0	0
005	ENVIRONMENTAL MANAGEMENT - OTS	432,458	0	432,458	0	0	0	0	0	0
827	DEPARTMENT OF SANITATION									
101	EXECUTIVE ADMINISTRATIVE	507,804	0	431,774	0	76,030	0	0	0	0
102	CLEANING & COLLECTION	722,309	0	722,309	0	0	0	0	0	0
103	WASTE DISPOSAL	3,465	0	3,465	0	0	0	0	0	0
104	BUILDING MANAGEMENT	373	0	373	0	0	0	0	0	0
105	BUREAU OF MOTOR EQUIP	1,464	0	1,464	0	0	0	0	0	0
106	EXEC & ADMINISTRATIVE-OTS	20,000	0	20,000	0	0	0	0	0	0
109	CLEANING & COLLECTION-OTS	6,500	0	6,500	0	0	0	0	0	0
112	MOTOR EQUIPMENT-OTS	3,000,000	0	3,000,000	0	0	0	0	0	0
113	SNOW-OTS	8,530,800	0	8,530,800	0	0	0	0	0	0
829	BUSINESS INTEGRITY COMMISSION									
002	OTHER THAN PERSONAL SERVICES	213,000	0	213,000	0	0	0	0	0	0

	<u>Total</u>	<u>TO</u>		<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	
		<u>Intra/City</u>	<u>City</u>					<u>Other</u>	<u></u>
836 DEPARTMENT OF FINANCE									
001 ADMINISTRATION & PLANNING	100,265	0	100,265	0	0	0	0	0	0
002 OPERATIONS	95,014	0	95,014	0	0	0	0	0	0
003 PROPERTY	402,814	0	402,814	0	0	0	0	0	0
004 AUDIT	995,758	0	995,758	0	0	0	0	0	0
005 LEGAL	1,676	0	1,676	0	0	0	0	0	0
007 PARKING VIOLATIONS BUREAU	9,794	0	9,794	0	0	0	0	0	0
009 CITY SHERIFF	82,648	0	82,648	0	0	0	0	0	0
099 CITY SHERIFF-OTPS	3,020,000	0	3,020,000	0	0	0	0	0	0
841 DEPARTMENT OF TRANSPORTATION									
001 EXEC ADM & PLANN.MGT.	369,370	0	369,370	0	0	0	0	0	0
002 HIGHWAY OPERATIONS	13,886,513	0	17,237,454	0	-3,350,941	0	0	0	0
003 TRANSIT OPERATIONS	50,549	0	50,549	0	0	0	0	0	0
004 TRAFFIC OPERATIONS	366,138	0	366,138	0	0	0	0	0	0
006 BUREAU OF BRIDGES	812,824	0	812,824	0	0	0	0	0	0
007 BUREAU OF BRIDGES - OTPS	113,500	0	113,500	0	0	0	0	0	0
011 OTPS-EXEC AND ADMINISTRATION	1,136,017	0	1,136,017	0	0	0	0	0	0
012 OTPS-HIGHWAY OPERATIONS	13,614,331	0	9,104,161	0	4,510,170	0	0	0	0
014 OTPS-TRAFFIC OPERATIONS	3,869,054	0	3,869,054	0	0	0	0	0	0
846 DEPARTMENT OF PARKS AND RECREATION									
001 EXEC.MGMT & ADMIN	5,145	0	0	0	0	0	5,145	0	0
002 MAINTENANCE & OPERATIONS	5,303,000	0	5,303,000	0	0	0	0	0	0
003 DESIGN & ENGINEERING	604,396	0	0	0	604,396	0	0	0	0
004 RECREATION SERVICES	270,000	0	270,000	0	0	0	0	0	0
006 MAINT & OPERATIONS - OTPS	2,617,200	0	2,617,200	0	0	0	0	0	0
009 RECREATION SERVICES-OTPS	30,000	0	30,000	0	0	0	0	0	0
010 DESIGN & ENGINEERING-OTPS	948,000	0	0	0	948,000	0	0	0	0

		<u>Total</u>	<u>Intra/City</u>	<u>City</u>	<u>Categs.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>	<u>Other</u>
850	DEPARTMENT OF DESIGN & CONSTRUCTION									
001	PERSONAL SERVICES	44,890	5,509	39,381	0	0	0	0	0	0
002	OTHER THAN PERSONAL SERVICES	3,792	0	0	0	3,792	0	0	0	0
856	DEPARTMENT OF CITYWIDE ADMIN SERVICE									
001	HUMAN CAPITAL	427,666	0	316,403	0	0	0	0	111,263	0
005	BD OF STANDARD & APPEALS PS	14,957	0	14,957	0	0	0	0	0	0
006	BD OF STANDARD & APPEAL - OTPS	238,000	0	238,000	0	0	0	0	0	0
100	EXECUTIVE AND OPERATIONS SUPPORT	98,120	0	86,133	0	11,987	0	0	0	0
190	EXECUTIVE AND OPERATIONS SUPPORT - O	24,167	0	24,167	0	0	0	0	0	0
200	DIV OF ADMINISTRATION AND SECURITY -	16,532	0	16,532	0	0	0	0	0	0
300	ASSET MANAGEMENT-PUBLIC FACILITIES	59,851	0	47,430	0	0	12,421	0	0	0
400	OFFICE OF CITYWIDE PURCHASING	5,348	0	5,348	0	0	0	0	0	0
500	DIV OF REAL ESTATE SERVICES	2,000	0	2,000	0	0	0	0	0	0
600	EXTERNAL PUBLICATIONS AND RETAIL	6,965	0	6,965	0	0	0	0	0	0
700	ENERGY MANAGEMENT	19,481	0	10,167	0	9,314	0	0	0	0
790	ENERGY MANAGEMENT - OTPS	5,509	0	5,509	0	0	0	0	0	0
800	CITYWIDE FLEET SERVICES	6,576	0	6,576	0	0	0	0	0	0
890	CITYWIDE FLEET SERVICES - OTPS	113,323	113,323	0	0	0	0	0	0	0
858	DEPARTMENT OF INFO TECH & TELECOMM									
001	PERSONAL SERVICES	2,946,828	183,499	2,621,850	4,836	136,643	0	0	0	0
002	OTHER THAN PERSONAL SERVICES	2,198,737	2,623	2,196,114	0	0	0	0	0	0
860	DEPARTMENT OF RECORDS & INFORMATION SVS									
100	PERSONAL SERVICES	251,458	0	251,458	0	0	0	0	0	0
200	OTHER THAN PERSONAL SERVICES	49,946	0	49,946	0	0	0	0	0	0
866	DEPARTMENT OF CONSUMER AFFAIRS									
002	LICENSING/ENFORCEMENT	407,813	0	407,813	0	0	0	0	0	0
003	OTHER THAN PERSONAL SERVICE	19,826	0	19,826	0	0	0	0	0	0

April 28, 2015

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	<u>Total</u>	<u>Intra-City</u>	<u>TO</u>	<u>City</u>	<u>Categ.</u>	<u>Capital</u>	<u>State</u>	<u>CD</u>	<u>Federal</u>
									<u>Other</u>
941 PUBLIC ADMINISTRATOR-NEW YORK COUNTY									
002 OTHER THAN PERSONAL SERVICES	91,034	0	0	91,034	0	0	0	0	0
942 PUBLIC ADMINISTRATOR-BRONX COUNTY									
002 OTHER THAN PERSONAL SERVICES	23,675	0	0	23,675	0	0	0	0	0
943 PUBLIC ADMINISTRATOR-KINGS COUNTY									
002 OTHER THAN PERSONAL SERVICES	52,275	0	0	52,275	0	0	0	0	0
	545,433,139	5,953,796	514,360,791	5,295,255	3,482,345	10,943,593	315,858	5,081,501	

		<i>TO</i>					
<i>Total</i>	<i>Intra/City</i>	<i>City</i>	<i>Categ.</i>	<i>Capital</i>	<i>State</i>	<i>CD</i>	<i>Federal Other</i>
66,604,488	13,241,471	0	9,763,617	27,971,622	9,649,790	403,927	5,574,061

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, April 28, 2015.

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 M-278

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget appropriating new revenues of \$1.074 billion in Fiscal Year 2015, pursuant to Section 107(e) of the New York City Charter. (MN-6).

The Committee on Finance to which the annexed preconsidered Communication was referred on April 28, 2015, and was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on April 28, 2015, the Council considered a communication, from the Office of Management and Budget of the Mayor, dated April 23, 2015, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2015 Expense Budget, and the revenue estimate related thereto prepared by the Mayor as of April 23, 2015

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 26, 2014, the Council adopted the expense budget for fiscal year 2015 (the "Fiscal 2015 Expense Budget"). On June 25, 2014, the Mayor submitted to the Council a revenue estimate related to the Fiscal 2015 Expense Budget. On August 21, 2014, the Council adopted MN-1 modifying the Fiscal 2015 Expense Budget. On September 23, 2014 the Council adopted MN-2 modifying the Fiscal 2015 Expense Budget. On January 7, 2015 the Council adopted MN-3 modifying the Fiscal 2015 Expense Budget and MN-4 which appropriated new revenues.

Circumstances have changed since the Council last amended the Fiscal 2015 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances

that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2015 Expense Budget and related revenue estimate requested in the Communication.

This modification (MN-6) seeks to increase revenues in the net amount of \$1.074 billion from the Fiscal 2015 Adopted Budget. This represents an increase in City funds of approximately 1.95 percent.

MN-6 is the second revenue modification of Fiscal 2015 and it implements changes, since the first revenue modification MN-4, which are reflected in the February Plan.

The Revenue Modification (MN-6) recognizes \$1.074 billion in new revenues, including \$411 million from personal income tax revenue, \$202 million from Property Taxes, \$133 million from Real Property Transfer taxes, and \$101 million from General Sales taxes. Personal Income tax was boosted by stronger than expected bonuses and employment growth. The Real Property and Real Property Transfer taxes were also higher than expected due to higher market values.

These new revenues will be allocated to the Budget Stabilization Account (BSA) along with \$400 million that will be transferred from the General Reserve. A total of \$1.474 billion will be added to the Budget Stabilization Account (BSA). The Preliminary Plan proposes to use this amount together with the \$105 million already in the BSA since Adoption, a total of \$1.579 billion for prepayment for Fiscal 2016.¹ The Expense modification (MN-5), which will be considered simultaneously with MN-6, will transfer an additional \$108 million from the General Reserve, leaving a balance of \$242 million.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2015 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

¹ This modification does not make these prepayments; it moves funds into the BSA which could be used to make such prepayments in a future budget modification.

April 28, 2015

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

TO: Honorable Melissa Mark-Viverito
Speaker

Honorable Julissa Ferreras
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division
Raymond Majewski, Deputy Director/Chief Economist, Finance Division
Tanisha Edwards, Chief Counsel, Finance Division
Rebecca Chasan, Assistant Counsel, Finance Division
John Russell, Unit Head, Finance Division

DATE: April 28, 2015

SUBJECT: A Budget Modification (MN-6) for Fiscal 2015 that will appropriate \$1.074 billion in new revenues.

INITIATION: By letter dated April 23, 2015 the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$1.074 billion in new revenues. These new revenues, as well as a reduction of \$400 million from the General Reserve will be used to increase the Budget Stabilization Account by \$1.474 billion.

BACKGROUND: This modification (MN-6) seeks to recognize \$1.074 billion in new revenues and reduces the General Reserve by \$400 million implementing changes reflected in the 2015 February Financial Plan. Of these funds, the total amount of \$1.474 billion is added to the Budget Stabilization Account, which will prepay debt service for Fiscal 2016.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2015 budget of \$1.074 billion.

Accordingly, this Committee recommends its adoption.

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

Res. No. 676

RESOLUTION APPROVING A MODIFICATION (MN-6) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Ferreras.

Whereas, At a meeting the Committee on Finance of the City Council of the City of New York (the "City Council") on April 28, 2015, the Committee on Finance considered a communication, dated April 23, 2015, from the Mayor's Office of Management and Budget of the Mayor of the City of New York (the "Mayor"), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the "Charter"), attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, The Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2015 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

April 28, 2015

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ATTACHMENT:

EXHIBIT "A"



The City of New York
Office of Management and Budget
255 Greenwich Street - New York, New York 10007 - 2146
(212) 788-5900

Dean Fuleihan
Director

April 23, 2015

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new revenues of \$1.074 billion in fiscal year 2015.

This modification (MN-6) will implement revenue budget changes reflected in the City's February Financial Plan. The \$1.074 billion of new revenues and the reduction of \$400 million to the General Reserve will be used to increase the Budget Stabilization Account by \$1.474 billion to prepay fiscal year 2016 debt service in fiscal year 2015.

Your approval of modification MN-6 is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Fuleihan".

Dean Fuleihan

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April 28, 2015

FISCAL YEAR 2015 MODIFICATION
MN-6

098	Miscellaneous	
	002 General Reserve	\$ -400,019,444
099	Debt Service	
	004 Budget Stabilization Account	<u>\$ 1,473,716,190</u>
	TOTAL	<u>\$ 1,073,696,746</u>

April 28, 2015

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Exhibit B - MN 6
Changes in Revenue by Revenue Source

Agency Name	Source	Description	Fiscal 2015
		SUMMARY	
		TAX AND AUDIT REVENUE CHANGES	
		Real Estate	\$202,000,000
		Sales	101,000,000
		Mortgage Recording	17,000,000
		Personal Income	411,000,000
		General Corporation	0
		Banking Corporation	45,000,000
		Unincorporated Business	65,000,000
		Utility	(8,000,000)
		Hotel	20,000,000
		Commercial Rent	15,000,000
		Real Property Transfer	133,000,000
		Cigarette	(3,000,000)
		Others	46,915,000
		Audit	856,760
		STAR	(1,001,000)
		TAX AND AUDIT REVENUE TOTAL	\$1,044,770,760
		MISCELLANEOUS	
		Licenses, Franchises, Etc.	\$28,757,000
		Charges for Services	13,285,186
		Water and Sewage Charges	(23,927,400)
		Fines and Forfeitures	15,419,000
		Rental Income	1,497,000
		Other Miscellaneous	(6,104,800)
		MISCELLANEOUS TOTAL	\$28,925,986
		GRAND TOTAL	\$1,073,696,746

**Exhibit B - MN 6
Changes in Revenue by Revenue Source**

Agency Name	Source	Description	Fiscal 2015
TAX AND AUDIT REVENUE CHANGES			
Mayoral	00001	Real Prop Tax 1st Quart	(\$10,000,000)
Mayoral	00002	Real Prop Tax 2nd Quart	50,000,000
Mayoral	00003	Real Prop Tax 3rd Quart	(20,000,000)
Mayoral	00004	Real Prop Tax 4th Quart	60,000,000
Mayoral	00021	Real Estate Tax Refunds	100,000,000
Mayoral	00026	State Aid School Tax Relief	(1,001,000)
Mayoral	00033	Interest On Tax Receivable	4,000,000
Mayoral	00034	Real Property Tax Lien Sales	22,000,000
Mayoral	00050	General Sales Tax	101,000,000
Mayoral	00070	Cigarette Tax	(3,000,000)
Mayoral	00077	Mortgage Tax	17,000,000
Mayoral	00090	Personal Income Tax	473,000,000
Mayoral	00091	Refunds Of Personal Income Tax	(62,000,000)
Mayoral	00095	Financial Corporation Tax	45,000,000
Mayoral	00099	Unincorporated Business Inc Tx	65,000,000
Mayoral	00102	Pers Inc Tax Cty Emp Non-Res	5,000,000
Mayoral	00103	Utility Tax	(8,000,000)
Mayoral	00110	Payment In Lieu Of Taxes	34,900,000
Mayoral	00112	Tax On Occupancy Of Hotel Room	20,000,000
Mayoral	00113	Tx On Commercial Rents - Occu	15,000,000
Mayoral	00115	Tax On Horse Race Admissions	15,000
Mayoral	00122	Conveyance Of Real Property Tx	133,000,000
Mayoral	00130	Pen & Int-Gen Prop Tax	3,000,000
Mayoral	00135	Tax Audit Revenue	856,760
TAX AND AUDIT REVENUE CHANGES TOTAL			\$1,044,770,760
MISCELLANEOUS			
Etc.			
Landmarks	00250	Permits - General	\$1,186,000
SBS	00250	Permits - General	150,000
DOB	00250	Permits - General	12,758,000
DOT	00250	Permits - General	2,256,000
DOB	00251	Construction Permits	14,582,000
Dept Sanit	00304	Dumping Privileges	481,000
Dept Sanit	00325	Privileges - Other	(1,600,000)
DOT	00325	Privileges - Other	(1,056,000)
Licenses, Franchises, Etc. Subtotal			\$28,757,000

Exhibit B - MN 6
Changes in Revenue by Revenue Source

Agency Name	Source	Description	Fiscal 2015
Charges for Services			
NYFD	00470	Other Services And Fees	\$484,286
Office of Payroll Admin	00470	Other Services And Fees	(3,000)
HPD	00470	Other Services And Fees	6,915,000
DOB	00470	Other Services And Fees	3,629,000
DEP	00470	Other Services And Fees	149,000
DOF	00470	Other Services And Fees	(358,000)
PA Queens	00470	Other Services And Fees	468,000
Office of Payroll Admin	00476	Administrative Serv To Public	900
DOF	00476	Administrative Serv To Public	3,000,000
Dept Correct	00482	Commissary Funds	(1,000,000)
Charges for Services Subtotal			\$13,285,186
Charges			
Mayoral	00521	Reimbursement From Water Boa	\$1,072,600
Mayoral	00522	Payment From Water Board	(25,000,000)
Water and Sewage Charges Subtotal			(\$23,927,400)
Fines and Forfeitures			
Law Dept	00600	Fines-General	(\$375,000)
TLC	00600	Fines-General	3,559,000
DOF	00600	Fines-General	6,000,000
Consumer Aff	00600	Fines-General	(1,235,000)
	00603	Fines - ECB	250,000
DOF	00603	Fines - ECB	7,000,000
DA New York	00650	Forfeitures - General	300,000
DA Bronx	00650	Forfeitures - General	(80,000)
Fines and Forfeitures Subtotal			\$15,419,000
Rental Income			
HPD	00760	Rentals: Other	\$1,497,000
Rental Income Subtotal			\$1,497,000

Exhibit B - MN 6
Changes in Revenue by Revenue Source

Agency Name	Source	Description	Fiscal 2015
Other Miscellaneous			
HPD	00815	Sales Of In Rem Property	\$500,000
Dept Sanit	00822	Minor Sales	(661,000)
Consumer Aff	00822	Minor Sales	185,000
Comptroller	00846	Awards From Litigation	(500,000)
Law Dept	00846	Awards From Litigation	(198,000)
Mayoral	00859	Sundries	(5,917,000)
Law Dept	00859	Sundries	573,000
NYPD	00859	Sundries	(1,252,000)
Dept Correct	00859	Sundries	890,000
Office of Payroll Admin	00859	Sundries	(19,800)
HPD	00859	Sundries	895,000
DOHMH	00859	Sundries	(1,500,000)
Dept Sanit	00859	Sundries	900,000
Other Miscellaneous Subtotal			(\$6,104,800)
MISCELLANEOUS TOTAL			\$28,925,986
GRAND TOTAL			\$1,073,696,746

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, April 28, 2015.

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

Report of the Committee on Health

Report for Int. No. 51-B

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 requiring the department of health and mental hygiene to issue an annual report regarding hepatitis B and hepatitis C.

The Committee on Health, to which the annexed amended proposed local law was referred on February 26, 2014 (Minutes, page 392), respectfully

REPORTS:

I. INTRODUCTION

On April 27, 2015, the Committee on Health, chaired by Council Member Corey Johnson, will hold a vote on Proposed Int. No. 51-B, which would require the Department of Health and Mental Hygiene (DOHMH) to issue an annual report regarding Hepatitis B and Hepatitis C. The Health Committee held a hearing on June 24, 2014, on earlier versions of this bill in addition to an oversight hearing on “Evaluating Efforts to Improve Surveillance, Testing, Treatment, Outreach and Education Relating to Hepatitis B and Hepatitis C.”

II. BACKGROUND

Overview

Viral hepatitis is an infection that affects the liver.¹ Specifically, Hepatitis B (HBV) and Hepatitis C (HCV) can cause chronic, persistent infection, which can lead to chronic liver disease.² HBV and HCV result from contact between a person who is not immune with the blood or body fluids of an infected person.³ Both HBV and HCV are spread through needle sharing, needlestick or sharp exposures in health care settings, an infected mother to her baby during vaginal birth (perinatal), and unprotected sex, though contracting HCV from sex is uncommon.⁴ However, both viruses can live outside of the body for several days.⁵

Hepatitis B

Hepatitis B is the most common serious liver infection in the world, and is roughly 100 times more infectious than the AIDS virus.⁶ Those with fully developed and strong immune systems are often able to fight off acute HBV during the first few months of infection and then become immune for life. Those whose immune systems are incapable of defeating HBV will develop chronic HBV.⁷ In fact, more than 1.25 million people in the United States are chronically infected with HBV. Approximately 90% of infants, 30-50% of children, and 5-10% of adults will develop chronic HBV following acute HBV.⁸ Chronic HBV infection can lead to liver failure, cirrhosis (scarring), and cancer.⁹ The risk of premature death among people with chronic HBV infection arising from cirrhosis or liver cancer is 15-25%.¹⁰

Screening for HBV is critical as up to two-thirds of infected people are unaware they have the virus.¹¹ Furthermore, screening enables infected people to adopt behaviors that reduce the risk of transmission and get early treatment, delaying or reversing many of the effects of HBV.¹² Blood tests are typically required to accurately diagnose HBV in order to identify it affirmatively and distinguish it from other viruses.¹³ Blood tests can also determine whether the infection is acute or chronic.¹⁴

Once diagnosed affirmatively, there is no specific treatment for acute HBV, only a focus on maintaining comfort and proper nutritional balance.¹⁵ However, some people with chronic HBV can be treated with drugs, which may slow the progression of cirrhosis and reduce the likelihood of liver cancer.¹⁶

Hepatitis B prevalence is highest in sub-Saharan Africa and East Asia.¹⁷ Those of Asian descent comprise almost three-quarters of people affected worldwide and half of the affected people in the United States.¹⁸ First-generation Asian Americans are particularly at risk due to low infant vaccination rates in parts of Asia, and the high rates of contraction by babies from their mothers.¹⁹ The highest rates of people infected with chronic HBV in the United States belong to Asian/Pacific Islanders, people born outside of the United States, and people between the ages of twenty-five and fifty-four.²⁰ DOHMH supplies a list and map of countries that pose the highest risk of HBV infection and recommends testing for those born in the identified countries.²¹

The HBV vaccination that is currently being used has been in use since 1986 and is recommended for all people under the age of eighteen, and people over the age of eighteen who are at risk.²² The World Health Organization recommends that infants receive the vaccine as soon as possible after birth, with two or three additional doses at later times.²³ The vaccination has proven to be 95% effective and lasts for at least twenty years, though lifelong immunity is expected.²⁴ Additional methods of prevention include: implementation of blood safety strategies, including screening of donated blood; safe injections; and safe sex practices, including minimization of partners and condom usage.²⁵

Hepatitis C

Hepatitis C virus is the most common chronic blood-borne infection in the United States.²⁶ Like HBV, HCV can cause both acute and chronic infection. Although acute HCV infection is rarely associated with life-threatening disease,²⁷ the

World Health Organization notes that early diagnosis is rare because the infection is usually asymptomatic, and those who go on to develop chronic HCV infection may remain undiagnosed, often until serious liver damage has developed.²⁸ The most common modes of HCV infection are unsafe injection practices; inadequate medical equipment sterilization; and unscreened blood and blood products.²⁹ Though HCV is not efficiently transmitted sexually, sexual transmission is possible.³⁰ Effects of HCV range from mild illness for several weeks to serious, lifelong illness, including development of liver cirrhosis and liver cancer.³¹

The group most commonly affected by HCV is baby boomers, those born 1945-1965, who comprise more than 75% of the chronic HCV population in the United States.³² The reason baby boomers have such high rates of HCV is not known, though most infections likely took place in the 1970s and 1980s when rates of Hepatitis C were highest. According to the CDC, it is possible that many baby boomers got infected from contaminated blood and blood products before widespread screening of the blood supply began in 1992 and universal precautions were adopted.³³ Due to higher rates of infection, the CDC recommends testing for all baby boomers.³⁴

Additionally, African Americans have a higher rate of chronic HCV than other ethnic groups.³⁵ Other at-risk people include: people infected with HIV,³⁶ people who inject drugs, children born to mothers infected with HCV, people with sexual partners who are HCV-infected, and people with tattoos or piercings.³⁷ Since there is no vaccine for Hepatitis C, prevention is aimed at reducing risk, and includes: hand hygiene; safe handling and disposal of sharps and waste; safe cleaning of equipment; testing of donated blood; improved access to safe blood; and training of health personnel.³⁸

Instances of infection can be tested by the OraQuick HCV Rapid Test, which produces results in twenty minutes and can be done by finger stick.³⁹ This test was approved by the Food and Drug Administration on February 18, 2011⁴⁰ and while it is effective in getting results quickly to patients, it is only a screening test and cannot determine the stage of infection, which must be done through further laboratory testing.⁴¹

Recently, new drug treatments for Hepatitis C have emerged. The drug Sovaldi (produced by Gilead), when taken with companion-drug Olysio (produced by Johnson & Johnson), has a 98% success rate of curing HCV.⁴² However, the treatment plan, which consists of two pills every morning for twelve weeks, costs over \$140,000 (Sovaldi itself costs \$84,000).⁴³ Insurance companies and health plans have begun approving coverage of the treatment.⁴⁴ Additionally, three new Hepatitis C treatments are expected to be approved by 2016, which may cause treatment prices to fall.⁴⁵

Hepatitis B and C in New York City

Hepatitis B

About 100,000 people are chronically infected with Hepatitis B in New York City with a prevalence estimate of 1.2% (compared to .03-0.5% in the US).⁴⁶

Although 96,943 cases were reported in 2012, with 8,028 unique individuals newly reported, the incidence of new Hepatitis B infection in the City is low with fewer than 100 cases per year.⁴⁷ Of the perinatal HBV cases diagnosed in New York City, 59.0% were born in China.⁴⁸

In New York City, DOHMH offers services to assist individuals with or at-risk of contracting Hepatitis B including: 1) case management for Hepatitis B positive pregnant women to prevent mother to child transmission; 2) partner referral for testing and vaccination; 3) promotion of vaccination of infants, children and high-risk adults; 4) encouraging adoption of a universal birth dose policy at all City birthing centers; and 5) dissemination of Hepatitis B linkage to care resources.⁴⁹ DOHMH provides free and confidential clinics that test for sexually transmitted diseases,⁵⁰ free condoms at locations and events throughout the City,⁵¹ as well as walk-in immunization clinics, which provide the Hepatitis B vaccine for children and high-risk adults through age 59.⁵² Additionally, all inmates receive a medical examination upon intake in New York City's jails, including screening for sexually transmitted diseases, followed by appropriate medical care and transitional care for those discharged.⁵³

The New York City Hepatitis B Coalition, founded by DOHMH, and composed of community-based organizations, health care organizations and other interested members strives to prevent, manage and reduce HBV in the City.⁵⁴ The coalition uses education, outreach, advocacy and support of research to encourage HBV screening, public awareness, access to care, and vaccination.⁵⁵

For cities with large populations of persons born in Asia and Africa, the CDC recommends community-based efforts to screen foreign-born persons from countries with intermediate or higher HBV infection prevalence in order to identify substantial numbers of persons with chronic HBV infection.⁵⁶ The CDC concludes that individualized efforts to assist patients with accessing and receiving health-care services (a/k/a "patient navigation services") can increase the number of persons who follow up on referrals and receive recommended care, and finds that culturally and linguistically appropriate methods are critical to such approaches.⁵⁷

Hepatitis C

In 2011, 8,716 people were newly reported with chronic Hepatitis C in New York City.⁵⁸ It is estimated the prevalence of HCV in the City is 2.37%, while the national prevalence is estimated to be 1.3%.⁵⁹ The City's efforts for prevention and treatment of HCV includes a citywide task force, HHC facilities with HCV clinics,⁶⁰ and a syringe access program⁶¹ to prevent the transmission of diseases, including Hepatitis B and C.

The New York City Hepatitis C Task Force is a citywide network of service providers, advocates, and government groups, including DOHMH, concerned with HCV that work to identify HCV-related needs.⁶² The Task Force, first formed in 2004 in the South Bronx, meets regularly throughout the five boroughs, particularly in areas that are impacted by HCV.⁶³

The City also funds the Injection Drug Users Health Alliance (IDUHA), a coalition of community-based syringe access providers that address public health

needs related to injection drug use throughout the City by promoting and implementing strategies that prevent the spread of HCV and other diseases through the distribution of clean syringes, HCV testing and care coordination.⁶⁴

The City's HCV efforts also include Check Hep C, a community-based patient support program that provides free testing and patient navigation to help get patients into care and treatment.⁶⁵ Funded in part by CDC grants, DOHMH partners provide services that include testing individuals both at risk for HCV and those within the birth cohort recommended for HCV screening by the CDC. Those who test positive are directly linked to comprehensive medical care and supportive services through intensive care coordination and patient navigation.⁶⁶ DOHMH reports that in the first year of the program, over 5,000 individuals were successfully recruited and tested, providing test results to over 98% of those who test antibody positive and assisting 85% of those who tested with chronic HCV attend their first medical appointment⁶⁷

Taken together, all of these efforts can reduce the prevalence of Hepatitis B and C infection by making people aware of their status, providing education, and recommending health care services in appropriate circumstances.

III. PROPOSED INT. NO. 51-A – BILL ANALYSIS

Proposed Introduction No. 51-B would amend the Administrative Code of the City of New York (“the Code”) by adding a new § 17-198, which would require the Department of Health and Mental Hygiene (DOHMH) to issue an annual report regarding Hepatitis B (HBV) and Hepatitis C (HCV). DOHMH would be required to submit the first report on or before September 30, 2016 and annually thereafter to the Speaker of the Council and the Mayor. The report would detail DOHMH's efforts to identify and prevent the spread of HBV and HCV during the preceding calendar year. Pursuant to subdivision a of section 17-198 of the Code, the report would include, at minimum, the following separate data on HBV and HCV, disaggregated by disease where applicable:

- (i) the number of persons newly reported to DOHMH with HBV and HCV infections;
- (ii) the prevalence of diagnosed cases;
- (iii) the top five causes of HBV and HCV infections in newly reported cases to DOHMH where a cause is indicated;
- (iv) the demographic information (including age, gender, zip code or other neighborhood-level designation, borough and, in cases where data is available, country of birth) of persons infected with HBV and person infected with HCV;
- (v) the demographic information (including, to the extent available, age, gender, zip code or other neighborhood-level designation, borough, race, ethnicity and national origin) of persons infected with HBV and persons infected with HCV who receive care or treatment in a program operated or contracted by DOHMH or which receives funding from the Council. DOHMH would also be required to report any such information provided to it by the New York City Health and Hospitals Corporation (HHC);

(vi) the number of deaths where HBV and the number of deaths where HCV is listed as the immediate cause of death or the immediate or underlying cause of death on a person's medical certificate of death, and the number of deaths where HBV, HCV or liver cancer is listed as a significant condition contributing to death on a person's medical certificate of death;

(vii) the number of new liver cancers diagnosed;

(viii) the number of new liver cancers diagnosed for which it has been reported to DOHMH that the person also has HBV or HCV, provided, however, that DOHMH is able to obtain the requisite information from the New York State Department of Health in order to complete such reporting;

(ix) in cases of HBV or HCV diagnosed in a viral hepatitis program operated or contracted by DOHMH or which receives funding from the Council, the number of persons linked to care; the number of persons evaluated for treatment; the number of persons who have started treatment; and the number of persons who have completed treatment. DOHMH would also have to report any such information provided to it by HHC;

(x) the number of HBV vaccine doses given and three-dose series completed for HBV for persons who receive care or treatment in a program operated or contracted by DOHMH, including those for whom care or treatment is provided by sites that are contracted to provide DOHMH-provided HBV vaccine and those for whom care or treatment is provided by entities that voluntarily provide such information to DOHMH, and the number of HBV vaccine doses given and three-dose series completed for HBV for children;

(xi) the number of pregnant women with HBV including their race, ethnicity and geographic region of birth;

(xii) funding for the previous fiscal year allocated and used specifically on HBV and HCV-related programs through both full time equivalent staff and from grants or funding to non-governmental organizations; and

(xiii) a description and list of community outreach efforts targeting HBV and HCV.

The following exceptions to the annual reporting requirement of subdivision of such section apply:

- the information provided in paragraph (i) (the number of newly reported persons with HBV and HCV) would be required to be provided every two years beginning in the second year of reporting;
- the information in paragraphs (ii) (the prevalence of diagnosed cases) and (viii) (information relating HBV, HCV and liver cancer) would be required to be provided every five years beginning in the second year of reporting; and
- the information in paragraph (vi) (the number of deaths relating to HBV and HCV) would be required to be provided every three years beginning in the second year of reporting.

Subdivision b of section 17-198 of the Code would require DOHMH to include in the report (in addition to any other data it deems relevant) the following:

(i) a list of programs and measurable outcomes of such programs, relating to HBV and HCV, including, but not limited to, those programs provided through DOHMH's perinatal HBV prevention program; and

(ii) identification of best practices in programs and/or strategies that could be implemented by DOHMH, non-governmental organizations or other state or federal entities that effectively address HBV and HCV prevention, treatment, care, outreach and education.

Subdivision c of section 17-198 of the Code would require DOHMH to make the annual reports—in addition to any materials distributed by DOHMH in conjunction with programs or initiatives involving HBV and HCV—available on their website and to any member of the public upon request.

Subdivision d of such section provides that information required by this section would have to be reported in a manner consistent with the requirements of § 11.11(a)(2) of the New York City Health Code, or successor provision thereto.

Finally, bill section two provides that the Proposed. Int. No. 51-B would take effect immediately upon enactment.

¹ New York State Dep't of Health, *The A, B, and Cs of Viral Hepatitis*, <http://www.health.ny.gov/diseases/communicable/hepatitis/> (last visited June 17, 2014).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ New York City Dep't of Health and Mental Hygiene, *Hepatitis B*, <http://www.nyc.gov/html/doh/html/living/cd-hepatitisb.shtml> (last visited June 17, 2014); New York City Dep't of Health and Mental Hygiene, *Hepatitis C*, <http://www.nyc.gov/html/doh/html/living/cd-hepatitisc.shtml> (last visited June 17, 2014).

⁶ New York State Dep't of Health, *Hepatitis B*, http://www.health.ny.gov/diseases/communicable/hepatitis/hepatitis_b/ (last visited June 17, 2014).

⁷ New York City Dep't of Health and Mental Hygiene, *Hepatitis B*, *Supra* note 5.

⁸ Centers for Disease Control and Prevention, *Viral Hepatitis Surveillance – United States, 2010*, <http://www.cdc.gov/hepatitis/statistics/2010surveillance/Commentary.htm> (last visited June 19, 2014).

⁹ New York State Dep't of Health, *Hepatitis B*, *Supra* note 6.

¹⁰ Centers for Disease Control and Prevention, *Hepatitis B FAQs for Health Professionals*, <http://www.cdc.gov/hepatitis/HBV/HBVfaq.htm#overview> (last visited June 19, 2014).

¹¹ American Liver Foundation, *Hepatitis B*, <http://www.liverfoundation.org/chapters/rockymountain/doctorsnotes/hepatitisb/> (last visited June 18, 2014).

¹² Cindy M. Weinbaum, et.al, *Recommendations for Identification and Public Health Management of Persons with Chronic Hepatitis B Virus Infection*, Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, 57; 1-20 (September 19, 2008).

¹³ World Health Org., *Hepatitis B: Fact Sheet*, <http://www.who.int/mediacentre/factsheets/fs204/en/> (last visited June 18, 2014).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ World Health Org., *Hepatitis B: Fact Sheet N°204*, June 2014, <http://www.who.int/mediacentre/factsheets/fs204/en/> (last visited June 19, 2014).

¹⁸ American Liver Foundation, *Hepatitis B*, *Supra* note 11.

¹⁹ *Id.*

²⁰ Center for Disease Control and Prevention, *Surveillance for Viral Hepatitis- United States, 2011*, <http://www.cdc.gov/hepatitis/Statistics/2011Surveillance/Commentary.htm#hepB> (last visited June 18, 2014).

²¹ New York City Dep't of Health and Mental Hygiene, *Who Should Get Tested for Hepatitis B?*,

<http://www.nyc.gov/html/doh/html/living/cd-hepb-test.shtml> (last visited June 19, 2014).

²² Nat'l Network for Immunization Information, *Hepatitis B*,

<http://www.immunizationinfo.org/vaccines/hepatitis-b> (last visited June 18, 2014). Risk behaviors/exposures include, in the last six months: employment involving contact with blood; dialysis or kidney transplants; blood transfusions; surgery; needle stick/puncture; injection-drug use; sexual contact with infected person; males who had sex with other males; people with more at least two sexual partners; household contact.

²³ World Health Org., *Hepatitis B*, *Supra* note 13.

²⁴ Nat'l Network for Immunization Information, *Supra* note 22.

²⁵ World Health Org., *Hepatitis B*, *Supra* note 13.

²⁶ Center for Disease Control and Prevention, *Hepatitis C Information for Health Professionals*, <http://www.cdc.gov/hepatitis/HCV/index.htm> (last visited June 18, 2014).

²⁷ World Health Org., *Hepatitis C: Fact Sheet*, <http://www.who.int/mediacentre/factsheets/fs164/en/> (last visited June 18, 2014) (noting that about 15-45% of infected persons spontaneously clear the virus within 6 months of infection without any treatment).

²⁸ *Id.*

²⁹ *Id.*

³⁰ Center for Disease Control and Prevention, *Hepatitis C Information for Health Professionals*, *Supra* note 26.

³¹ World Health Org., *Hepatitis C: Fact Sheet*, *Supra* note **Error! Bookmark not defined.**

³² Centers for Disease Control and Prevention, *Hepatitis C in the African American Community*, <http://www.cdc.gov/hepatitis/Populations/AAC-HepC.htm> (last visited June 18, 2014).

³³ Centers for Disease Control and Prevention, *Hepatitis C: Why Baby Boomers Should Get Tested*, <http://www.cdc.gov/knowmorehepatitis/Media/PDFs/FactSheet-Boomers.pdf>, (last visited June 19, 2014).

³⁴ *Id.*

³⁵ Center for Disease Control and Prevention, *Hepatitis C in the African American Community*, *Supra*, Note 32.

³⁶ Center for Disease Control and Prevention, *HIV/AIDS and Viral Hepatitis*, <http://www.cdc.gov/hepatitis/Populations/hiv.htm> (last visited June 18, 2014) (roughly 25% of HIV-infected people in the United States are also infected with HCV).

³⁷ World Health Org., *Hepatitis C: Fact Sheet*, *Supra* note 27.

³⁸ *Id.*

³⁹ New York State Dep't of Health, *Hepatitis C Testing*, http://www.health.ny.gov/diseases/communicable/hepatitis/hepatitis_c/rapid_antibody_testing/ (last visited June 18, 2014).

⁴⁰ Food and Drug Administration Approval Letter for OraQuick HCV Rapid Antibody Test, http://www.accessdata.fda.gov/cdrh_docs/pdf8/p080027s001a.pdf.

⁴¹ *Id.*

⁴² Bertha Coombs, *For Sovaldi Patients, Expensive Hepatitis C Cure Is Priceless*, CNBC, <http://www.cnbc.com/id/101700435> (last visited June 18, 2014).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ New York City Dep't of Health & Mental Hygiene, Presentation to the New York City Council, *Hepatitis B in New York City: The Health Department Perspective*, February 2014.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ A list of DOHMH STD Clinics can be found at: <http://www.nyc.gov/html/doh/html/living/std-clinics.shtml>.

⁵¹ More information on the City's free condom program can be found at: <http://www.nyc.gov/html/doh/html/living/condoms.shtml>.

⁵² More information on DOHMH Immunization Clinics can be found at: <http://www.nyc.gov/html/doh/html/living/immun-clinics.shtml>.

⁵³ New York City Dep't of Health & Mental Hygiene, Testimony, New York City Council Committee on Health Hearing, June 12, 2014.

⁵⁴ NYC Hepatitis B Coalition, <http://nychebpc.org/nyc-hepatitis-b-coalition/> (last visited June 19, 2014).

⁵⁵ *Id.*

⁵⁶ Center for Disease Control and Prevention, *Early Identification and Linkage to Care of Persons with Chronic Hepatitis B Virus Infection — Three U.S. Sites, Morbidity and Mortality Weekly Report (MMWR)*, 2012–2014, available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6318a3.htm>.

⁵⁷ *Id.*

⁵⁸ New York City Dep’t of Health & Mental Hygiene, *Chronic Hepatitis C*, http://nychepbc.org/wp-content/uploads/sites/50/2012/03/NYCDOHMH_Chronic-Hepatitis-C_2010_2011.pdf

⁵⁹ S. Balter, et al, *Estimating the prevalence of hepatitis C infection in New York City using surveillance data*, *Epidemiology and Infection*, May 9, 2013.

⁶⁰ A list of sites can be found at: <https://a816-healthpsi.nyc.gov/DispensingSiteLocator/mainView.do>.

⁶¹ A list of sites can be found at:

http://www.nyc.gov/html/doh/downloads/pdf/basas/syringe_exchange.pdf.

⁶² NYC Hepatitis C Task Force, <http://nychepbc.org/new-york-city-hepatitis-c-task-force/> (last visited June 19, 2014).

⁶³ *Id.*

⁶⁴ Injection Drug Users Health Alliance, *About*, <http://iduha.org/about-us/>.

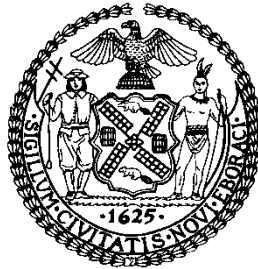
⁶⁵ Carl Campanile, *City Hitting Hepatitis C*, *NEW YORK POST*, March 17, 2012,

<http://nypost.com/2012/03/17/city-hitting-hepatitis-c/>.

⁶⁶ Hepatitis C update provided by the New York City Dep’t of Health & Mental Hygiene to New York City Council Staff, April 9, 2014.

⁶⁷ *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 51-B:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 51-B**

**COMMITTEE:
Health**

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

SPONSOR(S): Council Members Chin, Johnson, Koo, Maisel, Arroyo, Eugene, Gentile, Levine, Mendez, Palma, Rose, Williams, Van Bramer, Richards, Koslowitz, Menchaca, Dromm and Rodriguez

SUMMARY OF LEGISLATION:

Proposed Intro. No. 51-B would require the Department of Health and Mental Hygiene (DOHMH) to issue an annual report regarding Hepatitis B (HBV) and Hepatitis C (HCV). This bill would require the Department to provide a variety of information relating to HBV and HCV, including:

- i. The number of new cases and the prevalence of HBV and HCV infections;

- ii. The top five causes of HBV and HCV in new cases;
- iii. Demographic information (age, gender, neighborhood, borough, national origin, race and ethnicity) of persons infected with HBV and HCV;
- iv. The number of deaths where HBV or HCV was a factor;
- v. The number of new liver cancer diagnoses and the number of liver cancers diagnoses that overlap with HBV or HCV;
- vi. The number of people in a DOHMH-operated or contracted program or a Council-funded program who are receiving care at various stages (e.g. linkage to care, evaluation for care, and treatment);
- vii. The number of HBV vaccine doses given and completed for children and for adults in a DOHMH program;
- viii. Funding for the previous year allocated specifically for HBV or HCV, a description of DOHMH's outreach efforts targeting HBV and HCV, and outcomes of DOHMH's HBV and HCV programs; and
- ix. Best practices that could be implemented by DOHMH and other entities to address HBV and HCV prevention, treatment, care, outreach and education.

Of the information above, the number new cases and prevalence of infections (i), the number of deaths where HBV or HCV was a factor (iv); and the number of liver cancers diagnoses that overlap with HBV or HCV (v) would not be required to be reported every year due to the intensive resources required for such reporting. Annual reports would be submitted to the Council and available on DOHMH's website.

EFFECTIVE DATE: This local law would take effect immediately upon enactment.

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 anticipated that there will be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: This legislation would require DOHMH to assign staff to complete data collection and reporting, and DOHMH plans to utilize existing resources to comply with this legislation.

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: 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. 51 was introduced to the Council on February 26, 2014 and referred to the Committee on Health. The Committee on Health held a hearing on Proposed Intro. No. 51 on June 24, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 51-A, was heard by the Committee on Health on June 24, 2014. Proposed Intro. No. 51-B will be voted on by the Committee on Health on April 27, 2015. Upon successful vote by the Committee, Proposed Int. No. 51-B will be submitted to the full Council for a vote on April 28, 2015.

DATE PREPARED: July 27, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 51-B:)

Int. No. 51-B

By Council Members Chin, Johnson, Koo, Maisel, Arroyo, Eugene, Gentile, Levine, Mendez, Palma, Rose, Williams, Van Bramer, Richards, Koslowitz, Menchaca, Dromm, Rodriguez, Lander, Cohen, Greenfield and Kallos.

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

Be it enacted by the Council as follows:

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

*§ 17-198 **Hepatitis B and hepatitis C data compilation and reporting.** On or before September 30 of two thousand sixteen and each year thereafter, the department shall submit an annual report to the speaker of the council and the mayor detailing the department's efforts to identify and prevent the spread of hepatitis B and hepatitis C during the preceding calendar year.*

a. Such annual report shall, at minimum, provide separate data on hepatitis B and hepatitis C, disaggregated by disease where applicable, including:

(i) the number of persons newly reported to the department with hepatitis B and hepatitis C infections;

(ii) the prevalence of diagnosed cases;

(iii) the top five causes of hepatitis B and hepatitis C infections in newly reported cases to the department where a cause is indicated;

(iv) the demographic information, including age, gender, zip code or other neighborhood-level designation, borough and, in cases where data is available, country of birth, of persons infected with hepatitis B and persons infected with hepatitis C;

(v) the demographic information, including, to the extent available, age, gender, zip code or other neighborhood-level designation, borough, race, ethnicity and national origin of persons infected with hepatitis B and of persons infected with hepatitis C who receive care or treatment in a program operated or contracted by the department or which receives funding from the council. The department shall also report any such information provided to it by the New York city health and hospitals corporation;

(vi) the number of deaths where hepatitis B and the number of deaths where hepatitis C is listed as the immediate cause of death or the immediate or underlying cause of death on a person's medical certificate of death, and the number of deaths where hepatitis B, hepatitis C or liver cancer is listed as a significant condition contributing to death on a person's medical certificate of death;

(vii) the number of new liver cancers diagnosed;

(viii) the number of new liver cancers diagnosed for which it has been reported to the department that the person also has hepatitis B or hepatitis C, provided, however, that the department is able to obtain the requisite information from the New York state department of health in order to complete such reporting;

(ix) in cases of hepatitis B or hepatitis C diagnosed in a viral hepatitis program operated or contracted by the department or which receives funding from the council, the number of persons linked to care; the number of persons evaluated for treatment; the number of persons who have started treatment; and the number of persons who have completed treatment. The department shall also report any such information provided to it by the New York city health and hospitals corporation;

(x) *the number of hepatitis B vaccine doses given and three-dose series completed for hepatitis B for persons who receive care or treatment in a program operated or contracted by the department, including those for whom care or treatment is provided by sites that are contracted to provide department-provided hepatitis B vaccine and those for whom care or treatment is provided by entities that voluntarily provide such information to the department, and the number of hepatitis B vaccine doses given and three-dose series completed for hepatitis B for children;*

(xi) *the number of pregnant women with hepatitis B including their race, ethnicity and geographic region of birth;*

(xii) *funding for the previous fiscal year allocated and used specifically on hepatitis B and hepatitis C related programs through both full time equivalent staff and from grants or funding to non-governmental organizations; and*

(xiii) *a description and list of community outreach efforts targeting hepatitis B and hepatitis C.*

Provided, however, that the information in paragraph (i) of this subdivision shall be provided every two years beginning in the second year of reporting, the information in paragraphs (ii) and (viii) of this subdivision shall be provided every five years beginning in the second year of reporting and the information in paragraph (vi) of this subdivision shall be provided every three years beginning in the second year of reporting.

b. In addition to any other data the department may deem relevant, such report shall include:

(i) a list of programs and measurable outcomes of such programs, relating to hepatitis B and hepatitis C, including, but not limited to, those programs provided through the department's perinatal hepatitis B prevention program; and

(ii) identification of best practices in programs and/or strategies that could be implemented by the department, non-governmental organizations or other state or federal entities that effectively address hepatitis B and hepatitis C prevention, treatment, care, outreach and education.

c. The annual reports required pursuant to this section as well as any materials distributed by the department in conjunction with programs or initiatives involving hepatitis B and C shall be made available on the department's website and to any member of the public upon request.

d. Information required by this section shall be reported in a manner consistent with the requirements of section 11.11(a)(2) of the New York city health code, or successor provision thereto.

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

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; *Committee on Health, April 27, 2015. Other Council Members Attending: Constantinides 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 of the Committee on Housing and Buildings

Report for Int. No. 181-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to notice requirements for hotel development plans.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on March 12, 2014 (Minutes, page 697), respectfully

REPORTS:

Introduction

On April 27, 2015, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will held a hearing to consider Int. No. 181-A.

The Committee previously considered Int. No. 181-A at a hearing held on April 2, 2014 and received testimony from the Department of Buildings (DOB), members of the real estate industry, member of the hotel industry and other interested members of the public.

Int. No. 181-A

Int. No. 181-A would require that DOB, upon receiving an application for a new hotel, provide notice to each affected Borough President, Community Board, Borough Board and Council Member.

Section one of Int. No. 181-A would add a new section 28-103.25 to Article 103 of title 28 of the New York City Administrative Code (the Code). Article 103 outlines the duties and powers of the Commissioner of Buildings. Int. No. 181-A would add a new section 28-103.25 to require DOB, upon receiving an application for new construction of or conversion to, a transient hotel, to provide written notice, or notice by electronic mail, of the proposed construction or conversion. Such notice would have to be sent to each affected Borough President, Community Board, Council Member, and where the proposed construction or conversion involves land within two or more community districts, the Borough Board.

Section two of this legislation contains the enactment clause and provides that this local law take effect 180 days after it becomes law.

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Changes to Int. No. 181-A

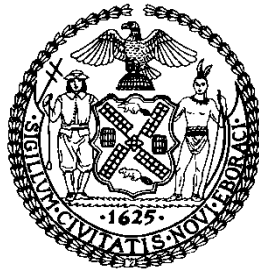
In addition to various technical edits, Int. No. 181-A has been amended in the following manner:

- Community Boards are no longer required to conduct a public hearing on, and an initial review of, plans for development of apartment hotels and transient hotels.
- The DOB is now responsible for providing notice to Community Boards, Council Members, Borough Presidents, and Borough Boards about applications for construction of or conversion to transient hotels.

Update

On Monday, April 27, 2015, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 181-A:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 181-A**

**COMMITTEE:
Housing and
Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to notice requirements for hotel development plans

SPONSOR(S): Council Members Williams, Chin, Johnson, Koo, Rosenthal, Cumbo, Arroyo and Van Bramer

SUMMARY OF LEGISLATION: The proposed legislation would require the Department of Buildings (DOB) to provide written notice, or notice by e-mail, to affected borough presidents, council members, and community boards, and in certain cases borough boards, when it receives applications for new construction of hotels or applications for conversion to transient hotels.

EFFECTIVE DATE: This legislation would take effect 180 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
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 the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DOB would use existing resources to implement this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Legislative Financial Analyst
Emre Edev, Principal Legislative Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Assistant Counsel, City Council Finance Division
Tanisha Edwards, Chief Counsel, City Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 12, 2014 as Intro. 181 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 2, 2014 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 181-A will be considered by the Committee on April 27, 2015. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on April 28, 2015.

DATE PREPARED: April 24, 2015

Accordingly, this Committee recommends its adoption, as amended.

April 28, 2015

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(The following is the text of Int. No. 181-A:)

Int. No. 181-A

By Council Members Williams, Chin, Johnson, Koo, Rosenthal, Cumbo, Arroyo, Van Bramer, Lander, Dromm, Koslowitz, Cohen, Crowley, Kallos and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to notice requirements for hotel development plans

Be it enacted by the Council as follows:

Section 1. Article 103 of the administrative code of the city of New York is amended by adding a new section 28-103.25 to read as follows:

28-103.25 Hotel development plans. *Where the department receives applications for new construction of or conversions to transient hotels, as defined in the zoning resolution, the department shall provide written notice, or notice by electronic mail, of the proposed construction or conversion to:*

- 1. The borough president of the borough in which such proposed construction is located;*
- 2. The council member in whose district such proposed construction is located;*
- 3. The community board of the community district in which such proposed construction is located; and*
- 4. If such proposed construction involves land within two or more community districts in a borough, the borough board.*

§ 2. This local law takes effect 180 days after it becomes law.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, April 27, 2015.

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. 205

Report of the Committee on Land Use in favor of approving Application No. N 150167 ZRY submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, pertaining to exempting floor space occupied by additional safety measures required by 2014 NYC Building Code from counting towards zoning floor area, Citywide, Council Districts 1-51.

The Committee on Land Use to which the annexed Land Use item was referred on March 31, 2015 (Minutes, page 1019), and was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****CITYWIDE****N 150167 ZRY**

City Planning Commission decision approving an application by the Department of City Planning pursuant to Section 200 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to exempting floor space occupied by additional safety measures that are required by the 2014 New York City Building Code from counting towards zoning floor area.

INTENT

To facilitate and make effective additional safety measures that are part of New York City's 2014 Building Code for non-residential buildings that exceed 420 feet.

PUBLIC HEARING**DATE:** April 13, 2015**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 23, 2015

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

In Favor: Weprin, Garodnick, Williams, Wills, Reynoso, Torres, Ignizio

COMMITTEE ACTION

DATE: April 27, 2015

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Rodriquez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

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

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

Res. No. 677

Resolution approving decision of the City Planning Commission on Application No. N 150167 ZRY, for an amendment of the Zoning Resolution of the City of New York, pertaining to exempting floor space occupied by additional safety measures that are required by the 2014 New York City Building Code from counting towards zoning floor area (L.U. No. 205).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 20, 2015 its decision dated March 18, 2015 (the "Decision"), pursuant to Section 200 of the New York City Charter, regarding the application for an amendment to Section 12-10 of the Zoning Resolution to exempt floor space occupied by additional safety measures that are required as part of New York City's 2014 Building Code for non-residential buildings that exceed 420 feet in height from counting towards zoning floor area (Application No. N 150167 ZRY), Citywide (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 13, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 15DCP071Y) issued on November 17, 2014 (the “Negative Declaration”);

RESOLVED:

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

Pursuant to 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 the report, N 150167 ZRY, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

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

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

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I

GENERAL PROVISIONS

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

- (a) #basement# space, except as specifically excluded in this definition;
- (b) elevator shafts or stairwells at each floor; except as specifically excluded in this definition;

However, the #floor area# of a #building# shall not include:

- (11) floor space within stairwells;

- (i) at each floor of #buildings# containing #residences# #developed# or #enlarged# after April 16, 2008, that are greater than 125 feet in height, provided that:

- ~~(i)~~ (1) such stairwells are located on a #story# containing #residences#;

- ~~(ii)~~ (2) such stairwells are used as a required means of egress from such #residences#;

- ~~(iii)~~ (3) such stairwells have a minimum width of 44 inches;

- ~~(iv)~~ (4) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and

- ~~(v)~~ (5) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#;

- (ii) at each floor of #buildings developed# or #enlarged# after (date of amendment), that are 420 feet or greater in height, provided that:

- (1) such stairwells serve a space that is any occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and
- (2) such floor space excluded from #floor area# shall be limited to:
- (aa) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair and landing widths required by such Code for means of egress; or
- (bb) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of this paragraph (11)(ii)(2)(bb), such additional stairwell shall include the stair and landings as well as any walls enclosing such stair and landings;
- (12) exterior wall thickness, up to eight inches:

* * *

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 27, 2015.

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. 208

Report of the Committee on Land Use in favor of approving Application No. 20155354 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of PACAP, LLC, d/b/a Monte-Carlo NYC, for a revocable consent to establish, maintain and

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operate an unenclosed sidewalk café located at 181 East 78th Street, Borough of Manhattan, Community Board 8, Council District 4. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

The Committee on Land Use to which the annexed Land Use item was referred on April 16, 2015 (Minutes, page 1308), and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

20155354 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Pacap, LLC, d/b/a Monte-Carlo NYC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 181 East 78th Street.

INTENT

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

PUBLIC HEARING

DATE: April 23, 2015

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 23, 2015

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

In Favor: Weprin, Garodnick, Williams, Wills, Reynoso, Torres, Ignizio

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: April 27, 2015

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res. No. 678

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 181 East 78th Street, Borough of Manhattan (20155354 TCM; L.U. No. 208).

By Council Members Greenfield and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 3, 2015 its approval dated April 2, 2015 of the petition of Pacap, LLC, d/b/a Monte-Carlo NYC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 181 East 78th Street, Community District 8, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on April 23, 2015; and

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

RESOLVED:

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

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DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 27, 2015.

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. 212

Report of the Committee on Land Use in favor of approving Application No. C 150196 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter for an Urban Development Action Area designation and Project for property located at 986-996 Washington Avenue a.k.a. 489-493 East 164th Street, Borough of the Bronx, and for the disposition of such property, Community Board 3, Council District 17.

The Committee on Land Use to which the annexed Land Use item was referred on April 16, 2015 (Minutes, page 1310), and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 3

N 150196 HAX

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 986-996 Washington Avenue and 489-493 East 164th Street (Block 2369, Lots 1, 2, 3, 4, 5, 53, 54, 90 and 153), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area;

to facilitate development of an eight-story building for use as a non-profit institution with sleeping accommodations containing approximately 94 units of supportive and affordable housing.

INTENT

This UDAAP designation and project approval of property, along with the other related action, would facilitate the development of an eight-story building containing approximately 94 units of supportive housing for formerly homeless persons with persistent mental health disorders and low-income individuals and families.

PUBLIC HEARING

DATE: April 23, 2015

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 23, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: April 27, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

April 28, 2015

1426

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

Res. No. 679

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development and the decision of the City Planning Commission, ULURP No. C 150196 HAX, approving the designation of 986-996 Washington Avenue and 489-493 East 164th Street (Block 2369, Lots 1, 2, 3, 4, 5, 53, 54, 90 and 153), the Bronx, as an Urban Development Action Area, and approving the project for the area as an Urban Development Action Area Project (L.U. No. 212; N 150196 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on April 3, 2015 its decision dated April 1, 2015 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State regarding:

a) the designation of 986 Washington Avenue (Block 2369, Lot 1), 988 Washington Avenue (Block 2369, Lot 2), 992 Washington Avenue (Block 2369, Lot 3), 994 Washington Avenue (Block 2369, Lot 4), 996 Washington Avenue (Block 2369, Lot 5), 493 East 164th Street (Block 2369, Lot 53), 489 East 164th Street (Block 2369, Lot 54), 990 Washington Avenue (Block 2369, Lot 90), and 491 East 164th Street (Block 2369, Lot 153), as an Urban Development Action Area (the "Area"); and

b) an Urban Development Action Area Project for such area (the "Project");

to facilitate the development of an eight-story building for use as a non-profit institution with sleeping accommodations containing approximately 94 units of supportive and affordable housing for formerly homeless persons with persistent mental health disorders and low-income individuals and families, Community District 3, Borough of the Bronx (N 150196 HAX) (the "Application");

WHEREAS, the Application is related to ULURP No. C 150197 ZSX (L.U. No. 213), a Special Permit to allow the Floor Area Ratio for community facility uses to be applied to a non-profit institution with sleeping accommodations;

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its requests (the “HPD Requests”) regarding the Application on April 13, 2015;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on April 23, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 14HPD045X) issued on July 29, 2014 (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and consideration described in the report (N 150196 HAX) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

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

The project shall be developed in a manner consistent with the Project Summary submitted by HPD on April 13, 2015, a copy of which is attached hereto and made a part hereof.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 27, 2015.

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. 213

Report of the Committee on Land Use in favor of approving Application No. C 150197 ZSX submitted by New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the floor area requirements to permit the allowable community facility floor area ratio to apply to a non-profit institution with sleeping accommodations in connection with a proposed 8-story building on property located at 986-996 Washington Avenue a.k.a. 489-493 East 164th Street, Borough of the Bronx, Community Board 3, Council District 17. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use to which the annexed Land Use item was referred on April 16, 2015 (Minutes, page 1310), and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 3

C 150197 ZSX

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development and South Bronx Overall Economic Development Organization pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-

111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed 8-story building on property located at 986-996 Washington Avenue a.k.a. 489-493 East 164th Street (Block 2369, Lots 1, 2, 3, 4, 5, 53, 54, 90 and 153), in an M1-1/ R7-2 District, with a Special Mixed Use District (MX-7).

INTENT

This special permit, along with the other related action, would facilitate the development of an eight-story building containing approximately 94 units of supportive housing for formerly homeless persons with persistent mental health disorders and low-income individuals and families.

PUBLIC HEARING

DATE: April 23, 2015

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 23, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: April 27, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

April 28, 2015

1430

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

Res. No. 680

Resolution approving the decision of the City Planning Commission on ULURP No. C 150197 ZSX (L.U. No. 213), for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed 8-story building on property located at 986-996 Washington Avenue a.k.a 489-493 East 164th Street (Block 2369, Lots 1, 2, 3, 4, 5, 53, 54, 90 and 153), in an M1-1/ R7-2 District, with a Special Mixed Use District (MX-7), in Community District 3, Borough of the Bronx.

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on April 3, 2015 its decision dated April 1, 2015 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and South Bronx Overall Economic Development Organization, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations (UG 3), in connection with an eight-story building on property located at 986-996 Washington Avenue a.k.a. 489-493 East 164th Street (Block 2369, Lots 1, 2,3,4,5,53,54,90 and 153), in an M1-1/R7-2 District, with a Special Mixed Use District (MX-7) (ULURP No. C 150197 ZSX), Community District 3, Borough of the Bronx (the "Application");

WHEREAS, the application is related to Application N 150196 HAX (L.U. No. 212), an Urban Development Action Area designation and project approval;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-902 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 23, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 14HPD045X) issued on July 29, 2014 (the “Negative Declaration”);

RESOLVED:

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

Pursuant to 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 150197 ZSX, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of the application shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Danois Architects, PC, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Data	11/21/2014
A-001.00	Site Plan	11/21/2014
A-300.00	Sections	11/21/2014
A-301.00	Sections	11/21/2014

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

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

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

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

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 27, 2015.

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. 214

Report of the Committee on Land Use in favor of approving Application No. C 150175 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter for an Urban Development Action Area designation and Project for property located at 1561 Walton Avenue, Borough of the Bronx, and for the disposition of such property, Community Board 4, Council District 14.

The Committee on Land Use to which the annexed Land Use item was referred on April 16, 2015 (Minutes, page 1310), and was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CB - 4****C 150175 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 1561 Walton Avenue (Block 2845, Lot 47), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of property (Block 2845, Lot 47) to a developer to be selected by HPD;

to facilitate development of a nine to eleven-story residential building with approximately 60 units (55,113 square feet) of rental housing affordable to low-income and homeless individuals or families.

INTENT

This UDAAP designation, project approval and disposition of city-owned property, along with the other related action, would facilitate the construction of a nine- to eleven-story residential building containing approximately 60 dwelling units of rental housing affordable to low-income and homeless individuals or families.

PUBLIC HEARING**DATE:** April 23, 2015**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 23, 2015

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

April 28, 2015

1434

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: April 27, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

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

Res. No. 681

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development and the decision of the City Planning Commission, ULURP No. C 150175 HAX, approving the designation of property located at 1561 Walton Avenue (Block 2845, Lot 47), Borough of the Bronx, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located at 1561 Walton Avenue (Block 2845, Lot 47) to a developer selected by HPD (L.U. No. 214; C 150175 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on April 3, 2015 its decision dated April 1, 2015 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

a) the designation of property located at 1561 Walton Avenue (Block 2845, Lot 47), as an Urban Development Action Area (the "Area");

b) an Urban Development Action Area Project for the Area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 1561 Walton Avenue (Block 2845, Lot 47), to a developer to be selected by the New York City Department of Housing Preservation and Development to facilitate development of a nine- to eleven-story residential building with approximately 60 units of rental housing affordable to low-income and homeless individuals or families, Community District 4, Borough of the Bronx (ULURP No. C 150175 HAX) (the "Application");

WHEREAS, the application is related to Application C 150174 PQX (L.U. No. 215), an acquisition of property located at 1561 Walton Avenue (Block 2845, Lot 47);

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, by letter dated March 13, 2015 and submitted to the Council on April 1, 2015, New York City Department of Housing Preservation and Development ("HPD") submitted its requests (the "HPD Requests") respecting the Application including a project summary (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on April 23, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 15HPD007X) dated November 20, 2014 (the "Negative Declaration");

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 150175 HAX) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

April 28, 2015

1436

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

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

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

The Project shall be developed in a manner consistent with the Project Summary submitted by HPD on April 1, 2015, a copy of which is attached hereto and made a part hereof.

The Council approves the disposition of 1561 Walton Avenue (Block 2845, Lot 47), to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 27, 2015.

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. 215

Report of the Committee on Land Use in favor of approving Application No. C 150174 PQX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1561 Walton Avenue, Borough of the Bronx, Community Board 4, Council District 14. This application is subject to the review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use to which the annexed Land Use item was referred on April 16, 2015 (Minutes, page 1311), and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 4

C 150174 PQX

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City charter, for the acquisition of property located at 1561 Walton Avenue (Block 2845, Lot 47), to facilitate the development of a nine to eleven-story residential development with approximately 60 dwelling units of rental housing affordable to low-income and homeless individuals or families and community facility space.

INTENT

This acquisition of property, along with the other related action, would facilitate the construction of a nine- to eleven-story residential building containing approximately 60 dwelling units of rental housing affordable to low-income and homeless individuals or families.

PUBLIC HEARING

DATE: April 23, 2015

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 23, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

April 28, 2015

1438

DATE: April 27, 2015

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Palma, Arroyo, Dickens, Garodnick, Mealy, Rodriquez, Koo, Lander, Levin, Weprin, Williams, Wills, Richards, Cohen, Kallos, Reynoso, Torres, Treyger, Ignizio

Against: *None*

Abstain: *None*

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

Res. No. 682

Resolution approving the decision of the City Planning Commission on ULURP No. C 150174 PQX (L.U. No. 215), for the acquisition of property located at 1561 Walton Avenue (Block 2845, Lot 47), in Community District 4, Borough of the Bronx.

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on April 3, 2015 its decision dated April 1, 2015 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Housing Preservation and Development, for the acquisition of property located at 1561 Walton Avenue (Block 2845, Lot 47), in Community District 4 (the "Site"), (ULURP No. C 150174 PQX), Borough of the Bronx (the "Application");

WHEREAS, the application is related to Application C 150175 HAX (L.U. No. 214), an Urban Development Action Area designation, project approval and disposition of city- owned property;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 23, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 15HPD007X) dated November 20, 2014 (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 150174 PQX, incorporated by reference herein, the Council approves the acquisition of property located at 1561 Walton Avenue (Block 2845, Lot 47), Borough of Bronx.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, April 27, 2015.

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

GENERAL ORDER CALENDAR

Report for L.U. No. 189 & Res. No. 683

Report of the Committee on Land Use in favor of approving Application No. C 140407 ZRM submitted by 1818 Nadlan LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community Board 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on March 11, 2015 (Minutes, page 829) and was coupled in committee with the resolution shown below before being sent to the City Planning Commission by the Council for further review on April 16, 2015 (Minutes, page 1209), respectfully

REPORTS:

April 28, 2015

1440

SUBJECT

MANHATTAN CB - 4

N 140407 ZRM

City Planning Commission decision approving an application submitted by 1818 Nadlan, LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633 and 23-663, planting regulations of Section 23-892 and permitted obstruction within rear yard regulations of Section 23-44.

INTENT

This zoning text amendment, in conjunction with the other related special permits actions would facilitate the development of a 15-story residential building with segments along both West 43rd Street and West 44th Street over an open rail cut in the Special Clinton District in Community District 4, Borough of Manhattan.

PUBLIC HEARING

DATE: March 24, 2015

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 13, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: April 15, 2015

The Committee recommends that the Council approve the attached resolution.

In Favor: Greenfield, Gentile, Palma, Arroyo, Garodnick, Mealy, Mendez, Rodriquez, Koo, Lander, Levin, Weprin, Richards, Cohen, Kallos, Reynoso, Torres, Treyger

Against: *None*

Abstain: Williams

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

Res. No. 683

Resolution approving decision of the City Planning Commission on Application No. N 140407 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633 and 23-663, planting regulations of Section 23-892 and permitted obstruction within rear yard regulations of Section 23-44, in Community District 4, Borough of Manhattan (L.U. No. 189).

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 9, 2015 its decision dated March 4, 2015 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 1818 Nadlan, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633 and 23-663, planting regulations of Section 23-892 and permitted obstruction within rear yard regulations of Section 23-44. The proposed action, in conjunction with the other related actions, would facilitate the development of a 15-story residential building with segments along both West 43rd Street and West 44th Street over an open rail cut in the Special Clinton District (Application No. N 140407 ZRM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 140408 ZSM (L.U. 190), a special permit pursuant to Section 74-681 of the Zoning Resolution to allow development over a railroad transit right-of-way; and C 140409 ZSM (L.U. No. 191), a proposed special permit pursuant to Section 96-32(c), special regulations in R9 districts to modify height, setback, planting and rear yard requirements;

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 March 24, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues, including the revised negative declaration (CEQR No. 14DCP183M) issued on March 2, 2015, which reflects the application as modified by the Commission (the “Revised Negative Declaration”) and the CEQR Technical Memorandum dated April 16, 2015 (the “CEQR Technical Memorandum”);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 140407 ZRM, incorporated by reference herein, the Council approves the Decision.

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

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is old, to be deleted;
- Matter in # # is defined in Section 12-10;
- * * * indicate where unchanged text appears in the Zoning Resolution

Article IX - Special Purpose Districts

* * *

**Chapter 6
Special Clinton District**

* * *

**96-30
OTHER AREAS**

* * *

96-32**Special Regulations in R9 Districts**

In R9 Districts in Western Subarea C2, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

* * *

(c) Height and setback modification

For any #development# or #enlargement# subject to the provisions of Section 74-681 (Development within or over a railway or transit right-of-way or yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the open area planting requirements of Section 23-892 (In R6 through R10 Districts) and the permitted obstructions in #rear yard# or #rear yard equivalent# regulations of Section 23-44, provided that:

(1) such modification of height and setback regulations will:

(i) result in a #building# that has a maximum #building# height of 155 feet;

(ii) result in a better distribution of #bulk# on the #zoning lot#; and

(iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;

(2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and that the area between the #street wall# and #street line# of the #buildings# shall be improved with moveable planters; and

(3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting and of a type that is expected to form a year-round dense

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screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area.

* * *

End text

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 15, 2015.

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. 190 & Res. No. 684

Report of the Committee on Land Use in favor of approving Application No. C 140408 ZSM submitted by 1818 Nadlan LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow a portion of the railroad or transit right-of-way to be included in the lot area in connection with a proposed residential building on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street within the Special Clinton District, Borough of Manhattan, Community Board 4, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 11, 2015 (Minutes, page 829) and was coupled in committee with the resolution shown below before being sent to the City Planning Commission by the Council for further review on April 16, 2015 (Minutes, page 1211), respectfully

REPORTS:

SUBJECT**MANHATTAN CB - 4****C 140408 ZSM**

City Planning Commission decision approving an application submitted by 1818 Nadlan, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area in connection with a proposed residential building with two 15-story segments, on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street (Block 1027, Lot 24), in an R9 District, within the Special Clinton District (Preservation Area).

INTENT

This special permit action, in conjunction with the other related actions, would facilitate the development of a 15-story residential building with segments along both West 43rd Street and West 44th Street over an open rail cut in the Special Clinton District in Community District 4, Borough of Manhattan.

PUBLIC HEARING**DATE:** March 24, 2015**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 13, 2015

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

In Favor: Weprin, Gentile, Garodnick, Richards, Reynoso**Against:** *None***Abstain:** *None***COMMITTEE ACTION****DATE:** April 15, 2015

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The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: Williams

FILING OF MODIFICATION WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on April 16, 2015. The City Planning Commission filed a letter dated April 21, 2015, with the Council on April 21, 2015, indicating that the proposed modifications were not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 684

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140408 ZSM (L.U. No. 190), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area in connection with a proposed residential building with two 15-story segments, on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street (Block 1027, Lot 24), in an R9 District, within the Special Clinton District (Preservation Area), in Community District 4, Borough of Manhattan.

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 9, 2015 its decision dated March 4, 2015 (the "Decision"), on the application submitted by 1818 Nadlan, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area in connection with a proposed residential building with two 15-story segments, on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street (Block 1027, Lot 24), in an R9 District, within the Special Clinton District (Preservation Area), (ULURP No. C 140408 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications N 140407 ZRM (L.U. 189), a proposed amendment to the Zoning Resolution to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633, rear yard regulations of Section 23-663, planting regulations of Section 23-892, and permitted obstruction within rear yard regulations of Section 23-44; and C 140409 ZSM (L.U. No. 191), a proposed special permit pursuant to Section 96-32(c), special regulations in R9 districts to modify height, setback, planting and rear yard requirements;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-681 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 24, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues, including the revised negative declaration (CEQR No. 14DCP183M) issued on March 2, 2015, which reflects the application as modified by the Commission (the "Revised Negative Declaration") and the CEQR Technical Memorandum dated April 16, 2015 (the "CEQR Technical Memorandum");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140408 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications, and subject to the following conditions:

Matter in ~~double-strikeout~~ is old, deleted by the Council;

Matter in **bold double-underlined** in new, added by the Council.

1. The property that is the subject of this application (C 140408 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions,

specifications and zoning computations indicated on the following plans, prepared by SLCE Architects, filed with this application and incorporated in this resolution:

<u>Drawing</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-4	ULURP Zoning - Zoning Calculations	Feb. 9, 2015 <u>04/20/2015</u>
Z-5	ULURP Zoning - Site Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-6	ULURP Zoning - Ground Floor Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-9	ULURP Zoning - Waiver Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-10	ULURP Zoning - Building Sections	Feb. 9, 2015 <u>04/20/2015</u>
Z-11	ULURP Zoning - Building Section	Feb. 9, 2015 <u>04/20/2015</u>

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

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

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

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

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or

the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 15, 2015.

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. 191 & Res. No. 685

Report of the Committee on Land Use in favor of approving Application No. C 140409 ZSM submitted by 1818 Nadlan LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 96-32(c) of the Zoning Resolution to modify the requirements for height, setback, permitted obstructions and planting in connection with a proposed residential building on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street within the Special Clinton District, Borough of Manhattan, Community Board 4, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 11, 2015 (Minutes, page 830) and was coupled in committee with the resolution shown below before being sent to the City Planning Commission by the Council for further review on April 16, 2015 (Minutes, page 1213), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

C 140409 ZSM

City Planning Commission decision approving an application submitted by 1818 Nadlan, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 96-32(c) of the Zoning Resolution to modify the height and setback requirements of Sections 96-32 (Special Regulations in R9 Districts) and 23-633 (Street wall location and height and setback regulations in certain districts), the rear yard setback requirements of Section 23-663 (Required rear setbacks for tall buildings in other districts), the permitted obstructions requirements of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and the planting requirements of Section 23-892 (In R6 through R10 Districts), in connection with a proposed residential building with two 15-story segments on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street (Block 1072, Lot 24), in an R9 District, within the Special Clinton District (Preservation Area).

INTENT

This proposed special permit action, in conjunction with the other related actions, would facilitate the development of a 15-story residential building with segments along both West 43rd Street and West 44th Street over an open rail cut in the Special Clinton District in Community District 4, Borough of Manhattan.

PUBLIC HEARING

DATE: March 24, 2015

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 13, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: April 15, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: Williams

FILING OF MODIFICATION WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on April 16, 2015. The City Planning Commission filed a letter dated April 21, 2015, with the Council on April 21, 2015, indicating that the proposed modifications were not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 685

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140409 ZSM (L.U. No. 191), for the grant of a special permit pursuant to Section 96-32(c) of the Zoning Resolution to modify the height and setback requirements of Sections 93-32 (Special Regulations in R9 Districts) and 23-633 (Street wall location and height and setback regulations in certain districts), the rear yard setback requirements of 23-663 (Required rear setbacks for tall buildings in other districts), the permitted obstructions requirements of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and the planting requirements of Section 23-892 (In R6 through R10 District), in connection with a proposed residential building with two 15-story segments, on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street (Block 1072, Lot 24), in an R9 District, within the Special Clinton District (Preservation Area), in Community District 4, Borough of Manhattan.

By Council Members Greenfield and Weprin.

WHEREAS, the City Planning Commission filed with the Council on March 9, 2015 its decision dated March 4, 2015 (the "Decision"), on the application submitted by 1818 Nadlan, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 96-32(c) of the Zoning Resolution to modify the height and setback requirements of Sections 96-32 (Special Regulations in R9 Districts) and 23-633 (Street wall location and height and setback regulations in certain districts), the rear yard setback requirements of 23-663 (Required rear setbacks for tall buildings in other districts), the permitted

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obstructions requirements of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and the planting requirements of Section 23-892 (In R6 through R10 Districts), in connection with a proposed residential building with two 15-story segments, on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street (Block 1072, Lot 24), in an R9 District, within the Special Clinton District (Preservation Area), (ULURP No. C 140409 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications N 140407 ZRM (L.U. 189), a proposed amendment to the Zoning Resolution to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633, rear yard regulations of Section 23-663, planting regulations of Section 23-892, and permitted obstruction within rear yard regulations of Section 23-44; and C 140408 ZSM (L.U. 190), a special permit pursuant to Section 74-681 of the Zoning Resolution to allow development over a railroad transit right-of-way;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 96-32(c) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 24, 2015;

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

WHEREAS, the Council has considered the relevant environmental issues, including the revised negative declaration (CEQR No. 14DCP183M) issued on March 2, 2015, which reflects the application as modified by the Commission (the "Revised Negative Declaration") and the CEQR Technical Memorandum dated April 16, 2015 (the "CEQR Technical Memorandum");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140409 ZSM, incorporated by reference

herein, the Council approves the Decision with the following modifications, and subject to the following conditions:

Matter in ~~double-strikeout~~ is old, deleted by the Council;

Matter in **bold double-underlined** in new, added by the Council.

1. The property that is the subject of this application (C 140409 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SLCE Architects, filed with this application and incorporated in this resolution:

<u>Drawing</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-4	ULURP Zoning - Zoning Calculations	Feb. 9, 2015 <u>04/20/2015</u>
Z-5	ULURP Zoning - Site Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-6	ULURP Zoning - Ground Floor Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-9	ULURP Zoning - Waiver Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-10	ULURP Zoning - Building Sections	Feb. 9, 2015 <u>04/20/2015</u>
Z-11	ULURP Zoning - Building Section	Feb. 9, 2015 <u>04/20/2015</u>

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

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

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

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

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or

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legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, 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, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 15, 2015.

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

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant's Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Christopher O. Mair	814 Vincent Avenue #2 Bronx, N.Y. 10465	13
Zully Rosas	1603 Hobart Avenue #2H Bronx, N.Y. 10461	13
Kearia Hill	150-37 113th Avenue Jamaica, N.Y. 11433	28

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Frank Gonzalez	109-38 Park Lane South Queens, N.Y. 11418	32
Marisol A. Nuesi	1723 Harmon Street Ridgewood, N.Y. 11385	34
Judelka Pena	43 Central Avenue #3F Brooklyn, N.Y. 11206	34
Antonio Frazier	770 Fulton Street #6K Brooklyn, N.Y. 11238	35
Charlie Jenkins	75 Monroe Street Brooklyn, N.Y. 11216	36
Blanche E. Tropiansky	1445 Shore Parkway #2L Brooklyn, N.Y. 11214	43
Vadim Patlakh	2552 East 14th Street Brooklyn, N.Y. 11235	48

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Natainya Curry	485 1st Avenue 44N New York, N.Y. 10016	2
Taina Garcia	50 Avenue D #3E New York, N.Y. 10009	2
Adrian Olivera	331 East 29th Street #141 New York, N.Y. 10016	2
Maria V. Sanchez	384 East 10th Street #6G New York, N.Y. 10009	2
Cesar Trinidad	626 Water Street #3A New York, N.Y. 10002	2
Lorraine Catalano	30 Cornelia Street #19 New York, N.Y. 10014	3
Floree Roberson	626 Riverside Drive #22A New York, N.Y. 10031	7
Manuel Villafane	225 East 106th Street #14B New York, N.Y. 10029	8
Sheila M. McPherson- Grierson	3318 Eastchester Road Bronx, N.Y. 10469	12
Eduardo Alayon	2081 Cruger Avenue #1F Bronx, N.Y. 10462	13
Destiny Torres	1749 Grand Concourse #13C Bronx, N.Y. 10453	14
Lucia Tiburcio	1244 Ogden Avenue	16

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	Bronx, N.Y. 10452	
Maria Abreu	1025 Freeman Street #2A	17
	Bronx, N.Y. 10459	
Lynnette S. Hill	1035 Bryant Avenue	17
	Bronx, N.Y. 10459	
Frankie Curry	950 Underhill Avenue	18
	Bronx, N.Y. 10473	
Demetrius Gamble	98-38 57th Avenue #12M	21
	Queens, N.Y. 11368	
Jennifer E. Mazzio	98-23 Horace Harding Expressway #12N	21
	Corona, N.Y. 11368	
Lisa M. Rivers	99-10 60th Avenue #2J	21
	Corona, N.Y. 11368	
Dov Levavi	3104 33 rd Street #1A	22
	Long Island City, NY 11106	
Thomas Montanez	89-13 204 th Street	23
	Queens, NY 11423	
Debra S. Siegel	85-36 204 th Street	23
	Queens, NY 11427	
Dionicia Suero	31-31 84 th Street	25
	East Elmhurst, NY 11370	
Michael B. Williams	115-53 228 th Street	27
	Queens, NY 11411	
Renee Wright	109-65 202 nd Street	27
	Queens, NY 11412	
Noemi Ortiz	61-35 98 th Street #5G	29
	Rego Park, NY 11374	
Dorota U. Kuzniar-Zglinska	67-28 78 th Street #1	30
	Middle Village, NY 11379	
Jonathan Addison	8100 Shorefront Parkway #11J	32
	Queens, NY 11693	
Annmarie McGowan	8000 Shorefront Parkway #80	32
	Queens, N.Y. 11693	
W. Valentine Douglas	625 Grand Avenue	35
	Brooklyn, N.Y. 11238	
LaSalle S. Miller	22 Halsey Street #3A	36
	Brooklyn, N.Y. 11216	
Tessa C. Richardson-Jones	1289 St. Marks Avenue #1	36
	Brooklyn, N.Y. 11213	
Jherima Garrett	1839 Prospect Place #3	41

Georgia T. Jackson	Brooklyn, N.Y. 11223 3017 Newkirk Avenue	45
Octavia Charles	Brooklyn, N.Y. 11226 5420 Avenue M	46
Vanessa Smith	Brooklyn, N.Y. 11234 1454 East 88th Street #1	46
Mark Stephenson	Brooklyn, N.Y. 11236 1156 East 86th Street	46
Lisa Caranci	Brooklyn, N.Y. 11236 2066 Homecrest Avenue	48
Dolores A. Bannon	Brooklyn, N.Y. 11229 1100 Clove Road #6K	49
Anna Jerigan	Staten Island, N.Y. 10301 830 Van Duzer Street	49
Barbara Rogers Ward	Staten Island, N.Y. 10304 70 New Lane #2GG	49
Rita Bobe-Saleh	Staten Island, N.Y. 10305 66 Eric Lane	51
Ralph Carosella	Staten Island, N.Y. 10308 34 Dogwood Drive	51
	Staten Island, N.Y. 10312	

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

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

- | | | |
|-----|---------------------------------|---|
| (1) | M 277 & Res 675 - | Transfer City funds FY '15 (MN-5). |
| (2) | M 278 & Res 676 - | Appropriate new revenues FY '15 (MN-6). |
| (3) | Int 51-B - | Annual report regarding hepatitis B and hepatitis C. |
| (4) | Int 178-A - | Price displays for second-hand automobiles. |
| (5) | Int 181-A - | Notice requirements for hotel development plans. |
| (6) | Int 419-A - | Comprehensive cultural plan. |
| (7) | Res 665 - | New and changed designations of certain organizations to receive funding (Transparency Resolution). |
| (8) | L.U. 189 & Res 683 - | App. C 140407 ZRM, Zoning Resolution, |

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- Manhattan, Community Board 4, Council District 3.
- (9) **L.U. 190 & Res 684 -** App. C **140408 ZSM**, Zoning Resolution, Manhattan, Community Board 4, Council District 3.
- (10) **L.U. 191 & Res 685 -** App. C **140409 ZSM**, Zoning Resolution, Manhattan, Community Board 4, Council District 3.
- (11) **L.U. 205 & Res 677 -** App. N **150167 ZRY**, Zoning Resolution, Council Districts 1-51.
- (12) **L.U. 208 & Res 678 -** App. **20155354 TCM**, PACAP, LLC, d/b/a Monte-Carlo NYC, sidewalk café, Manhattan, Community Board 8, Council District 4.
- (13) **L.U. 212 & Res 679 -** App. C **150196 HAX**, Urban Development Action Area, Bronx, Community Board 3, Council District 17.
- (14) **L.U. 213 & Res 680 -** App. C **150197 ZSX**, Zoning Resolution, Bronx, Community Board 3, Council District 17.
- (15) **L.U. 214 & Res 681 -** App. C **150175 HAX**, Urban Development Action Area, Bronx, Community Board 4, Council District 14.
- (16) **L.U. 215 & Res 682 -** App. C **150174 PQX**, acquisition of property, Bronx, Community Board 4, Council District 14.
- (17) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, 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) – **49**.

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

The following was the vote recorded for **LU No. 189 & Res No. 683, LU No. 190 & Res No. 684, and LU No. 191 & Res No. 685**:

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Wills, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

Abstention – Williams – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 51-B, 178-A, 181-A, and 419-A.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 576-A

Report of the Committee on State and Federal Legislation in favor of approving, as amended, a Resolution declaring the City of New York a “TPP-Free Zone” and urging Congress to oppose the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 and not grant President Obama “fast-track” authority over, or permission to sign, the Trans-Pacific Partnership free trade agreement.

The Committee on State and Federal Legislation, to which the annexed amended resolution was referred on February 12, 2015 (Minutes, page 484), respectfully

REPORTS:

Introduction

On April 28, 2015, the Committee on State and Federal legislation, chaired by Council Member Karen Koslowitz, will vote on Proposed Resolution 576-A, a resolution declaring the City of New York a “TPP-Free Zone” and urging the United States Congress not to grant President Barack Obama “fast-track” authority over, or permission to sign, the Trans-Pacific Partnership free trade agreement.

Background

On April 27, 2015 the Committee on State and Federal legislation held the first hearing on Proposed Resolution 576-A. Over twenty members of the general public which included various labor organizations, environmental groups and human rights advocates testified at the hearing in favor of Proposed Resolution 576-A. No group in attendance testified in opposition of the Proposed Resolution 576-A. The groups that attended the hearing expressed their concerns that the Trans-Pacific Partnership (TPP) will have an adverse effect on American jobs, the environment and human rights.

The TPP is a free trade agreement that is currently being negotiated between the United States, Canada, Mexico, Chile, Peru, Australia, New Zealand, Malaysia, Singapore, Vietnam, Brunei and Japan. President Obama is seeking “fast-track” authority to finish negotiating the TPP which is the largest trade deal since the North American Free Trade Agreement of 1994. The TPP would eliminate both tariff and non-tariff barriers to goods and services trade investment among the twelve participating nations.

The United States Constitution confers Congress authority over setting the terms of international commerce and the Executive branch jurisdiction over negotiations with foreign nations. Fast-track authority delegates Congresses’ authority to the Executive branch so that the Administration is granted the power to negotiate trade agreements, draft implementing legislation to change U.S. law and sign agreements into international law. If fast-track authority is granted, Congressional involvement is restricted to 20 hours of debate and an up or down vote on the final bill in question, and there would be no opportunity to make amendments.

On April 16, 2015 Congress introduced the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (the Act) which would provide President Obama fast-track authority concerning TPP. Under the terms of the Act Congress would have the power to vote on the TPP once it is completed, but would deny members of Congress the chance to amend the terms of the TPP. It has been reported that the TPP may include provisions concerning: financial regulations, environmental protection, and prescription drug pricing, which, as a collective may have an impact on public health, safety and welfare.

Members of the labor movement and environmental and human rights groups strongly oppose the TPP¹ because they believe it will ease the passage of trade agreements that will cost jobs, depress wages and compromise public safety while disregarding any resulting human rights violations. All of these groups take exception with the secretive nature of the negotiations for the TPP which have been

deemed classified by the Obama administration. Advocates are particularly frustrated that they have not been permitted to review the draft TPP, considering it will likely impact labor, the environment and human rights.

Labor groups argue the North American Free Trade Agreement of 1994, which they find comparable to the TPP, has cost the United States economy over one million jobs in the past 20 years. A leaked provision of the TPP states that member nations to the TPP would be forbidden from favoring goods and products produced in its territory. The labor movement believes this provision will decimate “made in America” brands and will hurt American manufacturing by moving what are currently American jobs to places such as Vietnam, Malaysia, Singapore and Peru where the cost of labor is cheaper.

A chapter of the draft TPP, dated January 20, 2015, obtained by the New York Times in collaboration with Wikileaks includes a provision that would permit foreign corporations to sue the United States for any actions that undermine their investment “expectations and hurt their businesses”². Environmental and human rights groups believe that foreign corporations and nations would use such a provision to force the United States to ignore environmental and human rights violations to avoid costly litigation and put profits over sensible laws and regulations. Further, leaked sections of the TPP draft state that lawsuits stemming from the TPP would be under the jurisdiction of United Nations-sanctioned tribunals rather than American courts. Opponents of the TPP fear that cases decided at these tribunals could force changes to domestic laws that govern worker protections, and environmental protections and human rights.

President Obama, his TPP Congressional allies and various business groups argue that the TPP would provide broad gains for American consumers and the economy, especially American farmers, technology and pharmaceutical companies, insurers and many large manufacturers that will be poised to expand American exports to the other 11 nations in Asia and South America³. On April 16, 2015 the New York Times⁴ reported that under the terms of the Act “the bill would make any final trade agreement open to public comment for 60 days before the president signs it, and up to four months before Congress votes. If the agreement, negotiated by the United States trade representative, fails to meet the objectives laid out by Congress – on labor, environmental and human rights standards – a 60-vote majority in the Senate could shut off “fast-track” trade rules and open the deal to amendment.”

Proposed Resolution No. 576-A

The Resolution raises concerns over reports that the TPP would include provisions impacting financial regulations, environmental protection, prescription drug pricing and food sanitation standards and raises reservations that the TPP’s adoption could compromise the public health, safety and welfare and possibly require an overhaul of America’s domestic legal system.

The Resolution also discusses concerns that the TPP could grant international corporations the right to sue the federal government for damages if environmental, worker protection, food safety, or other local state or federal regulatory safeguards do not guarantee their ability to profit from their investments. The Resolution points out the fear that passage of the TPP would ban “Buy

American” and “Buy Local” efforts by U.S. industries, which would put goods and services created and based in New York City at a competitive disadvantage.

The Resolution would declare the City of New York a “TPP-Free Zone” in which the TPP’s regulations will not be respected, to the maximum extent allowable by federal and New York state law. This follows a trend engaged by other local governments such as the Berkeley California City Council and the Dane County Wisconsin Board of Supervisors which have both have expressed themselves as “TPP-Free Zones.”

This Resolution would call for Congress to oppose the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. Finally, the Resolution calls for Congress to oppose any other legislation that would provide President Obama with “fast-track” authority over, or permission to enter into and sign, the TPP.

¹ Colleen McCain Nelson and William Mauldin, *Obama Tries Tough Sale of TPP Trade Deal to Fellow Democrats*, The Wall Street Journal, April 17, 2015, at <http://www.wsj.com/articles/obama-tries-tough-sale-of-trade-deal-to-fellow-democrats-1429312837>

² Jonathan Weisman, *Trans-Pacific Partnership Seen as Door for Foreign Suits Against U.S.*, N.Y. Times, March 25, 2015, at <http://www.nytimes.com/2015/03/26/business/trans-pacific-partnership-seen-as-door-for-foreign-suits-against-us.html>

³ David Autor, David Dorn and Gordon Hanson, *Why Obama’s Trade Deal With Asia Would Actually be Good for American Workers*, The Washington Post, March 12, 2015, at <http://www.washingtonpost.com/posteverything/wp/2015/03/12/why-obamas-key-trade-deal-with-asia-would-actually-be-good-for-american-workers/>

⁴ Jonathan Weisman, *Deal Reached on Fast-Track Authority for Obama on Trade Accord*, N.Y. Times, April 16, 2015, at <http://www.nytimes.com/2015/04/17/business/obama-trade-legislation-fast-track-authority-trans-pacific-partnership.html>.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 576-A:)

Res. No. 576-A

Resolution declaring the City of New York a "TPP-Free Zone" and urging Congress to oppose the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 and not grant President Obama "fast-track" authority over, or permission to sign, the Trans-Pacific Partnership free trade agreement.

By Council Members Rosenthal, Richards, Rodriguez, Levine, Johnson, Miller, Dromm, Koslowitz, Ferreras, Lander, Kallos and Chin.

Whereas, The Trans-Pacific Partnership (TPP) is a free trade agreement currently being negotiated between the United States, Canada, Australia, Chile, Mexico, Malaysia, Peru, Singapore, Vietnam, Brunei, New Zealand, and Japan; and

Whereas, Together, these nations contribute 40% of the world's Gross Domestic Product, and one third of the world's trade; and

Whereas, The Office of the United States Trade Representative, through the terms of the TPP, is seeking to eliminate both tariff and non-tariff "barriers to goods and services trade and investment" among the twelve participating nations; and

Whereas, It has been reported that the agreement would include provisions concerning financial regulations, environmental protection, prescription drug pricing and food sanitation standards, the adoption of which could negatively affect the public's health, safety and welfare, and require an overhaul of America's domestic legal system; and

Whereas, The exact terms of this proposed agreement have not been disclosed to the public, with most known details having been ascertained through unapproved 'leaks' from stakeholders; and

Whereas, Article II, Section 2 of the United States Constitution empowers the President of the United States "by and with the advice and consent of the Senate, to make treaties, provided two thirds of Senators present concur"; and

Whereas, While some members of Congress have been able to view certain sections of the negotiation text of the TPP, they have been prohibited from sharing what they saw with the public or with their staffers; and

Whereas, members of Congress have introduced the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 which provides President Obama with "fast-track" authority; and

Whereas, The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 provides Congress with the power to vote on the TPP once it is completed and would provide time for public review, it would still deny Congress the chance to amend it; and

Whereas, If Congress were to pass the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, then decisions surrounding the TPP agreement could still be made with inadequate transparency and public review; and

Whereas, Congress would be unable to enact substantive changes to the agreement if it only exercises its oversight powers after negotiations have been completed; and

Whereas, There are concerns that the TPP's investor-state dispute settlement clauses, which were 'leaked' in 2012, could grant international corporations the right to sue the federal government for damages if environmental, worker protection, food safety, or other local, state or federal regulatory safeguards do not guarantee their ability to profit from their investments; and

Whereas, Over 500 employees of these same corporations maintain positions on U.S. Trade Representative advisory panels, which allows them to act as advisors to the drafting of the TPP; and

Whereas, The corporate advisors' apparent conflict of interest could ultimately result in a trade agreement that undermines the regulatory and legal systems that keep everyday residents of New York City safe and healthy; and

Whereas, As the negotiations currently stand, there are concerns that the passage of the TPP would ban "Buy American" and "Buy Local" efforts by U.S. industries, which could put goods and services created and based in New York City at a competitive disadvantage; and

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Whereas, Neither the National League of Cities nor the U.S. Conference of Mayors has been included in TPP negotiations, making it difficult to know whether New York City's quality of life or financial and legal interests are being considered; and

Whereas, Some constituencies and public policy advocates, such as the Economic Policy Institute, have expressed concern that over the last twenty years, the domestic economy has been hurt and upwards of one million American jobs have been lost as a result of agreements such as the TPP, in part, because partnering nations have cheaper labor workforces and less rigorous environmental regulations, providing incentive for American companies to outsource and offshore American jobs; and

Whereas, Several other American municipal governments, such as the Berkeley, California City Council and the Dane County, Wisconsin Board of Supervisors, have expressed their opposition to the TPP by declaring themselves "TPP-Free Zones," in which the TPP's regulations will not be respected, to the maximum extent allowable by federal and state law; and

Whereas, Resolutions from the City Council of Madison, Wisconsin and the City Council of Los Angeles, California have also declared their opposition to the TPP; and

Whereas, These local governments have recognized the harm that passage of the TPP can create and as a result have shown commendable leadership by opposing a treaty that would do a disservice to their citizens, as well as to New Yorkers; now therefore, be it

Resolved, That the City of New York declares itself a "TPP-Free Zone" and urges Congress to oppose the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 and not grant President Obama "fast-track" authority over, or permission to sign, the Trans-Pacific Partnership free trade agreement.

KAREN KOSLOWITZ, *Chairperson*; INEZ E. DICKENS, BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ALAN N. MAISEL, ANTONIO REYNOSO; Committee on State and Federal Legislation, April 28, 2015.

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

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

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 610

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation granting New York City the authority to set its own minimum wage.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on March 11, 2015 (Minutes, page 784), respectfully

REPORTS:

INTRODUCTION

On April 24, 2015 the Committee on Civil Service and Labor will hold a second hearing on Res. No. 610, which calls upon the New York State Legislature to pass, and the Governor to sign, legislation granting New York City the authority to set its own minimum wage. The first hearing took place as a joint hearing between the Committees on Civil Service and Labor and Women's Issues on April 20, 2015, at which time the Committees heard testimony in support of the Resolution from advocates and other interested parties.

BACKGROUND

The Federal Labor Standards Act of 1938 (FLSA) was enacted as a consequence of the United States Congress finding that labor conditions in some industries impeded the ability of workers to maintain a basic standard of living necessary to be productive in society.¹ Pursuant to the FLSA, a state's minimum wage cannot be set below the federal minimum wage rate. However, the FLSA does not provide for mandatory increases and does not mandate that states link their minimum wage rates to inflation.

In January, Governor Andrew Cuomo announced a plan to raise the minimum wage to \$11.50 an hour in New York City and \$10.50 an hour in the rest of the state² In 2013, President Barack Obama delivered his State of the Union address, during which he announced his support for increasing the minimum wage to \$9 and to index future increases to inflation. In his 2014 State of the Union address, President Obama again brought up the minimum wage, stating that it should go up to \$10.10 per hour and at the same time announced an executive order to raise the minimum for federal contractors to \$10.10 per hour.³ The President also urged large employers to follow suit. Gap Inc., which operated Banana Republic and Old Navy in addition to GAP stores, recently announced that they would raise their hourly wages.⁴ Although at the present time there are no stores located in New York City, Wal-Mart Stores, Inc., the world's largest retailer, raised their minimum wage to \$9 an hour and announced that next year it will raise it again to \$10 an hour.⁵

New York States' General Minimum Wage law was passed in 2013, and as of December 31, 2014 the minimum wage is \$8.75 per hour, which will increase to \$9.00 by December 31, 2015. However, there have been additional calls by

advocates and elected to raise this dollar amount higher⁶ and it to index future increases to inflation.⁷

Increasing the Minimum Wage and its Impact on Workers

According to the Fiscal Policy Institute (FPI), as of 2011, there were 880,000 workers in New York State retained as hourly employees who receive less than \$8.50 per hour, 352,000 of whom reside in New York City.⁸ Women account for roughly 55 percent of those impacted by changes to the state minimum wage and Blacks and Latinos account for approximately 40 percent.⁹ In New York State, the majority of workers directly affected by changes to the state's hourly minimum wage are age 20 and older; adults account for more than 84 percent of these workers.¹⁰ In addition, FPI research indicated that nearly three out of every five City resident workers who would benefit from a higher minimum wage are immigrants.¹¹

Furthermore, the failure of the minimum wage to keep up with inflation over the past 30 years has played a significant role in the growth of inequality in the United States (U.S.).¹² In New York State, prior to the increase in 2013, the minimum wage was last raised incrementally in 2009 from \$5.15 to \$7.25 an hour. However, it has been estimated that because of the rate of inflation, \$7.56 would now be required to buy what \$7.25 worth of goods would have in 2009.¹³ This means that instead of currently receiving \$580 in two weeks pre-tax for full time minimum wage earnings, an adjusted earnings amount should be around \$604.80 to remain consistent with 2009 purchasing power.¹⁴

Cost of Living in New York State and City

Since the start of the recession in December 2007, the price index for food in the New York region has increased by more than 12 percent.¹⁵ From August 2010 to August 2011 the average price of food in the New York metropolitan area increased by nearly 5 percent, according to data from the U.S. Bureau of Labor Statistics.¹⁶ The number of New York households reporting very low food security rose by 56 percent in 2010, according to a United States Department of Agriculture (USDA) report.¹⁷ The USDA defines very low food security as a household having multiple indicators of disrupted eating patterns and reduced food intake.

Three of the five areas with the highest cost of living in the United States are in New York City.¹⁸ Manhattan, has the highest cost of living, followed by Brooklyn. Queens ranks number five. In Manhattan the cost of living is twice the national average.¹⁹

Minimum Wage in Other Jurisdictions

Currently, 29 states and the District of Columbia have minimum wages higher than the federal rate.²⁰ Indexing the minimum wage means adjusting it automatically each year to keep pace with the rising cost of living. In an effort to help workers keep up with the cost of living and diminished purchasing power, Arizona, Colorado, Florida, Missouri, Montana, Nevada, Ohio, Oregon, Vermont, and Washington have indexed their respective minimum wage to inflation.²¹ However, the remaining states and the federal government have not yet indexed their minimum wages.²² As a result, they erode in value each year.

Impact on Jobs

In 2010, Economists at the University of Massachusetts, University of North Carolina, and University of California, compared employment data among every pair of neighboring U.S. counties that straddle a state border and had differing minimum wage levels, at any time between 1990 and 2006, and found that minimum wage increases were not too significantly detrimental to jobs.²³ A follow up study conducted in April 2011, found that these results were consistent during periods of recession and high unemployment.²⁴

Recently, New York City Comptroller Scott Stringer released a report advocating for an increase of the minimum wage for \$15 an hour.²⁵ According to the comptroller's analysis, raising the minimum wage would impact 1.5 million New Yorkers and add a collective \$10 billion to their salaries. An increase in the minimum wage would also save the city between \$200 and \$500 million annually in Supplemental Nutrition Assistance Program (SNAP) and Medicaid, and add \$250 million annually in tax revenue.

Finally, there is a strong body of research that shows modest increases in the minimum wage do not harm local economies and some research suggests it may even aid the local economy by putting income into the hands of households who will spend it on local goods and services.^{26 27 28}

Res. No. 610

The resolution would note that the most recently available data from the New York City Center for Economic Opportunity indicates that based on the New York City poverty threshold, poverty rates increased from 19.0 percent in 2008 to 21.4 percent in 2012. The resolution would also note that New York City is the 16th most expensive city in the world to live in and the most expensive city in the United States, according to a 2014 study by Mercer, a global consulting company. The resolution would further note that according to a 2014 National Employment Law Project ("NELP") report, *An Unbalanced Recovery: Real Wage and Job Growth Trends*, recent job growth in New York City has primarily been concentrated in low wage industries such as fast food. The resolution would additionally note that according to a 2013 NELP study, *Super-Sizing Public Costs: How Long Wages at Top Fast-Food Chains Leave Taxpayers Footing the Bill*, the majority of jobs in the fast-food industry are low wage. The resolution would also note that the same 2013 NELP study estimates that 52 percent of workers in the fast-food industry rely on at least one public assistance program. The resolution would further note that according to the Fiscal Policy Institute, workers of color and women are more likely to earn low wage.

The resolution would state that given the high cost of living, New York City workers need a higher minimum wage in order to keep pace with other workers around the country. The resolution would also state that a higher minimum wage could help address the serious income inequality that exists in New York City. The resolution would note that the New York State Governor Andrew Cuomo recognized New York City's unique position by recently proposing a separate minimum wage for the City.

The resolution would note that according to a 2013 NELP study an average family in New York would need to earn \$15 to \$16 per hour to be “self-sufficient”. The resolution would also note that the federal government raised the minimum wage to \$7.25 per hour in 2007. The resolution would further note that the New York State minimum wage is presently \$8.75 per hour and is scheduled to increase to \$9.00 per hour at the end of 2015.

The resolution would state that as of February 2015, California, Connecticut, District of Columbia, Massachusetts, Oregon, Rhode Island, Vermont, and Washington State have a minimum wage greater than \$9 per hour at the end of 2015. The resolution would also state that Albuquerque, New Mexico; Bernalillo County, New Mexico; Montgomery County, Maryland; Prince George’s County, Maryland; San Francisco, California; San Jose, California; Santa Fe, New Mexico; Santa Fe County, New Mexico; Seattle, Washington; and Washington DC, have each adopted a local minimum wage. The resolution would additionally state that Seattle’s minimum wage is currently \$9.47 per hour and will rise to \$15 per hour by 2021. The resolution would further state that San Francisco’s minimum wage is \$11.05 per hour, and will also rise to \$15 per hour by 2021.

The resolution would note that according to a joint 2014 NELP and Fiscal Policy Institute study, *Why New York State Should Let Cities and Counties Enact Higher Local Minimum Wages*, local increases in minimum wage results in “significantly improved job and living conditions for workers and families at the bottom of their economies”. The resolution would also note that according to the United States Department of Labor, increasing the minimum wage spurs small business development, greater consumer spending and sustained economic growth.

Finally, the resolution would state that authorizing New York City to establish its own minimum wage will result in minimum wage that correlates to the City’s high cost of living and better reflects the reality of living in New York City.

Thus, the Council would call upon the New York State Legislature to pass and the Governor to sign legislation granting New York City the authority to set its own minimum wage.

¹ U.S. Department of Labor Wage and Hour Division, available at: <http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf>.

² Jesse McKinley, “Cuomo to Propose 2 New Minimum Wages, for New York City and State,” *The New York Times*, Jan. 18, 2015, available at: <http://nytimes.com/2015/01/19/nyregion/cuomo-to-propose-raising-minimum-wage-to-11-50-in-new-york-city-and-10-50-elsewhere.html>

³ Dan Berman, “State of the Union 2014: Obama to raise minimum wage for federal workers,” *Politico*, Jan. 28, 2014, available at <http://politico.com/story/2014/01/obama-minimum-pay-federal-contracts-102712.html>.

⁴ Steven Greenhouse, “Wal-Mart Says ‘Looking’ at Supporting of Minimum Wage Raise,” *Bloomberg*, Feb. 19, 2014, available at: <http://bloomberg.com/news/print/2014-02-19/wal-mart-says-looking-at-supporting-of-federal-minimum-wage-rise.html>.

⁵ Barry Ritholtz, “Wal-Mart’s Minimum Wage Breakdown,” *Bloomberg View*, Feb. 23, 2015, available at: <http://www.bloombergview.com/articles/2015-02-23/wal-mart-raises-minimum-wage-as-laws-change-labor-gets-scarce>.

⁶ “Why New York State Should Let Cities and Counties Enact Higher Local Minimum Wages,” Nat’l Employment Law Project & Fiscal Policy Inst., Feb. 2014, available at: <http://www.nelp.org/page/-/rtmw/Why-New-York-State-Should-Let-Cities-and-Counties-Enact-Higher-Minimum-Wages.pdf?nocdn=1>.

⁷ Pete Bruschi, “NY Democrats Push For Stronger Minimum Wage Package,” *Law 360*, available at: <http://www.law360.com/articles/506942/ny-democrats-push-for-stronger-minimum-wage-package>.

⁸ “Raising New York State’s Minimum Wage,” Fiscal Policy Institute, Testimony Presented to the New York Assembly Labor Committee by James A. Parrott, Deputy Director and Chief Economist, April 23, 2012 available at http://www.fiscalpolicy.org/FPI_RaisingNewYorkStatesMinimumWage_20120423.pdf.

⁹ Fiscal Policy Institute, “Which workers will benefit, if the New York minimum wage is raised to \$8.50 an hour?” Feb. 16, 2012 available at: http://www.fiscalpolicy.org/FPI_NumbersThatCount_BenefitsOfIncreasingTheMinimumWage.pdf.

¹⁰ *Id.*

¹¹ *Id.*

¹² David H. Autor, Alan Manning, *et al.*, “The Contribution of the Minimum Wage to U.S. Wage Inequality over Three Decades: A Reassessment,” MIT Working Paper 2010 <http://economics.mit.edu/files/3279>.

¹³ Calculation based on inflation estimate provided by the Federal Reserve Bank of Cleveland. Retrieved at http://www.clevelandfed.org/research/Data/US-Inflation/inf_calculator.cfm?first=7.25&year1=2009&year2=2011 on March 12, 2013.

¹⁴ Analysis conducted by City Council Committee Staff.

¹⁵ “Despite Economic Slowdown, Food Prices Rise In New York,” *City Limits*, Sept. 19, 2011, available at: <http://www.citylimits.org/news/articles/4433/despite-economic-slowdown-food-prices-rise-in-new-york>.

¹⁶ *Id.*

¹⁷ “The 10 Cities With The Highest Cost Of Living: Report,” *Huffington Post*, Jan. 27, 2012, available at: http://www.huffingtonpost.com/2012/01/27/cities-high-cost-of-living_n_1236841.html.

¹⁸ *Id.*

¹⁹ National Conference of State Legislatures, *State Minimum Wages | 2015 Minimum Wage by State* available at <http://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx>.

²⁰ U.S. Dep’t of Labor Wage & Hour Division, *Minimum Wage Laws in the States – Jan. 1, 2014*, available at <http://www.dol.gov/whd/minwage/america.htm>.

²¹ *Id.*

²² Arindrajit Dube, *et al.*, *The Review of Economics and Statistics*, “Minimum Wage Effects Across State Borders: Estimates Using Contiguous Counties,” November 2010 available at: <http://www.irl.berkeley.edu/workingpapers/157-07.pdf>.

²³ Sylvia A. Allegretto, *et al.*, “Do Minimum Wages Really Reduce Teen Employment? Accounting for Heterogeneity and Selectivity in State Panel Data,” *INDUSTRIAL RELATIONS*, Vol. 50, No. 2 (April 2011), available at <http://www.irl.berkeley.edu/workingpapers/166-08.pdf>.

²⁴ Scott M. Stringer, “Comptroller Stringer Report: Raising Minimum Wage in New York City to \$15 Per-Hour Will Put \$10 Billion into the Pockets of Nearly 1.5 Million Workers,” *New York City Comptroller*, April 14, 2015, available at: <https://comptroller.nyc.gov/newsroom/comptroller-stringer-report-raising-minimum-wage-in-new-york-city-to-15-per-hour-will-put-10-billion-into-the-pockets-of-nearly-1-5-million-workers/>.

²⁵ David Card, “Do Minimum Wages Reduce Employment? A Case Study of California,” 1987-89, *INDUSTRIAL & LABOR RELATIONS REVIEW*, Vol. 46 (1): 38-54 (1992)

²⁶ David Card & Alan B. Krueger, “Minimum Wages and Employment: A Case Study of the Fast-Food Industry in New Jersey and Pennsylvania,” *THE AMERICAN ECONOMIC REVIEW*, Vol. 84(4): 772-793(1994).

²⁷ Paul Krugman, “Would cutting the minimum wage raise employment?” *N.Y. Times*, Dec. 16, 2009.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 610:)

Res. No. 610

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation granting New York City the authority to set its own minimum wage.

By The Speaker (Council Member Mark-Viverito), Dromm, Miller, Kallos, Levin, Johnson, Williams, Levine, Arroyo, Chin, Constantinides, Gibson, Lander, Palma, Richards, Rose, Koslowitz, Rosenthal, Menchaca, Crowley, Rodriguez, Van Bramer, Cornegy and Eugene.

Whereas, The most recently available data from the New York City Center for Economic Opportunity indicates that based on the New York City poverty threshold, poverty rates increased from 19.0 percent in 2008 to 21.4 percent in 2012; and

Whereas, New York City is the 16th most expensive city in the world to live in and the most expensive city in the United States, according to a 2014 study by Mercer, a global consulting company; and

Whereas, According to a 2014 National Employment Law Project (“NELP”) report, *An Unbalanced Recovery: Real Wage and Job Growth Trends*, recent job growth in New York City has primarily been concentrated in low wage industries such as fast food; and

Whereas, Indeed, according to a 2013 NELP study, *Super-Sizing Public Costs: How Low Wages at Top Fast-Food Chains Leave Taxpayers Footing the Bill*, the majority of jobs in the fast-food industry are low wage; and

Whereas, The same 2013 NELP study estimates that 52 percent of workers in the fast-food industry rely on at least one public assistance program; and

Whereas, According to the Fiscal Policy Institute, workers of color and women are more likely to earn low wages; and

Whereas, Given the high cost of living, New York City workers need a higher minimum wage in order to keep pace with other workers around the country; and

Whereas, A higher minimum wage could help address the serious income inequality that exists in New York City; and

Whereas, New York State Governor Andrew Cuomo recognized New York City’s unique position by recently proposing a separate minimum wage for the City; and

Whereas, According to a 2013 NELP study an average family in New York City would need to earn \$15 to \$16 per hour to be “self-sufficient;” and

Whereas, The federal government last raised the minimum wage to \$7.25 per hour in 2007; and

Whereas, The New York State minimum wage is presently \$8.75 per hour and is scheduled to increase to \$9.00 per hour at the end of 2015; and

Whereas, As of February 2015, California, Connecticut, District of Columbia, Massachusetts, Oregon, Rhode Island, Vermont, and Washington State have a minimum wage greater than \$9 per hour; and

Whereas, Albuquerque, New Mexico; Bernalillo County, New Mexico; Montgomery County, Maryland; Prince George's County, Maryland; San Francisco, California; San Jose, California; Santa Fe, New Mexico; Santa Fe County, New Mexico; Seattle, Washington, and Washington DC, have each adopted a local minimum wage; and

Whereas, Seattle's minimum wage is currently \$9.47 per hour and will rise to \$15 per hour by 2021; and

Whereas, San Francisco's minimum wage is \$11.05 per hour, and will also rise to \$15 per hour by July, 2018; and

Whereas, According to a joint 2014 NELP and Fiscal Policy Institute study, *Why New York State Should Let Cities and Counties Enact Higher Local Minimum Wages*, local increases in minimum wage results in "significantly improved job and living conditions for workers and families at the bottom of their economies;" and

Whereas, Furthermore, according to the United States Department of Labor, increasing the minimum wage spurs small business development, greater consumer spending and sustained economic growth; and

Whereas, Authorizing New York City to establish its own minimum wage will result in a minimum wage that correlates to the City's high cost of living and better reflects the reality of living in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation granting New York City the authority to set its own minimum wage.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, April 24, 2015.

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

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

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

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 611

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign, legislation to grant the City of New York the authority to enforce State worker protection laws.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on March 11, 2015 (Minutes, page 786), respectfully

REPORTS:

INTRODUCTION

On April 24, 2015 the Committee on Civil Service and Labor will hold a second hearing on Res. No. 611, which calls upon the New York State Legislature to pass and the Governor to sign, legislation to grant the City of New York the authority to enforce State worker protection laws. The first hearing took place as a joint hearing between the Committees on Civil Service and Labor and Women's Issues on April 20, 2015, at which time the Committees heard testimony in support of the Resolution from advocates and other interested parties.

BACKGROUND

The Commissioner of the New York State Department of Labor (DOL) is vested with the authority to enforce worker protection laws.¹ The stated mission of the DOL is to “to protect workers, assist the unemployed and connect job seekers to jobs.”² To accomplish its mission, the DOL conducts enforcement activity in areas related to the minimum wage, hours of work, payment of wages, and work place safety.³ However, the DOL is not the sole agency in the State with the authority to enforce worker protection laws, and the Office of the State Attorney General (AG) has a dedicated Labor Bureau to bring enforcement action against employers who violate labor laws and regulations.⁴ In addition to bringing its own actions against employers, the State AG also represents the DOL in enforcement actions.⁵

Despite robust efforts to enforce worker protection laws, the State lacks adequate resources to conduct statewide enforcement. For instance, according to the most recent statistics from the United States Census Bureau, 1.9 million businesses are located in New York State, with 50.8 percent of those businesses based in New York City.⁶ According to DOL, in 2015, at least 3.6 million private sector employees were working in New York City.⁷ However, the DOL only had 120 investigators dedicated to investigating labor law violations statewide.⁸

To fill the gap created by limited availability of resources, some have advocated for inclusion of local communities in enforcing worker protection laws. The need for enforcement is especially crucial, because current job market growth has been concentrated in low wage industries where abusive practices tend to be more acute. According to one study, job growth in low wage industries has dramatically outpaced higher paying jobs. The same study found that between 2010 and 2013, growth in jobs paying below \$14 per hour was 11.4 percent, compared to 4.9 percent and 4.4 percent to jobs paying \$14 to \$21 per hour and above \$21, respectively.⁹

In 2009, the National Employment Law Project published a report, *Broken Laws, Unprotected Workers: Violations of Employment and Labor Law in America's Cities*, which called for greater community involvement in enforcement of worker

protection laws. According to the report, local collaboration can provide the “vital ears on the ground” to identify where workplace violations are most concentrated.”¹⁰

RES. NO. 611:

The resolution would state that the New York State Department of Labor is vested with the power to enforce State worker protection laws, including the payment of wages, workers compensation, and unemployment benefits. The resolution would also note that in addition, the State Attorney General (AG) has a Bureau dedicated to investigating labor violations and enforcing State labor laws, including the Wage Theft Prevention Act.

However, the resolution would note that according to the most recent statistics from the United State Census Bureau, there were 1.9 million business firms located in New York State, with 50.8 percent of the firms based in New York City. Furthermore, the resolution would according to the New York State Department of Labor, as of December 2014, there were at least 3.6 million people working in the private sector in New York City. The resolution would emphasize that according to a 2006 National Employment Law Project (NELP) report, *Protecting New York's Workers: How the State Department of Labor Can Improve Wage-and-Hour Enforcement*, the State Department of Labor had just 120 investigators dedicated to investigating labor law violations statewide.

Moreover, the resolution would state that in 2009, NELP published a report, *Broken Laws, Unprotected Workers: Violations of Employment and Labor Law in America's Cities*, that examined worker protection law enforcement in Chicago, Los Angeles and New York City. The resolution would note that the NELP report highlighted the roles that local communities can play in enforcing worker protection laws, noting that local collaboration can provide the “vital ears on the ground to identify where workplace violations are most concentrated.”

The resolution would state that further, according a 2014 New York Times article, *More Workers are Claiming 'Wage Theft,'* wage theft is becoming an increasingly widespread problem in New York City. The resolution would highlight that presently, employees have few options to pursue action against their employers, and even when employees resort to litigation, there are considerable hurdles to the eventual collection of judgments. The resolution would note that while the NYSDOL and the AG work to enforce worker protection laws, giving New York City the authority to locally enforce these laws will greatly expand enforcement capacity and help safeguard worker rights. The resolution would further note that local governments are equipped to address local problems because they are in a better position to identify and swiftly respond to local concerns. The resolution would further emphasize that granting New York City the authority to enforce worker protection laws will allow the City to concentrate and deploy resources in a way that more effectively addresses the problems employer misconduct.

Finally, the resolution would call upon the New York State Legislature to pass and the Governor to sign, legislation to grant the City of New York the authority to enforce State worker protection laws.

¹ N.Y. Lab. Law § 21(1) (Consol. 2015)

² Information obtained from <http://www.labor.ny.gov/about/>.

³ *Id.*

⁴ Information obtained from <http://www.ag.ny.gov/bureau/labor-bureau>.

⁵ *Id.*

⁶ Information obtained from <http://quickfacts.census.gov/qfd/states/36/3651000.html>.

⁷ This data is current as of March 2015, and was obtained from <http://labor.ny.gov/stats/nyc/index.shtm>.

⁸ Campaign to End Wage Theft, *Protecting New York's Workers: How the State Department of Labor Can Improve Wage-and-Hour Enforcement*, Dec. 2006, available at <http://www.mfy.org/wp-content/uploads/reports/Protecting-Workers-Dept-of-Labor.pdf>.

⁹ Joshua Wright, The Low-Wage Job Boom in New York City, Aug. 30, 2013, available at <http://www.economicmodeling.com/2013/08/30/the-low-wage-job-boom-in-new-york-city/>.

¹⁰ National Employment Law Project, *Broken Laws, Unprotected Workers: Violations of Employment and Labor Law in America's Cities*, 2009, at 52, available at <http://nelp.org/content/uploads/2015/03/BrokenLawsReport2009.pdf>.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 611:)

Res. No. 611

Resolution calling upon the New York State Legislature to pass and the Governor to sign, legislation to grant the City of New York the authority to enforce State worker protection laws.

By The Speaker (Council Member Mark-Viverito) and Council Members Miller, Arroyo, Chin, Gibson, Johnson, Lander, Palma, Richards, Rose, Koslowitz, Rosenthal, Menchaca, Cohen, Crowley, Rodriguez, Van Bramer, Williams, Dromm, Cornegy and Kallos.

Whereas, The New York State Department of Labor is vested with the power to enforce State worker protection laws, including the payment of wages, workers compensation, and unemployment benefits; and

Whereas, In addition, the State Attorney General (AG) has a Bureau dedicated to investigating labor violations and enforcing State labor laws, including the Wage Theft Prevention Act; and

Whereas, According to the most recent statistics from the United State Census Bureau, there were 1.9 million business firms located in New York State, with 50.8 percent of the firms based in New York City; and

Whereas, According to the New York State Department of Labor, as of December 2014, there were at least 3.6 million people working in the private sector in New York City; and

Whereas, According to a 2006 National Employment Law Project (NELP) report, *Protecting New York's Workers: How the State Department of Labor Can Improve Wage-and-Hour Enforcement*, the State Department of Labor had just 120 investigators dedicated to investigating labor law violations statewide; and

Whereas, In 2009, NELP published a report, *Broken Laws, Unprotected Workers: Violations of Employment and Labor Law in America's Cities*, that examined worker protection law enforcement in Chicago, Los Angeles and New York City; and

Whereas, The NELP report highlighted the roles that local communities can play in enforcing worker protection laws, noting that local collaboration can provide the vital ears on the ground to identify where workplace violations are most concentrated;” and

Whereas, Further, according a 2014 New York Times article, *More Workers are Claiming 'Wage Theft,'* wage theft is becoming an increasingly widespread problem in New York City; and

Whereas, Presently, employees have few options to pursue action against their employers, and even when employees resort to litigation, there are considerable hurdles to the eventual collection of judgments; and

Whereas, While the NYSDOL and the AG work to enforce worker protection laws, giving New York City the authority to locally enforce these laws will greatly expand enforcement capacity and help safeguard worker rights; and

Whereas, Local governments are equipped to address local problems because they are in a better position to identify and swiftly respond to local concerns; and

Whereas, Granting New York City the authority to enforce worker protection laws will allow the City to concentrate and deploy resources in a way that more effectively addresses the problems employer misconduct; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign, legislation to grant the City of New York the authority to enforce State worker protection laws.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, April 24, 2015.

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

Adopted unanimously by voice-vote.

Report for voice-vote Res. No. 612

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.5501, strengthening the provisions of the Wage Theft Prevention Act.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on March 11, 2015 (Minutes, page 787), respectfully

REPORTS:

INTRODUCTION:

On April 24, the Committee on Civil Service and Labor will hold a second hearing on Res. No. 612, which calls upon New York State Legislature to pass and the Governor to sign A.5501, which would strengthen the provisions of the Wage Theft Prevention Act. The first hearing took place as a joint hearing between the Committees on Civil Service and Labor and Women's Issues on April 20, 2015, at which time the Committees heard testimony in support of the Resolution from advocates and other interested parties.

BACKGROUND:

In 1938 Congress passed the Federal Labor Standards Act (FLSA) to provide basic protections to the work force to ensure a minimum standard of living.¹ The FLSA set minimum standards for overtime pay at one and one-half the amount of regular pay.²

New York State's Wage Theft Prevention Act ("WTPA") went into effect in 2011.³ The WTPA added provisions for public notice of violations, strengthened existing labor law protections against retaliation, required written notice of wage rates to each new hire, codified payroll recordkeeping requirements, mandated wage statements, and provided for higher penalties where employers failed to pay the wages required by law.⁴ On December 29, 2014, Governor Andrew M. Cuomo signed a bill eliminating the WTPA's requirement for employers to annually give employers pay rate notices to all employees, while also increasing penalty amounts for WTPA violations.⁵ In alleging violation of the WTPA, employees file claims seeking redress. Remedies include the full amount of underpayment, additional amounts as liquidated damages, and reasonable attorney's fees.⁶

The Enforcement Challenge

Since the passing of New York State's WTPA the number of wage theft cases has increased. In 2013 more than 6,700 wage theft case decisions were issued, totaling almost \$23 million owed to some 13,000 employees.⁷ While promising, this evidence belies a growing problem: the inability of work theft victims to enforce claims once decisions have been rendered in their favor and to collect the wages owed.⁸

In its 2015 collaborative *Empty Judgments* report, the Legal Aid Society, Urban Justice Center, and National Center for Law and Economic Justice identified 62 judgments filed between 2007 and 2013 that left \$25 million uncollected by employees who were cheated out of their wages.⁹

Impact on Workers

Low to minimum wage workers and immigrants are especially vulnerable to wage theft by employers.¹⁰ Some industries appear to have more wage theft, especially where they employ low wage or immigrant workers, including retail,

restaurants, construction, and warehouse work.¹¹ Often hesitant to bring claims against their employers, these workers fear retaliatory firing or fear of investigation into their immigration status.¹² While the WTPA has provisions awarding damages for retaliatory firing, low wage workers or immigrants suffer from lack of knowledge or awareness of the bill's protections, making it all the more damaging when even those who come forward to file claims and win favorable decisions, are ultimately never paid on the judgment. The vulnerability of low wage earners to wage theft was illustrated in the *Empty Judgments* report, which found that "74% of the amount of wages...owed to workers are based on minimum wage violations."¹³ The impact of wage theft on minimum wage earners is illustrated in an Economic Policy Institute report which shows how a minimum wage earner, "\$290 for a 40-hour week," who is wrongfully denied even half an hour a day's wages, will lose "more than \$1,400 a year" or "nearly 10 percent... [of their] annual earnings."¹⁴

Difficulty Enforcing Attachments

Even after filing a successful claim under the WTPA, employees are often unable to recover the wages owed because of hurdles in claiming their money judgments. Under New York Civil Procedure, the plaintiffs can only file a pre-trial motion for an attachment. This is ultimately a very weak remedy as employers are still free to move their assets or even to ignore the judgment.¹⁵ To freeze the movement of assets, the employee would have to prove the employer has acted or will act with fraudulent intent to avoid paying the judgment.¹⁶ The *Empty Judgment* report alleges that New York courts are unwilling to find fraudulent activity, ascribing the movement of assets instead to ordinary course of business affairs.¹⁷ The New York Times reported on one such an instance of transferred assets after workers at a Long Island chain of nail salons were awarded \$474,000 for wage theft but only collected \$110,000 of that award. Despite filing an attachment motion, the employees could not meet the requisite standard to show fraudulent intent, and before trial began, the salon owners had sold property amounting close to \$3.5 million.¹⁸ This apparently common practice has had a chilling effect on new cases being brought and how they are brought. As the *Empty Judgment* notes, many labor law attorneys have reported parties feeling pressured to settle for less than the amount owed, anticipating collection amounts could be even lower.¹⁹

The Lien Process

To address the problem of wage theft collections, legislators and activists have suggested an alternate theory, called the "wage lien." Under this process, employees are able to put a hold on their employer's property until their wages are recovered. In this manner, the attachment hurdles explained above would be met by essentially permitting attachment prior to resolution. A secondary suggestion consists of allowing employees to place the lien or pre-judgment attachment on the employer with the largest share of ownership.²⁰ In this way, the courts would force wage withholding employers to participate in the legal process in a more meaningful and just fashion.²¹ This would be true not only in paying compensation, if owed, but also in settlement discussions, if pursued, and would encourage employees to make claims and wage recovery to happen in a more thorough and consistent manner.

RES. NO 612:

The resolution would state that the New York State Wage Theft Prevention Act ("the Act") became effective on April 9, 2011, and was amended in 2014. The resolution would note that the Act was intended to provide protection to workers against wage theft. The resolution would also highlight that specifically, the Act, regulates the manner workers are notified of their pay rates and receive wage statements, and expands the civil and criminal remedies for wage theft.

The resolution would note that even when employees successfully pursue civil remedies against their employers who stole wages, State law places considerable hurdles that hinder the collection of money judgments. Moreover, the resolution would state that for example, according to a 2015 report, *Empty Judgments: The Wage Collection Crisis in New York*, issued by the Legal Aid Society, the Urban Justice Center, and National Center for Law and Economic Justice, existing lien and legal procedures make collection extremely difficult.

Furthermore, the resolution would state that the 2015 *Empty Judgments* report "identified at least \$125 million in empty judgments and orders" and purports that the State has been unable to collect over \$101 million in unpaid wages between 2003 and 2013, according to records of the New York State Department of Labor. The resolution would note that New York State Assembly bill A.5501, introduced by Assemblymember Linda Rosenthal, would strengthen the existing Wage Theft Prevention Act by creating a process to allow an employee to impose a lien on an employer's property for the amount of unpaid wages arising out of the employee's employment claim. Moreover, under the law, workers would have a better chance of enforcing money judgments.

Finally, the resolution would call upon the New York State Legislature to pass and the Governor to sign, A.5501, strengthening the provisions of the Wage Theft Prevention Act.

¹ 29 U.S.C. § 202.

¹ 29 U.S.C.A. § 207(a)(1).

² N.Y. Lab. Law § 195(1)(a).

³ New York State Department of Labor "Wage Theft Prevention Act: Fact Sheet," available at <http://www.labor.ny.gov/formsdocs/wp/P715.pdf>.

⁴ Robert Harding, "Cuomo signs bill eliminating Wage Theft Prevention Act's annual wage rate notice requirement," *Auburn Citizen*, Dec. 31, 2014, available at http://auburnpub.com/blogs/eye_on_ny/cuomo-signs-bill-eliminating-wage-theft-prevention-act-s-annual/article_2b5f4afc-9067-11e4-8616-43a93fa76a76.html.

⁵ N.Y. Lab. Law §198(1)-(4).

⁶ New York State Department of Labor "Governor Cuomo Announces More Wage Theft Cases Resolved in 2013 Than Ever Before" Feb. 11, 2014 available at <http://www.labor.ny.gov/pressreleases/2014/february-11-2014.shtm>.

⁷ Jim Dwyer "Awarded Stolen Wages, Workers Struggle to Collect" *New York Times*, Feb. 19, 2015 available at <http://www.nytimes.com/2015/02/20/nyregion/awarded-stolen-wages-workers-struggle-to-collect.html>; Steven Greenhouse, "Study Finds Violations of Wage Law in New York and California," *New York Times*, Dec. 3, 2014, available at http://www.nytimes.com/2014/12/04/business/study-finds-violations-of-wage-law-in-new-york-and-california.html?_r=0.

⁸ Community Development Project at the Urban Justice Center, Employment Law Unit at The Legal Aid

Society, National Center for Law and Economic Justice, "Empty Judgments: The Wage Collection Crisis in New York," 2015, available at https://cdp.urbanjustice.org/sites/default/files/CDP.WEB.doc_Empty_Judgments_The_Wage_Collection_Crisis_In_New_York_2015220.pdf.

⁹ *Id.*

¹⁰ Kirk Semple, "Restaurant to Pay Workers in Wage Theft Case," New York Times, Mar. 1, 2012, available at <http://cityroom.blogs.nytimes.com/2012/03/01/restaurant-to-pay-workers-in-wage-theft-case/?gwh=FE81472533BED4ACB4D3CA9EDF0CEA32&gwt=pay>.

¹¹ *Id.*

¹² Community Development Project at the Urban Justice Center, Employment Law Unit at The Legal Aid Society, National Center for Law and Economic Justice, "Empty Judgments: The Wage Collection Crisis in New York," 2015, available at https://cdp.urbanjustice.org/sites/default/files/CDP.WEB.doc_Empty_Judgments_The_Wage_Collection_Crisis_In_New_York_2015220.pdf.

¹³ Brady Meixell, "An Epidemic of Wage Theft Is Costing Workers Hundreds of Millions of Dollars a Year," Economic Policy Institute, Sept. 11, 2014, available at <http://www.epi.org/publication/epidemic-wage-theft-costing-workers-hundreds/>.

¹⁴ NY CPLR §§2601-26.

¹⁵ *Id.*

¹⁶ Community Development Project at the Urban Justice Center, Employment Law Unit at The Legal Aid Society, National Center for Law and Economic Justice, "Empty Judgments: The Wage Collection Crisis in New York," 2015, available at https://cdp.urbanjustice.org/sites/default/files/CDP.WEB.doc_Empty_Judgments_The_Wage_Collection_Crisis_In_New_York_2015220.pdf.

¹⁷ Jim Dwyer "Awarded Stolen Wages, Workers Struggle to Collect" New York Times, Feb. 19, 2015 available at <http://www.nytimes.com/2015/02/20/nyregion/awarded-stolen-wages-workers-struggle-to-collect.html>.

¹⁸ Community Development Project at the Urban Justice Center, Employment Law Unit at The Legal Aid Society, National Center for Law and Economic Justice, "Empty Judgments: The Wage Collection Crisis in New York," 2015, available at https://cdp.urbanjustice.org/sites/default/files/CDP.WEB.doc_Empty_Judgments_The_Wage_Collection_Crisis_In_New_York_2015220.pdf.

¹⁹ Nell Casey, "NY Wage Theft Victims Win Justice, But Money Remains Elusive," Gothamist, Feb. 20, 2015, available at http://gothamist.com/2015/02/20/stolen_wages_rarely_repaid.php.

²⁰ *Id.*

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 612:)

Res. No. 612

Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.5501, strengthening the provisions of the Wage Theft Prevention Act.

By The Speaker (Council Member Mark-Viverito) and Council Members Torres, Lancman, Ferreras, Johnson, Miller, Arroyo, Chin, Constantinides, Gentile, Gibson, Lander, Palmer, Rose, Koslowitz, Rosenthal, Menchaca, Cohen, Crowley, Rodriguez, Van Bramer, Williams, Dromm, Cornegy, Kallos and the Public Advocate (Ms. James).

Whereas, The New York State Wage Theft Prevention Act (“the Act”) became effective on April 9, 2011, and was amended in 2014; and

Whereas, The Act was intended to provide protection to workers against wage theft; and

Whereas, Specifically, the Act, regulates the manner workers are notified of their pay rates and receive wage statements, and expands the civil and criminal remedies for wage theft; and

Whereas, However, even when employees successfully pursue civil remedies against their employers who stole wages, State law places considerable hurdles that hinder the collection of money judgments; and

Whereas, For example, according to a 2015 report, *Empty Judgments: The Wage Collection Crisis in New York*, issued by the Legal Aid Society, the Urban Justice Center, and National Center for Law and Economic Justice, existing lien and legal procedures make collection extremely difficult; and

Whereas, The 2015 *Empty Judgments* report “identified at least \$125 million in empty judgments and orders” and purports that the State has been unable to collect over \$101 million in unpaid wages between 2003 and 2013, according to records of the New York State Department of Labor; and

Whereas, New York State Assembly bill A.5501, introduced by Assemblymember Linda Rosenthal, would strengthen the existing Wage Theft Prevention Act by creating a process to allow an employee to impose a lien on an employer’s property for the amount of unpaid wages arising out of the employee’s employment claim; and

Whereas, Under the law, workers would have a better chance of enforcing money judgments; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign, A.5501, strengthening the provisions of the Wage Theft Prevention Act.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, April 24, 2015.

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

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

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 615-A

Report of the Committee on Civil Service and Labor in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the Paid Family Leave Act to provide support and security for New York's working families.

The Committee on Civil Service and Labor, to which the annexed amended resolution was referred on March 11, 2015 (Minutes, page 804), respectfully

REPORTS:

Introduction:

On Monday, April 24, 2015, the Committee on Civil Service and Labor chaired by Council Member I. Daneek Miller will hold a second hearing on Proposed Resolution No. 615-A, which calls upon New York State Legislature to pass and the Governor to sign the Paid Family Leave Act to provide support and security for New York's working families. The first hearing took place as a joint hearing between the Committees on Civil Service and Labor and Women's Issues on April 20, 2015, at which time the Committees heard testimony in support of the Resolution from advocates and other interested parties.

Background:

Since 1993, the federal Family and Medical Leave Act ("FMLA") has guaranteed covered employees up to 12 weeks of unpaid leave for certain major life and health events, such as an illness or the arrival of a new child.¹ The FMLA, however, only covers about 60 percent of employees and less than 20 percent of new mothers.² Even so, as a 2014 report by the White House Council of Economic Advisors noted, 77 percent of workers surveyed in 2011 reported having some ability to take unpaid leave—73 percent said that they could take leave for their own illness and 60 percent could do so for the birth of a child³

Far fewer workers, however, have access to *paid* leave. In that same study, 53 percent of workers surveyed reported being able to take some type of paid leave for an illness and 39 percent reported being able to do so for the birth of a child.⁴ According to a survey of employers conducted by the U.S. Bureau of Labor Statistics, however, only about 12 percent of private industry workers (and 5 percent of private industry part-time workers) are covered by formal paid leave policies.⁵ Although the employee populations covered by the employee and employer surveys may not be identical, the Council of Economic Advisors concluded that the difference between the number of employees who report having access to paid leave and the number of employers who report offering it suggests that employees may rely on informal arrangements with managers or use other forms of paid leave like vacation or "comp time" to cope with illness or the arrival of a child.⁶ There are also

significant disparities in access to paid leave across groups. Hispanic workers, for instance, workers with less education and workers who earn lower wages have less access to paid leave.⁷

Having to rely on unpaid leave, whether under the FMLA or employers' leave policies, can sometimes place a strain on working families. In the 2011 survey, workers who reported needing to take leave but not taking it were asked why they had not done so; most often, they responded that they had "too much work" or "could not afford the loss in income."⁸ Less-educated and lower-wage workers were particularly likely to report that they could not afford to take leave.⁹ In a 2012 survey study of leave-taking under the FMLA, leave takers who received partial or no pay during their leave reported coping with the wage loss by delaying paying bills (36.5 percent), cutting short their leave time (31 percent), borrowing money (30.2 percent) or relying on public assistance to make ends meet (14.8 percent), as examples.¹⁰ Especially when combined with medical and hospital costs, the loss of income during unpaid leave may also lead to bankruptcy.¹¹

Paid Family Leave in Other Jurisdictions

In response to these issues, three states have added paid family leave to their Temporary Disability Insurance ("TDI") programs. In 2004, California became the first, offering many employees up to six weeks of leave, paid at approximately 55 percent of their salary up to a maximum of \$1,104 per week.¹² In 2009, New Jersey followed suit, ensuring up to six weeks of leave, paid at up to two-thirds of the employee's salary, up to a maximum of \$604 per week.¹³ Since 2014, Rhode Island's family leave program has offered four weeks of job-protected leave, paid at approximately 60 percent of the worker's pre-leave wage, up to a maximum of \$770 per week.¹⁴ Although these programs only replace a portion of a worker's lost wages, and are not a perfect solution, they can offer badly needed support and security to working families.

California's program has been in place for more than 10 years. A 2011 follow-up study found that, while the business community had initially objected to the new law, their fears had proved largely unwarranted.¹⁵ In that survey study, 88.5 percent of employers reported no negative effect (that is, they reported a "positive effect" or "no noticeable effect") on productivity, 91 percent reported no negative effect on profitability or performance,¹⁶ 92.8 percent reported no negative effect on turnover and 98.6 percent reported no negative effect on morale.¹⁷ When asked about productivity, profitability/performance and morale, smaller businesses were less likely than large businesses to report negative effects.¹⁸ In addition, more than 91 percent of employers reported that they were not aware of their employees abusing the Paid Family Leave program¹⁹ and over 85 percent reported seeing no cost increase from the program.²⁰

Other studies have suggested that California's program increased leave-taking after the birth of a child for both mothers and fathers and increased the probability that a mother returned to work by nine months post-birth.²¹ One analysis suggests that California's Paid Family Leave may have increased young women's participation in the labor market, but also their relative rate and length of unemployment.²²

Paid Family Leave in New York

New York State currently has a TDI program to assist injured or ill workers. New York's TDI, however, does not include paid family leave and its benefits are unsustainably low: 50 percent of the worker's average weekly wage, up to a maximum of \$170 per week.²³

To address both of those issues, State Senator Joseph Addabbo, Jr. and Assembly Member Catherine Nolan have sponsored the Paid Family Leave Act (S.3004/A.3870), now pending in the New York Legislature. The Act would add paid family leave insurance to New York's TDI program; financed by small contributions from employees, the new insurance would support up to twelve weeks of job-protected paid family leave for qualifying employees. The Act would also increase New York's TDI benefit, making qualifying employees eligible to receive two-thirds of their average weekly wage, up to a maximum of 35 percent of the statewide weekly average wage the first year and increasing up to a maximum of 50 percent of the statewide weekly average wage in 2019.

Proposed Res. No. 615-A:

Proposed Resolution No. 615-A would state that, according to the New York State Department of Labor, in December 2014, roughly 3.6 million people worked in the private sector in the New York City region and more than 500,000 people worked in the public sector, meaning that 56.5 percent of the New York City population over the age of 16 was employed. The resolution would also note that, each year, many of these New York City workers need time away from work to address major health and family obligations, including a serious personal illness, seriously ill family members and the arrival of a child.

The resolution would state that the federal Family and Medical Leave Act of 1993 ("FMLA") generally covers a person who works for public agencies or for private employers with more than 50 employees if the worker, 1) works in a location with (or near) a certain number of other employees, 2) has worked for his or her employer for more than 12 months, and 3) worked more than 1,250 hours in the prior year. It would also state that the FMLA currently provides up to 12 weeks of unpaid leave for workers whose families are dealing with certain major health or life events, such as a serious medical condition or the arrival of a child. The resolution would note that the U.S. Department of Labor reported in 2013 that, nationwide, only approximately 59 percent of employees are eligible for FMLA leave, leaving almost half of employees uncovered. The resolution would further state that, according to that same study, only about 16 percent of those employees nationwide who even are covered by FMLA took FMLA-qualifying leave in the prior year. The resolution would also state that, according to that study, between four and five percent of the employees surveyed reported having an unmet need for leave, and 46 percent of employees who needed but did not take leave reported that they could not afford to do so.

The resolution would assert that for those who take FMLA leave, the financial consequences of losing one's income for weeks or months in order to care for a family member can be devastating. The resolution would further assert that most workers must rely on their employers for any paid leave and, according to a 2013 survey study by the U.S. Department of Labor, only approximately 12 percent of private sector employees are entitled to paid leave.

The resolution would state that New York State's current TDI cash benefits are capped at \$170 per week for eligible employees, an unsustainably low level. The resolution would further state that to address the lack of paid family leave and the untenably low TDI benefits, S.3004, sponsored by State Senator Joseph Addabbo, Jr., and A.3870, sponsored by Assembly Member Catherine Nolan, which are commonly called the Paid Family Leave Act, are currently pending before the Legislature. The resolution would state that under that Act, qualifying employees would be eligible to receive two-thirds of their average weekly wage, up to a maximum of 35 percent of the statewide weekly average wage the first year, increasing annually up to a maximum of 50 percent of the statewide weekly average wage in 2019. The resolution would assert that this change would raise the TDI benefit to a more livable level. The resolution would also state that the Act would provide paid family leave insurance, financed by small contributions from employees, to support up to twelve weeks of job-protected paid family leave for qualifying employees.

The resolution would note that a 2011 study by the Center for Economic and Policy Research reported that, five years after California implemented a paid family leave program, nearly 89 percent of employers reported that the program had either a "positive effect" or "no noticeable effect" on productivity, that roughly 91 percent reported a "positive effect" or "no noticeable effect" on profitability or performance, and that more than 95 percent reported either a "positive effect" or "no noticeable effect" on employee turnover and morale. The resolution would further assert that, in that study, businesses with fewer than 100 employees were especially likely to report that paid family leave had not negatively impacted productivity, profitability or performance, or morale.

Finally, the resolution would state that millions of working New Yorkers should not have to lose their income and put their families in financial jeopardy in order to care for their family members. Thus, the Council would call upon the New York State Legislature to pass, and the Governor to sign, the Paid Family Leave Act to provide support and security for New York's working families.

¹ 29 U.S.C. § 2601 *et seq.*

² Executive Office of the President of the United States, Council of Economic Advisers, *The Economics of Paid and Unpaid Leave*, at 3 (2014), available at https://www.whitehouse.gov/sites/default/files/docs/leave_report_final.pdf.

³ *Id.* at 1.

⁴ *Id.*

⁵ United States Bureau of Labor Statistics, *2013 Nat'l Compensation Survey, Leave benefits: Access* (2013), available at <http://www.bls.gov/ncs/ebs/benefits/2013/ownership/private/table21a.htm>. Similarly, as of March 2014, 13 percent of all "civilian" employees (which includes many private industry workers and employees of state and local governments), received paid family leave and roughly 5 percent of part-time civilian workers did so. See United States Bureau of Labor Statistics, *Leave benefits: Access, Civilian workers, Nat'l Compensation Survey, March 2014* (2014), available at

<http://www.bls.gov/ncs/ebs/benefits/2014/ownership/civilian/table32a.pdf>.

⁶ Council of Economic Advisers, *The Economics of Paid and Unpaid Leave* at 1, 10, 15.

⁷ *Id.* at 1, 11-12.

⁸ *Id.* at 14. Similarly, in the U.S. Department of Labor's 2012 survey study of leave taking under the FMLA, when employees reported an unmet need for leave, they most commonly attributed the decision not to take leave to an inability to afford it. Jacob Alex Klerman et al. for the United States Department of Labor, *Family and Medical Leave in 2012: Technical Report* 127 (2013), available at <http://www.dol.gov/asp/evaluation/fmla/FMLA-2012-Technical-Report.pdf>.

⁹ Council of Economic Advisers, *The Economics of Paid and Unpaid Leave* at 14.

¹⁰ Klerman et al., *Family and Medical Leave in 2012: Technical Report* at 104-05.

¹¹ See Melissa B. Jacoby & Elizabeth Warren, *Beyond Hospital Misbehavior: An Alternative Account of Medical-Related Financial Distress*, 100 Nw. U. L. Rev. 535, 536, 560-63 (2006).

¹² Cal. Employment Development Dept., *Paid Family Leave Benefits* (2015), available at http://www.edd.ca.gov/Disability/PFL_Benefit_Amounts.htm.

¹³ N.J. Dept. of Labor and Workforce Development, *Family Leave Insurance, State Family Leave Benefits, Benefit Calculation and Duration of Benefits* (2015), available at http://lwd.dol.state.nj.us/labor/fli/worker/state/FL_SP_calculating_benefits.html.

¹⁴ R.I. Gen. Laws § 28-41- 35; R.R. Dept. of Labor and Training, *Temporary Disability Insurance/Temporary Caregiver Insurance Frequently Asked Questions* (2015), available at <http://www.dlt.ri.gov/tdi/tdifaqs.htm>; Council of Economic Advisers, *The Economics of Paid and Unpaid Leave* at 19.

¹⁵ Eileen Appelbaum and Ruth Milkman, *Leaves that Pay, Employer and Worker Experiences with Paid Family Leave in California*, 4-5 (2011), available at <http://www.cepr.net/publications/reports/leaves-that-pay>.

¹⁶ Whether an employer was asked about effect on profitability or performance depended on whether the employer was a for-profit institution. *Id.* at 8.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 8.

²⁰ *Id.*

²¹ Charles L. Baum and Christopher J. Ruhm, *The Effects of Paid Family Leave in California on Labor Market Outcomes*, No. w19741, National Bureau of Economic Research (2013).

²² Tirthatanmoy Das and Solomon Polachek, *Unanticipated Effects of California's Paid Family Leave Program*, IZA Discussion Paper, No. 8023 (2014).

²³ N.Y. Workers' Comp. L. §§ 204(2), 205.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 615-A:)

Res. No. 615-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the Paid Family Leave Act to provide support and security for New York's working families

By Council Members Lancman, The Speaker (Council Member Mark-Viverito), Ferreras, Cumbo, Arroyo, Chin, Gentile, Gibson, Johnson, Lander, Richards, Rose, Rosenthal, Menchaca, Crowley, Rodriguez, Van Bramer, Williams, Dromm, Garodnick, Miller, Cornegy, Cohen, Eugene, Kallos and the Public Advocate (Ms. James).

Whereas, According to the New York State Department of Labor, in December 2014, roughly 3.6 million people worked in the private sector in the New York City region, and more than 500,000 people worked in the public sector, meaning that 56.5 percent of the New York City population over the age of 16 was employed; and

Whereas, Each year, many of these New York City workers need time away from work to address major health and family obligations, including a serious personal illness, seriously ill family members and the arrival of a child; and

Whereas, The federal Family and Medical Leave Act of 1993 (“FMLA”) generally covers a person who works for public agencies and for private employers with more than 50 employees if the worker, 1) works in a location with (or near) a certain number of other employees, 2) has worked for his or her employer for more than 12 months, and 3) worked more than 1,250 hours in the prior year; and

Whereas, Currently, the FMLA provides up to 12 weeks of unpaid leave for workers whose families are dealing with certain major health or life events, such as a serious medical condition or the arrival of a child; and

Whereas, The United States (U.S.) Department of Labor reported in 2013 that, nationwide, only approximately 59 percent of employees are eligible for FMLA leave, leaving almost half of employees uncovered; and

Whereas, According to that U.S. Department of Labor survey study, only about 16 percent of those employees nationwide who even are covered by FMLA took FMLA-qualifying leave in the prior year; and

Whereas, According to that study, between four and five percent of the employees surveyed reported having an unmet need for leave, and 46 percent of employees who needed but did not take leave reported that they could not afford to do so; and

Whereas, For those who take FMLA leave, the financial consequences of losing one’s income for weeks or months in order to care for a family member can be devastating; and

Whereas, Most workers must rely on their employers for any paid leave and, according to a 2013 survey study by the U.S. Department of Labor, only approximately 12 percent of private sector employees are entitled to paid leave; and

Whereas, New York State’s current Temporary Disability Insurance cash benefits are capped at \$170 per week for eligible employees, an unsustainably low level, and

Whereas, To address the lack of paid family leave and the untenably low Temporary Disability Insurance benefits, S.3004, sponsored by State Senator Joseph Addabbo, Jr., and A.3870, sponsored by Assembly Member Catherine Nolan, which are commonly called the Paid Family Leave Act, are currently pending before the Legislature; and

Whereas, Under that Act, qualifying employees would be eligible to receive two-thirds of their average weekly wage, up to a maximum of 35 percent of the statewide weekly average wage the first year, increasing annually up to a maximum of 50 percent of the statewide weekly average wage in 2019; and

Whereas, This change would raise the Temporary Disability Insurance benefit to a more livable level; and

Whereas, The Act would provide paid family leave insurance, financed by small contributions from employees, to support up to twelve weeks of job-protected paid family leave for qualifying employees; and

Whereas, A 2011 study by the Center for Economic and Policy Research reported that five years after California implemented a paid family leave program, nearly 89 percent of employers reported that the program had either a “positive effect” or “no noticeable effect” on productivity, roughly 91 percent reported a “positive effect” or “no noticeable effect” on profitability or performance, and more than 95 percent reported either a “positive effect” or “no noticeable effect” on employee turnover and morale; and

Whereas, In that study, businesses with fewer than 100 employees were especially likely to report that paid family leave had not negatively impacted productivity, profitability or performance, or morale; and

Whereas, Millions of working New Yorkers should not have to lose their income and put their families in financial jeopardy in order to care for their family members; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, the Paid Family Leave Act to provide support and security for New York’s working families.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, April 24, 2015.

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

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

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 638

Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services in favor of approving a Resolution recognizing this and every April as Autism Awareness Month in the City of New York.

The Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, to which the annexed resolution was referred on April 16, 2015 (Minutes, page 1010), respectfully

REPORTS:**Introduction**

On April 23, 2015, the Committee on Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse, and Disability Services, chaired by Council Member Andrew Cohen, will hold a hearing on Resolution 638-2015, "A resolution recognizing this and every April as Autism Awareness Month in the City of New York."

Background on Res. No. 638

The Centers for Disease Control and Prevention estimates that 1 in 68 children in the United States have been identified with Autism Spectrum Disease. This most recent estimate is roughly 30 percent higher than previous estimates reported in 2012 of 1 in 88 children being identified with an Autism Spectrum Disease. Autism and autism spectrum disorder, also called ASD, are both general terms for a group of complex disorders of brain development.

The United Nations, by resolution, established World Autism Awareness Day in 2007, observed on April 2 every year since 2008. The main components of the UN resolution include raising awareness of autism at all levels of society, which is also a primary purpose of the proposed resolution. Observance of World Autism Awareness Day occurs yearly in April throughout the United States, including Chicago, Atlanta and Los Angeles. On World Autism Awareness Day in 2014, in New York City, the Empire State Building and 30 Rockefeller Center were illuminated in autism blue.

Res. No. 638

Res. No. 638 would indicate that this and every April is Autism Awareness month in New York City. The resolution would note that autism is a physical condition linked to abnormal biology and chemistry in the brain. The resolution would also note that the exact causes of the abnormalities are unknown but this is an active area of research. The resolution would further note that autism and autism spectrum disorder (ASD) are characterized in varying degrees by difficulties in social interaction, verbal and nonverbal communication and repetitive behaviors.

Res. No. 638 would point out that parents of autistic children see symptoms of autism by the time the child is 18 months and have difficulties in areas such as pretend play, social interactions and verbal and nonverbal communication. The resolution would also point out that the Center for Disease Control and Prevention estimates 1 in 68 children has been identified with ASD and it is more common among boys than girls. The resolution would further point out ASD is treatable by early intervention services. The resolution would also point out that Shema Kolainu/Hear Our Voices, a non-profit multi-cultural school in NYC provides treatment, education and mentoring for persons in the autism community.

Res. No. 638 would emphasize that the UN established, by resolution, World Autism Awareness Day in 2007, observed on April 2nd every year since 2008. The resolution would also emphasize that the goal of World Autism Awareness Day is raise awareness of autism at all levels of society. The resolution would further emphasize that World Autism Awareness Day is observed throughout the United States and according to the UN, recognized by all member states. The resolution would also emphasize that in New York City, the Empire State Building and 30 Rockefeller Center, were illuminated in autism blue.

Finally, Res. No. 638 would assert that the Council of the City of New York declares April of each year as Autism Awareness Month.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 638:)

Res. No. 638

Resolution recognizing this and every April as Autism Awareness Month in the City of New York.

By Council Members Ulrich, Arroyo, Cabrera, Chin, Constantinides, Deutsch, Eugene, Johnson, Levine, Rose, Vallone, Cohen, Levin, Koslowitz, Weprin, Williams, Richards, Miller, Rosenthal, Rodriguez, Lander, Van Bramer, Dromm, Wills, Greenfield and Kallos.

Whereas, According to Autism Speaks (AS), autism and autism spectrum disorder, also called ASD, are both general terms for a group of complex disorders of brain development; and

Whereas, The New York City Department of Health and Mental Hygiene (DOHMH) advises that autism is a physical condition linked to abnormal biology and chemistry in the brain; and

Whereas, DOHMH further advises that the exact causes of these abnormalities remain unknown, but this is a very active area of research, and that there are probably a combination of factors that lead to autism; and

Whereas, DOHMH states that these disorders are characterized, in varying degrees, by difficulties in social interaction, verbal and nonverbal communication and repetitive behaviors; and

Whereas, DOHMH also informs that many parents of autistic children see some of the symptoms of autism by the time the child is 18 months, and seek help by the time the child is age 2; and

Whereas, DOHMH also says that children with autism typically have difficulties in areas such as pretend play, social interactions and verbal and nonverbal communication; and

Whereas, The Centers for Disease Control and Prevention (CDC) estimates that 1 in 68 children (or 14.7 per 1,000 eight-year-olds) in multiple communities in the

United States has been identified with ASD, and that this new estimate is roughly 30 percent higher than previous estimates reported in 2012 of 1 in 88 children (11.3 per 1,000 eight year olds) being identified with an ASD; and

Whereas, the CDC also reports that the data continue to show that ASD is almost five times more common among boys than girls: 1 in 42 boys versus 1 in 189 girls, and that Caucasian children are more likely to be identified as having ASD than are Black or Hispanic children; and

Whereas, The CDC reports that ASD is treatable by early intervention services that help children from birth to 3 years old learn important skills, and that services can include therapy to help the child talk, walk, and interact with others; and

Whereas, According to Shema Kolainu/Hear Our Voices (SK), a non-profit multi-cultural school in New York City that provides treatment, education and mentoring for persons in the autism community, several studies have shown that early, intensive instruction using such methods as Applied Behavioral Analysis (ABA) may result in dramatic improvements; and

Whereas, SK also informs that ABA therapy can develop the child's social and emotional skills, allowing them to convey their feelings either verbally or through use of what is known as an Alternative Communication device, which can range from a simple picture board to touch-screen voice output systems; and

Whereas, According to Autism Daily Newscast (ADN), finding a "cure" to ASD is tricky, because autism is a disorder that shows up as a series of symptoms, rather than as a particular biological reaction in the body; and

Whereas, ADN reports that it is possible to decrease the effect the symptoms of the disorder have on an individual, with proper interventions, and that studies have shown that intensive early behavioral interventions can improve symptoms and lead to a better quality of life in adulthood; and

Whereas, ADN also states that while no particular approach has been shown to "cure" autism, it is possible to help people with autism overcome their challenges, and for many to live happy, productive lives and

Whereas, The United Nations (UN), by resolution, established World Autism Awareness Day in 2007, observed on April 2 every year since 2008; and

Whereas, The main components of the UN resolution include, in addition to establishing April 2 as World Autism Awareness Day, the participation of UN organizations, member states and non government organizations in raising awareness of autism at all levels of society; and

Whereas, Observance of World Autism Awareness Day occurs yearly in April throughout the United States, including Chicago, Atlanta and Los Angeles; and

Whereas, On World Autism Awareness Day in 2014, in New York City, the Empire State Building and 30 Rockefeller Center, were illuminated in "autism blue"; and

Whereas, The Eighth Annual World Autism Awareness Day is April 2, 2015, and autism organizations around the world will mark the day with unique fundraising and awareness-raising events; and

Whereas, According to the UN, the upcoming WADD will be recognized by all member states; now, therefore, be it

Resolved, That the Council of the City of New recognizes this and every April as Autism Awareness Month in the City of New York.

ANDREW COHEN, *Chairperson*; ELIZABETH S. CROWLEY, RUBEN WILLS, COREY D. JOHNSON, PAUL A. VALLONE; Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, April 23, 2015. *Other Council Members Attending: Chin, Rodriguez, Levin, Miller, Vacca, Weprin, Garodnick, Deutsch, Koslowitz, Treyger, Menchaca, Arroyo, Rose, Van Bramer and Constantinides.*

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

Adopted unanimously by voice-vote.

Report for voice-vote Res. No. 648

Report of the Committee on Health in favor of approving a Resolution recognizing this and every April as Organ Donation Awareness Month in the City of New York.

The Committee on Health to which the annexed resolution was referred on April 16, 2015 (Minutes, page 1266), respectfully

REPORTS:

I. Introduction

On April 27, 2015, the Committee on Health, chaired by Council Member Corey Johnson, will hold a vote on Res. No. 648, recognizing this and every April as Organ Donation Awareness Month in the City of New York. The Health Committee held a hearing on Res. No 648 on April 21, 2015.

II. Organ Donation: Overview

According to Donate Life America, an alliance of national organizations and state teams across the United States committed to increasing organ, eye and tissue donation, nearly 124,000 people in the United States were awaiting organ transplants.¹ According to the U.S. Department of Health and Human Services (HHS), 21 people in the United States die each day waiting for an organ.² Donate Life America and HHS each report that a single organ donor can save up to eight lives and save or heal more than 100 lives through tissue donation.³

According to the National Kidney Foundation, 26 million American adults have kidney disease and over 80 percent of those on the waiting list for a lifesaving organ

transplant need a kidney.⁴ Twelve people die every day waiting for a kidney.⁵ Every 13 hours another patient dies waiting for an organ transplant in New York State.⁶

There are 58 organ procurement organizations in the United States to increase the number of registered donors as well as coordinate the donation process when actual donors become available.⁷ Enrolling in a state's donor registry is a simple and altruistic act indicating consent to be a donor.⁸

In New York, a person can register as an organ donor in person, by mail, or online if he or she is at least 18 years old, and that person may indicate their desire to become a donor when they obtain or renew their driver's license or state ID card.⁹ A person can also sign up as an organ donor in New York when that person completes their voter registration form.¹⁰ Even with the ease of enrollment, in 2013, only 22 percent of New Yorkers age 18 and over had registered to donate organs, compared to the national average of 48 percent.¹¹

According to LiveOnNY, an organ donation association, more than 10,000 people are waiting for organ transplants in LiveOnNY's service area.¹² Of the 10,000 persons waiting for organ transplants, more than 8,000 await kidneys, more than 1,300 need livers, and more than 300 need hearts.¹³

III. Analysis

Res. No. 648

Resolution Number 648 would recognize this and every April as Organ Donation Awareness Month in the City of New York. The resolution would state that as of January 2015, nearly 124,000 people in the United States were awaiting organ transplants, according to Donate Life America, an alliance of national organizations and state teams across the United States committed to increasing organ, eye and tissue donation. The resolution would note that 21 people in the United States die each day waiting for an organ, according to the HHS. Res. No. 648 would state that Donate Life America and HHS each report that a single organ donor can save up to 8 lives and save or heal more than 100 lives through tissue donation. The resolution would note that, according to the National Kidney Foundation, every 5 minutes someone goes into kidney failure in the United States, and 25 million Americans have kidney disease. The resolution would state that HHS reports that there are 58 organ procurement organizations in the United States, responsible for both increasing the number of registered donors as well as coordinating the donation process when actual donors become available. The resolution would note that HHS also informs that the altruistic process of donation begins when people perform the simple act of indicating their consent to be a donor by enrolling in their state's donor registry. The resolution would state that, according to DMV.ORG, an organ donation awareness organization not affiliated with the Department of Motor Vehicles, in New York State, every 13 hours another patient dies waiting for an organ transplant.

The resolution would also note that DMV.ORG informs that in New York, a person can register as an organ donor in person, by mail, or online if he or she is at least 18 years old, and that person may indicate their desire to become a donor when they obtain or renew their driver's license or state ID card. The resolution would

state that the New York Board of Elections also allows an individual to sign up as an organ donor when that person completes their voter registration form. The resolution would note that according to LiveOnNY, an organ donation association, more than 10,000 people are waiting for organ transplants in LiveOnNY's service area. The resolution would state that LiveOnNY serves 13 million people in the New York metropolitan area, which includes the five boroughs of New York City, Long Island, and the northern counties up to Poughkeepsie. The resolution would further note that LiveOnNY reports that of the 10,000 persons waiting for organ transplants, more than 8,000 await kidneys, more than 1,300 need livers, and more than 300 need hearts. The resolution would state that it is important to raise awareness of the great need for organ donation.

¹ Donate Life America, *Statistics*, <http://donatelife.net/statistics/>.

² U.S. Department of Health and Human Services, *The Need Is Real: Data*, <http://www.organdonor.gov/about/data.html>.

³ *Id.*; Supra note **Error! Bookmark not defined.**

⁴ National Kidney Foundation. Fast Facts, <https://www.kidney.org/news/newsroom/factsheets/FastFacts>.

⁵ *Id.*

⁶ DMV.ORG, *Organ Donation in New York*, <http://www.dmv.org/ny-new-york/organ-donor.php>

⁷ U.S. Department of Health and Human Services, *HHS releases new Public Health Service guideline to reduce disease transmission through organ transplantation*, (June 19, 2013), <http://www.hhs.gov/news/press/2013pres/06/20130619a.html>.

⁸ U.S. Department of Health and Human Services, *Organ Donation: The Process*, <http://organdonor.gov/about/organdonationprocess.html>

⁹ DMV.ORG, *Organ Donation in New York*, <http://www.dmv.org/ny-new-york/organ-donor.php>.

¹⁰ *Id.*

¹¹ Donate Life America, *2014 National Donor Designation Report Card*, http://donatelife.net/wp-content/uploads/2014/06/Report-Card-2014-44222-Final_Edit_819.pdf

¹² LiveOnNY, *All About Donation: Organ Donation Statistics*, <http://www.donatelifeny.org/about-donation/data/>

¹³ *Id.*

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 648:)

Res. No. 648

Resolution recognizing this and every April as Organ Donation Awareness Month in the City of New York.

By Council Members Constantinides, Johnson, Arroyo, Chin, Cornegy, Dromm, Espinal, Gibson, Koo, Koslowitz, Palma, Cohen, Eugene, Rodriguez, Lander, Van Bramer, Kallos and Rosenthal.

Whereas, According to Donate Life America (DLA), an alliance of national organizations and state teams across the United States committed to increasing organ, eye and tissue donation, as of January 2015, nearly 124,000 people in the United States were awaiting organ transplants; and

Whereas, According to the U.S. Department of Health and Human Services (HHS), 21 people in the United States die each day waiting for an organ; and

Whereas, DLA and HHS each report that a single organ donor can save up to 8 lives and save or heal more than 100 lives through tissue donation; and

Whereas, According to the National Kidney Foundation, in the United States, every 5 minutes someone goes into kidney failure, and 25 million Americans have kidney disease; and

Whereas, HHS reports that there are 58 organ procurement organizations in the United States, responsible for both increasing the number of registered donors as well as coordinating the donation process when actual donors become available; and

Whereas, HHS also informs that the altruistic process of donation begins when people perform the simple act of indicating their consent to be a donor by enrolling in their state's donor registry; and

Whereas, According to DMV.ORG (DMV), an organ donation awareness organization not affiliated with the Department of Motor Vehicles, in New York State, every 13 hours another patient dies waiting for an organ transplant; and

Whereas, DMV also informs that in New York, a person can register as an organ donor in person, by mail, or online if he or she is at least 18 years old, and that person may indicate their desire to become a donor when they obtain or renew their driver's license or state ID card; and

Whereas, The New York Board of Elections also allows an individual to sign up as an organ donor when that person completes their voter registration form; and

Whereas, According to LiveOnNY, an organ donation association, more than 10,000 people are waiting for
or organ transplants in LiveOnNY's service area; and

Whereas, LiveOnNY serves 13 million people in the New York metropolitan area, which includes the five boroughs of New York City, Long Island, and the northern counties up to Poughkeepsie; and

Whereas, LiveOnNY reports that of the 10,000 persons waiting for organ transplants, more than 8,000 await kidneys, more than 1,300 need livers, and more than 300 need hearts; and

Whereas, It is important to raise awareness of the great need for organ donation; now, therefore, be it

Resolved, That the Council of the City of New York recognizes this and every April as Organ Donation Awareness Month in the City of New York.

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, April 27, 2015.
Other Council Members Attending: Constantinides and Chin.

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

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

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 649

Report of the Committee on Women's Issues in favor of approving a Resolution calling upon the New York State Assembly to pass, and the Governor to sign A.6075, which would amend the labor law, in relation to the prohibition of differential pay based on gender.

The Committee on Women's Issues, to which the annexed resolution was referred on April 16, 2015 (Minutes, page 1287), respectfully

REPORTS:

Introduction

On April 27, 2015, the Committee on Women's Issues, chaired by Council Member Laurie Cumbo, will hold a hearing on Res. No. 649, a resolution calling upon the New York State Legislature to pass, and the Governor to sign A.6075, which would amend the labor law, in relation to the prohibition of differential pay based on gender. This will be the second hearing on this resolution. The first hearing was held on April 20, 2015, jointly with the Committee on Civil Service and Labor, at which time the Committee heard testimony from various advocates and interested individuals.

Background on Res. No. 649

According to the most recent statistics from the U.S. Census Bureau, the median earnings for U.S. women working full time, year-round were just 77 percent of U.S. men's median earnings, representing a gap of 23 percent.¹ Median earnings for men in New York were \$51,274 compared to women's median earnings of \$43,000 — an earnings ratio of just 84 percent.² The penalty is much greater for New York's African American women and Latinas who earn 66% and 55% respectively.³

With a record number of women in the United States workforce and two-thirds of women functioning as primary or co-bread winners for their families, equal pay for women is critical to families' economic security.⁴ Yet in 2012, women working fulltime, year round, were still paid 77 cents on average for every dollar paid to men.⁵ Even after controlling for factors known to affect earnings, such as occupation, college major, and hours worked, a 7 percent pay gap persists between male and female college graduates just one year after graduation.⁶

A.6075/S.1 was introduced in the New York State Assembly by Assembly Member Michele Titus and in the New York State Senate by State Senator Diane

Savino to address equal pay. S.1 passed in the Senate on January 12, 2015. Referred to as the "Equal Pay Bill," A.6075/S.1 would amend the State Labor Law in relation to the prohibition of differential pay based on gender.

State Labor Law currently prohibits differential pay based on gender; however, the law contains exceptions for differential pay based on seniority, merit, or "any other factor other than sex." A.6075/S.1 would tighten this prohibition by amending the final exception by replacing "any other factor other than sex" with "a bona fide factor other than sex, such as education, training, or experience." A.6075/S.1 would also entitle individuals who were paid unequal wages to obtain liquidated damages of up to 300 percent of the amount of unpaid wages. A.6075/S.1 would prohibit employers from forbidding employees from sharing wage information. Lastly, A.6075/S.1 would require employers to make any workplace policy regarding the disclosure of wages consistent with all other state and federal laws.

Res. No. 649

Res. No. 649 would indicate that A.6075/S.1 was introduced in the Assembly on March 12, 2015 by Assembly Member Michele Titus and in the Senate on January 9, 2015 by State Senator Diane Savino, and would amend the State Labor Law in relation to the prohibition of differential pay based on gender. Res. No. 649 would point out that S.1 passed in the Senate on January 12, 2015.

The resolution would note that the Institute for Women's Policy Research ("IWPR") estimates that women in New York State earn 87.6 cents for every dollar earned by men and that in New York State, women earn an average of \$43,800 annually while men earn an average of \$50,000 annually. The resolution would further note that IWPR estimates that at this rate, women in New York State will not receive equal pay until the year 2049.

Res. No. 649 would indicate that the U.S. Census Bureau estimates that women in New York City earn 82 cents for every dollar earned by men and an average of \$58,207 annually, while men earn an average of \$70,889 annually. The resolution would indicate that the estimated annual earnings of women compared to men in New York City vary by profession and for some professions the differential is larger than the national average. The resolution would note, for example, that the U.S. Census Bureau estimates that female accountants and auditors in New York City earn 68.7 cents for every dollar earned by male accountants.

The resolution would further point out that the estimated annual earnings of women compared to men in New York City also varies by age. The resolution would note that the U.S. Census Bureau estimates that women over 35 in New York City earn 78.1 cents for every dollar men over 35 earn.

The resolution would indicate that when women in New York City are not paid equal to their male counterparts, not only are their families adversely affected, but the City's economy suffers. The resolution would also indicate that the U.S. Census Bureau estimates that 18.5% of all households in New York City are headed by women and IWPR found that pay inequality for women stifles overall economic growth.

Res. No. 649 would note that A.6075/S.1 would amend the State Labor Law by tightening the prohibition of differential pay based on gender. The resolution would further note that currently, although pay differentials based purely on gender are prohibited, the law contains exceptions for differentials based on: seniority, merit, a system that measures earnings by quantity or quality of production, or “any other factor other than sex.”

The resolution would indicate that A.6075/S.1 would amend the final exception by replacing “any other factor other than sex” with “a bona fide factor other than sex, such as education, training, or experience.” The resolution would also indicate this factor would not be based on or derived from a sex-based differential and would be job-related and consistent with business necessity. Res. No. 649 would indicate that this exception would not apply if an employee could demonstrate that: (i) the employer is using a practice that causes a disparate impact on the basis of gender; (ii) the employer is using a practice that causes a disparate impact on the basis of gender; (iii) an alternative practice would serve the same business purpose; and (iii) the employer refuses to adopt such an alternative.

Res. No. 649 would note that A.6075/S.1 would entitle individuals who were paid unequal wages to liquidated damages of up to 300 percent of the amount of unpaid wages. The resolution would further note that A.6075/S.1 would prohibit employers from forbidding employees from sharing wage information, which would allow women workers the ability to discover if their wages are unequal to their male counterparts. Res. No. 649 would note that A.6075/S.1 would require employers to make any workplace policy concerning the disclosure of wages consistent with all other state and federal laws.

Res. No. 649 would point out that passage of A.6075 would bolster women’s ability to contribute to the growth of the City’s economy. Res. No. 649 would indicate that passage of A.6075 is vital for granting women in this City the wages to which they are entitled. Finally, the resolution would assert that the Council of the City of New York urges the New York State Legislature to pass, and the Governor to sign A.6075, which would amend the labor law, in relation to the prohibition of differential pay based on gender.

¹ National Partnership for Women & Families and AAUW, *New York: Working Women and the State’s Wage Gap*, April 2013, available at: <http://www.aauw.org/files/2013/09/New-York-Pay-Gap-2013.pdf> and http://go.nationalpartnership.org/site/DocServer/Wage_Gap_ny.pdf

² Id.

³ National Women’s Law Center, *The Wage Gap: State by State*, <http://www.nwlc.org/wage-gap-state-state>

⁴ Pew Research Center. (January 19 2010). *New Economics of Marriage: The Rise of Wives*. <http://pewresearch.org/pubs/1466/economics-marriage-rise-of-wives>.

⁵ AAUW. (2014). *The Simple Truth about the Gender Pay Gap*. www.aauw.org/research/the-simple-truth-about-the-gender-paygap/.

⁶ AAUW (2013). *Graduating to a Pay Gap: The Earnings of Women and Men One Year after College Graduation*. www.aauw.org/research/graduating-to-a-pay-gap/.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 649:)

Res. No. 649

Resolution calling upon the New York State Assembly to pass, and the Governor to sign A.6075, which would amend the labor law, in relation to the prohibition of differential pay based on gender.

By Council Members Johnson, Cumbo, Arroyo, Chin, Constantinides, Dromm, Gibson, Koslowitz, Levine, Palma, Richards, Rosenthal, Cohen, Rodriguez, Lander, Van Bramer, Williams, Crowley, Kallos and Kallos.

Whereas, A.6075/S.1 was introduced in the Assembly on March 12, 2015 by Assembly Member Michelle Titus and in the Senate on January 9, 2015 by State Senator Diane Savino, and would amend the State Labor Law, in relation to the prohibition of differential pay based on gender; and

Whereas, S.1 passed in the Senate on January 12, 2015; and

Whereas, The Institute for Women's Policy Research ("IWPR") estimates that women in New York State earn 87.6 cents for every dollar earned by men and that in New York State women earn an average of \$43,800 annually while men earn an average of \$50,000 annually; and

Whereas, IWPR estimates that at this rate, women in New York State will not receive equal pay until the year 2049; and

Whereas, The U.S. Census Bureau estimates that women in New York City earn 82 cents for every dollar earned by men and an average of \$58,207 annually, while men earn an average of \$70,889 annually; and

Whereas, The estimated annual earnings of women compared to men in New York City vary by profession and for some professions the differential is larger than the national average; and

Whereas, For example, the U.S. Census Bureau estimates that female accountants and auditors in New York City earn 68.7 cents for every dollar earned by male accountants; and

Whereas, The estimated annual earnings of women compared to men in New York City also varies by age; and

Whereas, The U.S. Census Bureau estimates that women over 35 in New York City earn 78.1 cents for every dollar men over 35 earn; and

Whereas, When women in New York City are not paid equal to their male counterparts, not only are their families adversely affected, but the City's economy suffers; and

Whereas, The U.S. Census Bureau estimates that 18.5% of all households in New York City are headed by women and IWPR found that pay inequality for women stifles overall economic growth; and

Whereas, A.6075/S.1 would amend the State Labor Law by tightening the prohibition of differential pay based on gender; and

Whereas, Currently, although pay differentials based purely on gender are prohibited, the law contains exceptions for differentials based on: seniority, merit, a

system that measures earnings by quantity or quality of production, or "any other factor other than sex;" and

Whereas, A.6075/S.1 would amend the final exception by replacing "any other factor other than sex" with a "bona fide factor other than sex, such as education, training, or experience"; and

Whereas, This factor would not be based on or derived from a sex-based differential and would be job-related and consistent with business necessity; and

Whereas, This exception would not apply if an employee could demonstrate that: (i) the employer is using a practice that causes a disparate impact on the basis of gender; (ii) an alternative practice would serve the same business purpose; and (iii) the employer refuses to adopt such an alternative; and

Whereas, A.6075/S.1 would entitle individuals who were paid unequal wages to liquidated damages of up to 300 percent of the amount of unpaid wages; and

Whereas, A.6075/S.1 would prohibit employers from forbidding employees from sharing wage information, which would allow women workers the ability to discover if their wages are unequal to their male counterparts; and

Whereas, A.6075/S.1 would require employers to make any workplace policy concerning the disclosure of wages consistent with all other state and federal laws; and

Whereas, Passage of A.6075 would bolster women's ability to contribute to the growth of the City's economy; and

Whereas, Passage of A.6075 is vital for granting women in this City the wages to which they are entitled; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Assembly to pass, and the Governor to sign A.6075, which would amend the labor law, in relation to the prohibition of differential pay based on gender.

LAURIE A. CUMBO, *Chairperson*; DARLENE MEALY, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, BEN KALLOS; Committee on Women's Issues, April 27, 2015.

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

Adopted unanimously by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 757

By The Speaker (Council Member Mark-Viverito) and Council Members Arroyo, Chin, Dromm, Gentile, Johnson, Lander, Levine, Richards, Rose, Rodriguez and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include repeated buyout offers

Be it enacted by the Council as follows:

Section 1. Paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended by amending subparagraphs f and g, as added by local law number 7 for the year 2008, and by adding a new subparagraph h to read as follows:

f. removing the door at the entrance to an occupied dwelling unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying a key to the new lock to the persons lawfully entitled to occupancy of such dwelling unit; [or]

g. other repeated acts or omission of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of such dwelling unit and that cause or are intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy[.]; *or*

h. initiate or continue contact with a tenant, or any member of such tenant's family or household, regarding the payment of money or other valuable consideration to induce such tenant to relocate from his or her dwelling unit, after such tenant has notified the owner or his or her agent, verbally or in writing, that such tenant does not wish to be communicated with regarding such subject.

§2. This local law shall take effect 120 days after its enactment, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 758

By Council Members Barron, Arroyo, Cabrera, Dickens, Dromm, Johnson, Levine, Richards, Williams and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the department of correction to post a quarterly report regarding the department's grievance system.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-135 to read as follows:

§ 9-135 *Grievance statistics. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

“Grievance” means any written complaint by an inmate in a departmental facility made by using the inmate grievance and request program form, or any substantially similar form;

“Inmate grievance and request program” means any departmental program made pursuant to section 7032 of title 9 of the compilation of codes, rules, and regulations of the state of New York or any substantially similar state law enacted subsequent to the enactment of this section.

b. Beginning October 1, 2015, and every quarter thereafter, the commissioner shall post on the department website a report including information detailed in this section for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year. Such report shall include, in total and by rate per inmate during the reporting period:

1. The number of grievances submitted in all departmental facilities, in total and disaggregated by the facility in which such form was submitted, including separate categories for enhanced supervision housing, punitive segregation, health clinics, and any other facility in which a grievance and request box or an inmate grievance and request program office is not available;

2. The number of grievances submitted in all departmental facilities, disaggregated by the method in which the form was submitted, using the following categories: the grievance and request box, the inmate grievance and request program office, directly to an inmate grievance and request program staff member, or any other method;

3. The following information, in total and disaggregated by the departmental facility in which such form was submitted, including separate categories for enhanced supervision housing, punitive segregation, health clinics, and any other facility in which a grievance and request box or an inmate grievance and request program office is not available:

a. the number of grievances in which the subject matter of the grievance request was deemed to be outside the scope of the inmate grievance request process and in which the request was forwarded to another entity;

b. the number of grievances that were dismissed, in total and disaggregated by the reason the grievance was dismissed, including the following categories: the inmate was not personally affected by the condition at issue with the grievance, the subject matter of the grievance was outside the department's jurisdiction, the inmate was transferred from the facility in which the issue occurred, or any other reason for dismissal;

- c. the number of grievances that were withdrawn by the inmate;*
 - d. the number of grievances in which an informal resolution was proposed;*
 - e. the number of grievances in which an informal resolution was accepted by the inmate in writing;*
 - f. the number of grievances in which the inmate requested a hearing before the inmate grievance resolution committee;*
 - g. the number of grievances in which the inmate grievance resolution committee proposed a disposition;*
 - h. the number of grievances in which the inmate accepted the disposition of the inmate grievance resolution committee in writing;*
 - i. the number of grievances in which the inmate appealed the disposition of the inmate grievance resolution committee to the inmate grievance and resolution program commanding officer;*
 - j. the number of grievances in which the inmate grievance and resolution program commanding officer proposed a disposition;*
 - k. the number of grievances in which the inmate accepted the disposition proposed by the inmate grievance resolution program commanding officer in writing;*
 - l. the number of grievances in which the inmate appealed the disposition of the inmate grievance resolution program commanding officer to the central office review committee;*
 - m. the number of grievances in which the central office review committee rendered a decision, both in total and disaggregated by whether the decision was rendered informally or formally;*
- 4. The number of inmates that submitted grievances.*

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 759

By Council Members Cabrera, Arroyo, Dickens, Dromm, Gentile, Johnson, King, Mealy, Richards, Rose, Mendez and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the departments of correction and health and mental hygiene to report on cases of injuries to inmates and staff in city jails, and to refer such cases to investigative agencies.

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 to add a new section 17-198 to read as follows:

§ 17-198 Inmate injury reporting.

a. Definitions. When used in this section the following terms shall have the following meanings:

1. "Investigation division" means any division of the department of correction responsible for investigating allegations of the excessive use of force by staff against inmates or for investigating allegations of violence by inmates against staff, including but not limited to the investigation division and intelligence division.

2. "Physical injury" means impairment of physical condition or substantial pain. It shall not constitute a superficial bruise, scrape, scratch, or minor swelling.

3. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a bodily organ.

b. Inmate injury inter-agency reporting. The department must review every incident in which an inmate in the custody of the department of correction received medical treatment for a physical injury to the head or any serious physical injury within 12 hours of the treatment. If an inmate suffered any physical injury to the head or any serious physical injury, the department must report to the investigation division, the department of investigation, and the board of correction a detailed description of the injury, the name of the inmate, and any pertinent information in its possession regarding the nature of the incident that led to the injury within 12 hours of reviewing the incident. In no event shall any report submitted pursuant to this section release, or provide access to, any personally identifiable information contained in health records if such disclosure or access would violate any federal or state law.

c. Injury reporting. Beginning October 1, 2015, and every quarter thereafter, the commissioner shall post on the department website a report including the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year: the number of physical injuries to the head and the number of serious physical injuries to inmates, in total and the rate of each such injury per 100 inmates in the custody of the department of correction during the reporting period.

§ 2. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-135 to read as follows:

§ 9-135: *Injury reporting*

a. Definitions. When used in this section the following terms shall have the following meanings:

1. "Assault" means any act taken with the intent to cause physical injury to another person.

2. "Command discipline" means any penalty imposed by officers of the department to sanction the officers under their command for the purpose of correcting minor deficiencies and maintaining discipline within the officer's command, and does not include any formal charges.

3. "Excessive force" means force that, considering the totality of the circumstances in which it is used, is greater than that which a person in the position of the person using such force would reasonably believe necessary to ensure their safety or the safety of others.

4. *“Formal charges” means any recommendation for sanctions against staff brought by the department pursuant to section 75 of the civil service law, including but not limited to departmental charges commonly known as “charges and specifications.”*

5. *“Investigation division” means any division of the department of correction responsible for investigating allegations of the excessive use of force by staff against inmates or for investigation allegations of violence by inmates against staff, including but not limited to the investigation division and intelligence division.*

6. *“Physical injury” means impairment of physical condition or substantial pain. It shall not constitute a superficial bruise, scrape, scratch, or minor swelling.*

7. *“Serious physical injury” means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss of impairment of the function of a bodily organ.*

8. *“Staff” means anyone, other than an inmate, working at a facility operated by the department of correction.*

9. *“Staff injury” means any physical injury or serious physical injury to staff as a result of an inmate assault.*

b. *Staff injury reporting. The department shall report to the investigation division any staff injury resulting in physical injury, and shall further report any staff injury resulting in serious physical injury to the district attorney’s office with jurisdiction over the location at which such injury occurred.*

c. *Beginning October 1, 2015, and every quarter thereafter, the commissioner shall post on the department website a report including the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year: the number of physical injuries to staff and the number of serious physical injuries to staff, in total and the rate of each such injury per 100 inmates in the custody of the department of correction during the reporting period.*

d. *The commissioner shall attempt to obtain the following information from any district attorney’s office to whom the department has referred an inmate for criminal prosecution and shall post such information by the 20th day of each year on the department website: the total number of cases referred for criminal prosecution, the number that were actually prosecuted, the number in which the inmate was charged with a felony, and the number in which the inmate was charged with a misdemeanor.*

e. *The investigation division shall investigate all incidents in which an inmate receives a physical injury to the head or a serious physical injury.*

f. *Beginning October 1, 2015, and every quarter thereafter, the commissioner shall post on the department website a report including the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year: the number of physical injuries to the head and the number of serious physical injuries for inmates, in total and the rate of each such injury per 100 inmates in the custody of the department of correction during the reporting period.*

g. *Beginning October 1, 2015, and every quarter thereafter, the commissioner shall post on the department website a report regarding all incidents in which the department concludes that staff caused an inmate head injury or an inmate serious physical injury. For all such incidents, the report shall include the following*

information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year: the number of incidents in which the department determined that staff violated departmental rules or directives regarding the use of force; the number of incidents in which the department determined that excessive force was used; the number of incidents referred to a District Attorney's office; the number of incidents in which command discipline was recommended; the number of incidents in which command discipline was imposed; the nature of any command discipline sanctions imposed; the number of incidents in which the department brought formal charges; the number of incidents in which sanctions were imposed pursuant to formal charges; the nature of any sanctions recommended by the department as part of formal charges; the nature of any sanctions recommended by an administrative law judge as part of formal charges; the nature of any sanctions imposed by the department as part of formal charges; the number of incidents in which the sanctions imposed differed from those recommended by the department or an administrative law judge pursuant to formal charges along with a written explanation regarding the reasons for varying from the recommendation.

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

§ 4. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 760

By Council Members Crowley and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to the department of education associate degree programs.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new chapter 6 to title 21-A to read as follows:

Chapter 6. Associate Degree Programs

§ 21-956 Associate degree program data.

a. Not later than November 1, 2015, and no later than November 1st annually thereafter, the chancellor shall prepare and submit to the speaker of the council and post on the department's website data on associate degree programs offered at New York city public high schools. Such report shall include, but not be limited to, the names of high schools that offer associate degree programs, the associate degrees offered and the criteria used by the department to determine which high schools will offer associate degree programs. The data shall be disaggregated by borough, community board, community school district, council district, and length of program.

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b. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between 0 and 9 students, or allows another category to be narrowed to be between 0 and 9 students, the number shall be replaced with a symbol.

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

Referred to the Committee on Education.

Preconsidered Int. No. 761

By Council Members Crowley, Johnson, Dromm, Vallone, Dickens, Rose, Van Bramer, Kallos, and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to technical changes to certain pet shop requirements, as added by local laws 5 and 7 for the year 2015.

Be it enacted by the Council as follows:

Section 1. Subdivisions b through f of section 17-371 of the administrative code of the city of New York, as added by local law 5 for the year 2015, are amended to read as follows:

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.] c. "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.] d. "Person" means any individual, corporation, partnership, association, municipality, or other legal entity.

[f.] e. "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[,] or animal rescue group [or non-profit rescue group], as such terms are defined in section [17-1701] 17-802 of chapter [seventeen] *eight 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.

§ 2. Subparagraph a of paragraph 5 of subdivision d of section 17-373, as added by local law 5 for the year 2015, is amended to read as follows:

(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 *and United States department of agriculture license number* 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] *The* individual identifying tag, tattoo, or collar number of each dog or cat obtained from [such dealer] *each source*.

§ 3. Subdivision c of section 17-380 of the administrative code of the city of New York, as added by local law 5 for the year 2015, is amended to read as follows:

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] *animal rescue group* as such terms are defined in section [17-1701] *17-802* of chapter [seventeen] *eight* of this title.

§ 4. Subdivision b of section 17-802 of the administrative code of the city of New York, as added by local law 7 for the year 2015, is amended to read as follows:

b. “Animal rescue group” [or “non-profit rescue group”] means a *duly incorporated* not-for-profit organization[, group or unincorporated entity] that accepts *homeless, lost, stray, abandoned, seized, surrendered or 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.

§ 5. Subdivision f of section 17-804 of the administrative code of the city of New York, as added by local law 7 for the year 2015, is amended to read as follows:

f. A pet shop that allows an animal shelter or [non-profit] *animal 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.

§ 6. Subdivision d of section 17-814 of the administrative code of the city of New York, as added by local law 7 for the year 2015, is amended to read as follows:

d. A pet shop that allows an animal shelter or [non-profit] *animal 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 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. Sections 17-1701, 17-1702 and 17-1703 of the administrative code of the city of New York, as added by local law 5 for the year 2015, are amended to read as follows:

§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] *has the same meaning as such term is defined in section 17-802 of chapter eight of this title.*

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] *has the same meaning as such term is defined in section 17-802 of chapter eight of this title.*

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”] “*Class A license*” means a [person required to hold] a class [B] 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, *and regulations promulgated thereunder.*

[f.] e. “*Class B dealer*” means a person required to hold a class B 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, *and regulations promulgated thereunder.*

[g.] 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, *and regulations promulgated thereunder.*

i. “*Finally determined*” means a determination of a federal, state or local

government agency, where all rights to challenge such determination at available administrative tribunals and courts of law have been exhausted, or the time period within which such challenge may be filed has expired.

j. “Person” means any individual, corporation, partnership, association, municipality, or other legal entity.

[j.] k. “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] *Sales.* a. [It shall be unlawful in any] *Any* pet shop [for any person to display, offer] *that displays, offers* for sale, [deliver, barter, auction, give] *delivers, barters, auctions, gives away,* [transfer] *transfers* or [sell] *sells* any dog or cat [knowingly obtained from] *shall obtain such dog or cat from a source that, as of the date such pet shop receives such animal:*

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

(a) held] *holds* 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] *that has* 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] 2. *has* not received any of the following *in connection with such license, as such information is available from the United States department of agriculture:*

[(i)] (a) a finally determined “direct” non-compliant item citation *pursuant to 7 U.S.C. §2131, et seq., and regulations promulgated thereunder,* 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)] (b) 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)] (c) three or more distinct finally determined non-compliant item citations *pursuant to 7 U.S.C. §2131, et seq., and regulations promulgated thereunder,* 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)] (d) one or more finally determined repeat non-compliant item citations

pursuant to 7 U.S.C. §2131, et seq., and regulations promulgated thereunder, 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)] (e) 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)] (f) 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] 3. *provides* to such pet shop a sworn affidavit attesting that such [dealer or breeder had] *source has* 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] 4. *provides* 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] *source has* never been convicted of an animal abuse crime.

b. *Notwithstanding subdivision a of this section, it shall be unlawful for any pet shop to display, offer for sale, deliver, barter, auction, give away, transfer or sell any dog or cat knowingly obtained from a class B dealer.*

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

[c.] d. A pet shop that allows an animal shelter or [non-profit] *animal* 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, *individual identifying tag, tattoo or collar number* 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.] 4. A written statement that the breeder has not received any *finally determined* "direct" non-compliant item citations *pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder*, 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.] 5. 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.] 6. A record, *as of the time of sale*, of immunizations and worming treatments, *if any*, 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.] 7. A record of any known disease, sickness, or congenital condition that adversely affects the health of the animal at the time of sale;

[9.] 8. 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.] 9. 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] *non-elective* surgical procedures, and is not likely to require hospitalization or [nonelective] *non-elective* 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.] 10. 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.

§ 8. Subdivision a of section 17-1704 of the administrative code of the city of New York, as added by local law 5 for the year 2015, is amended to read as follows:

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] *five* years from the date such pet shop acquired each such dog or cat.

§ 9. Paragraph 2 of subdivision b of section 17-1704 of the administrative code of the city of New York, as added by local law 5 for the year 2015, is amended to read as follows:

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];

§ 10. Paragraph 8 of subdivision b of section 17-1704 of the administrative code of the city of New York, as added by local law 5 for the year 2015, is amended to read as follows:

8. Any statement or certification provided to [a] *the* pet store by [a shelter, rescue, or other source] *the source from which it obtained the animal* stating that such animal has been implanted with a microchip for permanent identification.

§ 11. Section 17-1706 of the administrative code of the city of New York, as added by local law 5 for the year 2015, is amended to read as follows:

§17-1706 Exemptions for shelter and rescue partners. A pet shop that allows an animal shelter or [non-profit] *animal* 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.

§ 12. Subdivision c of section 17-1708 of the administrative code of the city of New York, as added by local law 5 of 2015, is amended to read as follows:

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] *animal* rescue group.

§ 13. Severability. If any 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.

§ 14. This local law shall take effect on June 1, 2015, except that if it becomes law subsequent to such date, this local law shall be retroactive to and deemed to have been in full force and effect on such date; provided, however, that sections 17-373 of title 17 of the administrative code of the city of New York, as amended by section 2 of this local law, and section 17-380 of title 17 of the administrative code of the city of New York, as amended by section 3 of this local law, shall take effect on January 1, 2016; and provided further that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective dates.

Referred to the Committee on Health (preconsidered but laid over by the Committee on Health).

Int. No. 762

By Council Members Cumbo, Rodriguez, Chin, Levine, Rose, Vallone, Mendez and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to distress signals for passengers in taxicabs, street hail liveries, and for-hire vehicles

Be it enacted by the Council as follows:

Section 1. Section 19-508 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. 1. For purposes of this section, the term "panic button" shall mean a help or distress signaling system as designated by the rules of the commission that connects a passenger in distress with the police department.

2. Every taxicab, HAIL vehicle, and for-hire vehicle shall have a panic button in the rear passenger compartment of such vehicle.

§ 2. This local law takes effect 120 days after it becomes a law, except that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Transportation.

April 28, 2015

1514

Res. No. 664

Resolution calling upon the United States Congress and the New York State Legislature to pass and the President of the United States and Governor of the State of New York to sign, legislation to establish July 12th annually, as Haitian Day in recognition of the historic contributions of Haitians to the United States of America.

By Council Members Eugene, Cabrera, Gibson, Koo, Richards, Rose and Rosenthal.

Whereas, Haitians have made great contributions to the United States of America throughout the nation's history, from major achievements in athletics, art, music and culture, to social advancement for persons of African descent to leadership in elected offices from the local to the national level; and

Whereas, In 1770, Jean Baptiste Point du Sable, an American revolutionary, born on the portion of the island now known as Haiti, became the founder of Chicago by becoming the first person to live in the city's limits at the mouth of the Chicago River; and

Whereas, Monsieur du Sable now has a school, museum, park, harbor and bridge named in his honor, with the place he settled recognized as a National Historic Landmark; and

Whereas, In 1779, Haitian soldiers fought for American Independence in the Revolutionary War at the Battle of Savannah and have since been honored by a monument in the State of Georgia; and

Whereas, In 1803, France was forced to sell Louisiana and associated lands as a result of the revolution taking place in Haiti led by Toussaint L'Ouverture, thereby greatly increasing the land owned by the United States; and

Whereas, Haitian philanthropist and freed slave, Pierre Toussaint contributed personal funds and helped to raise money for Saint Patrick's Cathedral in Manhattan, New York, for which he was Venerated by the Catholic Church in 1996; and

Whereas, Brooklyn born architect of Haitian descent, Rodney Leon, has designed several New York buildings and sites of significance including the African Burial Ground Memorial in lower Manhattan as well as the "Arc of Return," a permanent memorial at the United Nations dedicated to the victims of slavery and the Transatlantic Slave Trade; and

Whereas, According to the 2009 United States Census, there are over 830,000 persons of Haitian descent living in the United States today; and

Whereas, According to the 2009 United States Census, there are over 191,000 persons of Haitian descent living in New York State today, with 140,000 living in New York City, which maintains the largest concentration of Haitians in the country; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress and the New York State Legislature to pass and the President of the United States and the Governor of the State of New York to sign, legislation to establish July 12th annually, as Haitian Day in recognition of the historic contributions of Haitians to the United States of America.

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

Int. No. 763

By Council Members Ferreras, The Speaker (Council Member Mark-Viverito), The Public Advocate (Ms. James), Garodnick, Cabrera, Dromm, Johnson, Lander, Levine, Mealy, Richards, Rose, Rosenthal and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Commissioner of the department of correction to report on security indicators in city jails.

Be it enacted by the Council as follows:

Section 1. Section 9-130 of the administrative code of the city of New York is repealed and a new section 9-130 is added to read as follows:

§ 9-130. Jail data reporting

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

- 1. "Adolescent" means inmates 16 and 17 years of age.*
- 2. "Adult" means inmates 22 years of age and older.*
- 3. "Assault" means any action taken with intent to cause physical injury to another person.*
- 3. "Dangerous instrument" means any instrument, article, or substance, which, under the circumstances in which it is used, attempted be used or threatened to be used, is readily capable of causing physical injury.*
- 3. "Department" means the New York city department of correction.*
- 4. "Knife" means any sharpened metal or similarly hardened substance readily capable of breaking skin surface.*
- 5. "Hospital" means any medical treatment facility located outside the facilities of the department.*
- 6. "Physical injury" means impairment of physical condition or substantial pain.*
- 7. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss of impairment of the function of a bodily organ.*
- 8. "Sexual assault" means any action taken with the intent to forcibly touch the sexual or other intimate parts of another person for the purpose or degrading or abusing such person, or for the purpose of gratifying the actor's sexual desires.*
- 9. "Staff" means anyone, other than an inmate, working at a facility operated by the department.*

10. "Young adult" means inmates 18 to 21 years of age.

10. "Use of force A" means a use of force by staff on an inmate resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following treatments/injuries: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; and (x) admission to a hospital.

11. "Use of force B" means a use of force by staff on an inmate which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

12. "Use of force C" means a use of force by staff on an inmate resulting in no injury to staff or inmate, including incidents where use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

b. Beginning October 1, 2015, and every month thereafter, the commissioner shall post on the department website a report containing information pertaining to violence in city jails for the prior month, the 2 reporting periods prior to the reporting period, and the prior year. The report shall include the following information in total and by indicating the rate per 100 inmates in the custody of the department during the reporting period, and shall also include the following information in total and by listing adults, young adults, and adolescent inmates separately: (i) assaults on inmates involving a knife; (ii) assaults on inmates involving a dangerous instrument but not a knife; (iii) assaults on staff by inmates; (iv) assaults on staff by inmates involving a knife; (v) assaults on staff by inmates involving a dangerous instrument but not a knife; (vi) assaults on staff by inmates in which the staff suffered physical injury; (vii) assaults on staff by inmates in which the staff suffered serious physical injury; (viii) assaults on staff by inmates in which the staff was admitted to a hospital as a result; (ix) fight infractions written against inmates, disaggregated by whether the inmate has been identified by the department as the member of a gang; (x) assaults on inmates by inmates in which an inmate suffered a physical injury; (xi) assaults on inmates by inmates in which an inmates suffered a serious physical injury; (xii) assaults on inmates by inmates in which an inmate was admitted to a hospital a result; (xiii) homicides involving inmates; (xiv) attempted suicides by inmates; (xv) suicides by inmates; (xvi) substantiated incidents of sexual assault on an inmate by an inmate; (xvii) substantiated incidents of sexual assault on an inmates by staff; (xviii) substantiated incidents of sexual assault on staff by an inmate; (ixx) allegations of use of force A involving inmates; (xx) incidents of use of force A involving inmates; (xxi) inmate hospital admissions as a result of use of force A; (xxii) allegations of use of force B involving inmates; (xxiii) incidents of use of force B involving inmates; (xxiii) incidents of use of force B involving inmates in which mechanical restraints are used; (xxiv) allegations of use

of force C involving inmates; (xxv) incidents of use of force C involving inmates; (xxvi) incidents of use of force C involving inmates in which chemical agents are used; and (xxvii) the average daily inmate population.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 764

By Council Members Ferreras and Chin (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Lower East Side business improvement district to modify existing services for the district and to change the method of assessment upon which the district charge is based

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-428.2 to read as follows:

§25-428.2 Lower East Side business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to modify existing services for the Lower East Side business improvement district and to authorize a change in the method of assessment upon which the district charge in the Lower East Side business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Lower East Side business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the modification of existing services and containing the change in the method of assessment authorized by subdivision a of this section.

§ 2. This local law shall take effect immediately, except that if it shall have become a law subsequent to July 1, 2015, it shall be retroactive to and deemed to have been in full force and effect as of July 1, 2015.

Referred to the Committee on Finance.

April 28, 2015

1518

Int. No. 765

By Council Members Ferreras and Johnson (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Fashion Center business improvement district to change the method of assessment upon which the district charge is based

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-432.2 to read as follows:

§ 25-432.2 Fashion Center business improvement district; amendment of the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Fashion Center business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.

§ 2. This local law shall take effect immediately, except that if it shall have become a law subsequent to July 1, 2015, it shall be retroactive to and deemed to have been in full force and effect as of July 1, 2015.

Referred to the Committee on Finance.

Preconsidered Res. No. 665

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

Whereas, On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 and Fiscal 2015 Expense Budgets by approving 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 2013, Fiscal 2014, and Fiscal 2015 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

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

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

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

Resolved, That the City Council approves the new designation and 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 new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness 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 changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

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Resolved, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving youth discretionary funding and funding pursuant to certain initiatives 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 a certain organization receiving funding pursuant to a certain initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 11.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 665 printed in these Minutes).

Res. No. 666

Resolution concerning amendments to the District Plan of the Lower East Side Business Improvement District that modify existing services for the district and change the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Lower East Side Business Improvement District.

By Council Member Ferreras.

WHEREAS, Pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the “BID Law”), the City established the Lower East Side Business Improvement District (the “District”) in the City of New York; and

WHEREAS, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

WHEREAS, Pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such changes; and

WHEREAS, The Lower East Side Business Improvement District wishes to amend the District Plan in order to modify existing services for the District and change the method of assessment upon which the district charge is based; and

WHEREAS, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one

newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

RESOLVED, That the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that May 27, 2015 is the date and the City Council Committee Meeting Room, 2nd floor, City Hall, is the place and 10:00 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize the modification of existing services in the District and a change in the method of assessment upon which the district charge in the District is based; and be it further

RESOLVED, On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Lower East Side Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing.

Referred to the Committee on Finance.

Res. No. 667

Resolution concerning an amendment to the District Plan of the Fashion Center Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing a change in the method of assessment upon which the district charge in the Fashion Center Business Improvement District is based.

By Council Member Ferreras.

Whereas, pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Fashion Center Business Improvement District in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the Fashion Center Business Improvement District wishes to amend the District Plan in order to provide for a change in the method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the Fashion Center Business Improvement District is based; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) _____ is the date and the City Council Committee Meeting Room, 2nd floor, City Hall, is the place and _____ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Fashion Center Business Improvement District is based; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Fashion Center Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the proposed change in the method of assessment upon which the district charge in the Fashion Center Business Improvement District is based.

Referred to the Committee on Finance.

Int. No. 766

By Council Members Garodnick, Dromm, Ferreras, Cabrera, Chin, Constantinides, Johnson, Lander, Levine, Richards, Rose and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to post a quarterly report on the population demographics of the city's jails.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-135 to read as follows:

§ 9-135 Jail population statistics.

a. Within thirty days of the end of each quarter of the fiscal year, the department shall post a report on its website containing information related to the inmate population in city jails for the preceding quarter. Such quarterly report shall include the following information based on the number of inmate admissions during the reporting period, and based on the average daily population of the city's jails for the preceding quarter in total, and as a percentage of the average daily population of inmates in the department's custody during the reporting period:

- 1. Age, in years, disaggregated as follows: 16-17, 18-20, 21-25, 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older,*
- 2. Gender, including a separate category for transgender inmates,*
- 3. Race of inmates, categorized as follows: African-American, Hispanic, Asian, white, or any other race.*
- 4. The borough in which the inmate was arrested.*
- 5. Educational background, categorized as follows based on the highest level of education achieved: no high school diploma or general education diploma, a general education diploma, a high school diploma, some college but no degree, an associate's degree, a college degree, a post-collegiate degree, or any other educational background.*
- 6. The number of inmates identified by the department as a member of a criminal gang, as defined by the department.*

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 767

By Council Members Garodnick, Dromm, Ferreras, Chin, Constantinides, Johnson, Lander, Levine, Rosenthal, Mendez, and Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to the publication of the department of correction's policies on the use of force.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-135 to read as follows:

§ 9-135. Use of force report. The commissioner shall post on the department's website the department's policies regarding the use of force by departmental staff on inmates, including but not limited to the protocols and directives regarding the circumstances in which any use of force is justified, the circumstances in which various levels of force or various uses of equipment are justified, and the procedures staff must follow prior to using force.

§ 2. This local law shall take effect immediately.

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Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 768

By Council Members Garodnick, Dromm, Ferreras, Constantinides, Gentile, Johnson, Lander, Levine, Rose, Rosenthal, Mendez, and Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on enhanced supervision housing.

Be it enacted by the Council as follows:

Section 1. Section 9-134 of the administrative code of the city of New York, as added by local law 42 of 2014, is amended to read as follows:

§ 9-134 Jail punitive segregation statistics. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

"Department" shall mean the New York city department of correction.

"Inmate recreation day" shall mean one day per each individual for every day in punitive segregation during each quarter.

"Inmate shower day" shall mean one day per each individual for every day in punitive segregation during each quarter.

"Mental health unit" ("MHU") shall mean any separate housing area staffed by mental health clinicians where inmates with mental illness who have been found guilty of violating department rules are housed, including but not limited to restricted housing units and clinical alternative to punitive segregation units.

"Punitive segregation" shall mean *any city jail housing units in which inmates are regularly*[where inmates who have been found guilty of violating department rules may be temporarily housed as a sanction for their offense(s) and] *restricted to their cells more than [fifteen hours per day]the maximum number of hours as set forth in section 1-05(b) of chapter 1 of title 40 of the rules of the city of New York, or any subsequent rule establishing such minimum standards for the general population of inmates in city jails.*

"Serious injury" shall mean a physical injury that includes: (i) a substantial risk of death or disfigurement; (ii) loss or impairment of a bodily organ; (iii) a fracture or break to a bone, excluding fingers and toes; (iv) an injury defined as serious by a physician; and (v) any additional serious injury as defined by the department.

"Staff" shall mean anyone, other than an inmate, working at a facility operated by the department.

"Use of force" shall mean the use of chemical agents or physical contact between a uniformed member of service and an inmate, but shall not include physical contact used in a non-confrontational manner to apply mechanical restraints or to guide an inmate.

"Use of force A" shall mean a use of force resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including, but not limited to: (i) multiple abrasions

and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

"Use of force B" shall mean a use of force resulting in an injury that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid.

"Use of force C" shall mean a use of force resulting in no injury to staff or inmates.

b. For the quarter beginning October first, two thousand fourteen, commencing on or before January twentieth, two thousand fifteen, and on or before the twentieth day of each quarter thereafter, the commissioner of correction, in coordination with the commissioner of health and mental hygiene, shall post a report on the department website containing information relating to the use of punitive segregation, restricted housing and clinical alternative to punitive segregation housing in city jails for the previous quarter. Such quarterly report shall include separate indicators, disaggregated by facility and housing category for the total number of inmates housed in punitive segregation, restricted housing and clinical alternative to punitive segregation housing. Such quarterly report shall also include the following information regarding the punitive segregation, restricted housing and clinical alternative to punitive segregation housing population: (i) the number of inmates in each security risk group as defined by the department's classification system directive, (ii) the number of inmates subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens, (iii) the number of inmates sent to punitive segregation, restricted housing and clinical alternative to punitive segregation housing during the period, (iv) the number of inmates sent to punitive segregation, restricted housing and clinical alternative to punitive segregation housing from mental observation housing areas, (v) the number of inmates, by highest infraction offense grade as classified by the department, (grade one, two, or three), (vi) the number of inmates serving punitive segregation in the following specified ranges: less than ten days, ten to thirty days, thirty-one to ninety days, ninety-one to one hundred eighty days, one hundred eighty-one to three hundred sixty-five days, and more than three hundred sixty-five days, (vii) the number of inmates receiving mental health services, (viii) the number of inmates twenty-one years of age and under, (ix) the number of inmates over twenty-one years of age in ten-year intervals, (x) the race and gender of inmates, (xi) the number of inmates who received infractions while in punitive segregation, restricted housing and clinical alternative to punitive segregation housing, (xii) the number of inmates who received infractions that lead to the imposition of additional punitive segregation time, (xiii) the number of inmates who committed suicide, (xiv) the number of inmates who attempted suicide, (xv) the number of inmates on suicide watch, (xvi) the number of inmates who caused injury to themselves (excluding suicide attempt), (xvii) the number of inmates seriously injured while in punitive segregation, restricted housing and clinical alternative to punitive segregation housing, (xviii) the number of inmates who were sent to non-psychiatric hospitals outside the city jails, (xix) the number of inmates who died (non-suicide), (xx) the number of inmates transferred to a psychiatric hospital from punitive segregation (not MHU), (xxi) the number of

inmates transferred to a psychiatric hospital from MHU, disaggregated by program, (xxii) the number of inmates moved from general punitive segregation to MHU, disaggregated by program, (xxiii) the number of inmates placed into MHU following a disciplinary hearing, disaggregated by program, (xxiv) the number of inmates moved from MHU to punitive segregation, disaggregated by program (not MHU), (xxv) the number of inmates prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxvi) the number of requests made by inmates for medical or mental health treatment and the number granted, (xxvii) the number of requests made by inmates to attend congregate religious services and the number granted, (xxviii) the number of requests made by inmates for assistance from the law library and the number granted, (xxix) the number of requests made by inmates to make telephone calls and the number granted, disaggregated by weekly personal calls and other permissible daily calls, (xxx) the number of inmate recreation days and the number of recreation hours attended, (xxxi) the number of individual recreation hours that were offered to inmates prior to six a.m., (xxxii) the number of inmate shower days and the number of showers taken, (xxxiii) the number of inmates who received visits, (xxxiv) the number of instances of allegations of use of force, (xxxv) the number of instances of use of force A, (xxxvi) the number of instances of use of force B, (xxxvii) the number of instances of use of force C, (xxxviii) the number of instances in which contraband was found, (xxxix) the number of instances of allegations of staff on inmate sexual assault, (xl) the number of instances of substantiated staff on inmate sexual assault, (xli) the number of instances of allegations of inmate on staff sexual assault, and (xlii) the number of instances of substantiated inmate on staff sexual assault.

§2. This local law shall take effect 30 days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 769

By Council Members Garodnick, Cabrera, Constantinides, Koo, Rose and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to altering the prohibition against certain forms of aggressive solicitation to include persons that sell tickets to places of interest, amusement or attractions in an aggressive manner.

Be it enacted by the Council as follows:

Section 1. Subchapter 136 of Chapter 1 of Title 10 of the administrative code of the city of New York is amended by adding new subdivision (b)(4) to read as follows:

§ 10-136(b)(4). *No person shall hawk, peddle, sell, lease or offer to lease, retail tickets to places of interest, amusement or attractions in an aggressive manner as defined in paragraph one of subdivision a of this section. Nothing in this paragraph*

shall be construed to prohibit the lawful selling of tickets to places of interest, amusement or attractions.

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

Referred to the Committee on Public Safety.

Int. No. 770

By Council Members Gibson, Dromm and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of correction establish a crisis intervention program.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended to add a new section 9-135 to read as follows:

§ 9-135 Crisis intervention program.

a. Definitions. When used in this section the following terms shall have the following meanings:

“CIT officer” means a member of the department of correction who has completed crisis intervention training.

“Crisis” means any situation in which an inmate that is or is suspected of being mentally ill creates a disturbance, refuses to follow the instruction of a correction officer, engages in violent or tumultuous activity, or otherwise acts in such a manner that justifies intervention by a correction officer.

“Crisis intervention team” means a unit consisting of at least one CIT officer and one mental health professional.

“Crisis intervention training” means a minimum of forty hours of specialized instruction on responding to crises within a department of correction facility. This training shall encompass issues specific to problems encountered by the mentally ill in a jail environment, crisis resolution skills, and communications skills and de-escalation training specific to addressing the issues of the mentally ill.

“Mental health professional” means an employee or contractor of the department of health and mental hygiene who has received crisis intervention training.

b. The commissioner of correction in conjunction with the department of health and mental hygiene shall establish a crisis intervention program to address crises. Such program shall establish protocols to improve responses to crises, including protocols to utilize crisis intervention teams to address frequently encountered issues with mentally ill inmates, including but not limited to situations in which mentally ill inmates refuse to leave their cell or refuse to follow officer’s commands.

c. It shall be the policy of the department to utilize crisis intervention teams to address crises. There shall be at least one crisis intervention team available in any facility in which the department could reasonably foresee that a crisis could occur,

at any time during which the department could reasonably foresee that a crisis could occur.

d. The commissioner of correction shall meet with the department of health and mental hygiene on an annual basis to review the crisis intervention program and update program protocols as necessary.

§ 2. Reporting. The commissioner of correction shall post on the department website on an annual basis the following information for the previous year:

1. The number of correction officers and the number of non-correction officers who received crisis intervention training, and the total number of departmental and non-departmental employees who have received such training.

2. The number of crisis intervention teams utilized by the department.

3. The number of crises responded to by crisis intervention teams, in total and disaggregated by facility.

4. The number of crises responded to by crisis intervention teams per 100 inmates during the previous year, in total and disaggregated by facility.

5. The number of crises responded to without a crisis intervention team, in total and disaggregated by facility.

6. The number of crises responded to without a crisis intervention team per 100 inmates during the previous year, in total and disaggregated by facility.

§ 3. This local law shall take effect six months after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 771

By Council Members Johnson, Constantinides, Eugene, Gentile, Gibson, Koo, Richards, Rose and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new chapter 5 to title 21-A to read as follows:

Chapter 5. Student Health Services

§ 21-955 Student health services. a. For the purposes of this section:

1. "fitnessgram" shall mean an annual fitness assessment used to determine students' overall physical fitness;

2. "student health encounter" shall mean any contact with the student during which the school nurse provided counseling, treatment, or aid of any kind, except mandatory screenings.

b. Not later than November 1, 2015, and no later than November 1st annually thereafter, the department shall submit to the council a report regarding information

on health services provided to students for the preceding school year. Such report shall include, but not be limited to:

1. The number of schools with nursing services, full time nurses, full time equivalents, half-time nurses and less than half-time nurses; the ratio of students to nurse in such schools; and the average number of student visits per nurse in such schools;

2. The total number of student health encounters disaggregated by injury and first aid treatment; mental and behavioral health support; reproductive health support; scheduled medication administration; and scheduled medical procedures;

3. The total number of referrals to urgent health services disaggregated by the number of 911 calls due to injury and sickness; and calls due to mental health, emotional or behavioral issues.

4. The total number of health screenings disaggregated by the number of oral health screenings, fitnessgrams including the percentage change for each metric; and body mass index screenings disaggregated by the percentage of students screened that were healthy weight and the number of students screened that were unhealthy weight;

5. The total amount of medication ordered disaggregated by type; and the doses administered by nurses disaggregated by scheduled doses and those administered on an as needed basis;

6. The total number of case management meetings including, but not limited to, the number of communications regarding individual education plans, section 504 education plans and with other school staff regarding student health issues;

7. The total number of students with reported special health care needs disaggregated by the five most reported conditions including, but not limited to, allergies, asthma, diabetes type 1, diabetes type 2, and depression; and

8. The total number of school based health clinics disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; operation practices including, but not limited to, number of students enrolled, prearranged after hours care, and accessibility to non-students; and funding sources including, but not limited to, federal government funding, state government funding, city funding, and private funding.

c. Such report shall include demographic information for each community school district including, but not limited to, the gender, race and ethnicity of students, number of English language learners, number of students with special education status, number of overaged students, and percentage of students eligible for free and reduced price lunch.

d. All information required to be reported by this section shall be disaggregated by community school district.

e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between 0 and 9 students, or allows another category to be narrowed to be between 0 and 9 students, the number shall be replaced with a symbol.

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

Referred to the Committee on Education.

Preconsidered Int. No. 772

By Council Members Johnson, Crowley, Dromm, Vallone, Van Bramer, Kallos and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to technical changes to certain pet shop requirements, as added by local laws 6 and 8 for the year 2015.

Be it enacted by the Council as follows:

Section 1. Section 17-815 of the administrative code of the city of New York, as added by local law 8 for the year 2015, is amended to read as follows:

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

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

(2) such pet shop[,] *or* 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[,] *or* 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[,] *and* 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] *animal 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 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. Subdivision c of section 17-1601 of the administrative code of the city of New York, as amended by local law 6 for the year 2015, 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 animals from an animal shelter or other place and attempts to find homes for, and promote adoption of, such

animals by the general public] *has the same meaning as such term is defined in section 17-802 of chapter eight of this title.*

§ 3. Subdivision c of section 17-1605 of the administrative code of the city of New York, as added by local law number 6 for the year 2015, is amended to read as follows:

c. A pet shop that allows an animal shelter or animal 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 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.

§ 4. Severability. If any 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.

§ 5. This local law shall take effect on June 1, 2015, 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.

Referred to the Committee on Health (preconsidered but laid over by the Committee on Health).

Int. No. 773

By Council Members Kallos, Levin, Cabrera, Constantinides, Eugene, Gentile, Miller and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide data related student participation in free meals in school.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new chapter 5 to title 21-A to read as follows:

Chapter 6. School Meal Participation

§ 21-956 *School meal participation data. a. For the purposes of this section:*

After school snacks. "After school snacks" means a meal that consists of two food items offered during afterschool educational or enrichment activities;

After school supper. "After school supper" means a meal that consist of five food items offered during after school educational or enrichment activities;

Breakfast after the bell. "Breakfast after the bell" means a complete breakfast at the beginning of the school day served in the classroom, or breakfast picked up at grab and go carts; and

Grab and go carts. "Grab and go carts" means breakfast that can picked up from the cafeteria or from a designated location.

b. Not later than November 1, 2015, and no later than November 1st annually thereafter, the department shall submit to the speaker of the council and post on the department's website a report which shall, at minimum, include:

- 1. the total number of students served breakfast before the school day begins;*
- 2. the total number of students served breakfast after the bell disaggregated by: the total number of students served in the classroom, and the total number of students served via grab and go carts;*
- 3. the total number of schools that have a salad bar in their cafeteria;*
- 4. the total number of students served after school snacks;*
- 5. the total number of students served after school supper; and*
- 6. the food items offered for breakfast served before school begins, breakfast after the bell, breakfast via the grab and go carts, after school snacks and supper, and at the salad bars, including the most frequently offered items.*

c. Such report shall also include the steps the department has taken to increase participation in the after school snack and supper programs, breakfast programs and free salad bars. Such report shall include, but not be limited to information regarding special initiatives undertaken and proposed by the department to increase student participation. Such report shall also list schools which have been designated to benefit from such initiatives and shall provide a comparison by individual school and school district. Such report shall compare the data required in this section from year to year commencing with the report required to be issued. Such report shall be applicable to all successor nutritional programs.

d. All information required by this section shall be aggregated citywide, as well as disaggregated by school, community school district, council district, borough, race, ethnicity, and the number of students in title one schools.

e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between 0 and 9 students, or allows another category to be narrowed to be between 0 and 9 students, the number shall be replaced with a symbol.

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

Referred to the Committee on Education.

Int. No. 774

By Council Members Kallos, Levin, Eugene, Rose, Wills, Miller and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring information regarding subsidized child care.

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding new section 21-909 to read as follows:

§ 21-909 *Reports regarding child care services. a. Definitions. For the purposes of this section the following terms shall have the following meanings:*

1. *“Child care center” means a program directly funded by ACS and licensed by the department of health and mental hygiene where certified teachers care for children ages 6 weeks through the end of pre-school.*

2. *“Family child care network” means child care directly funded by ACS and provided in private homes registered or licensed with the department of health and mental hygiene for children ages 6 weeks through 12 years.*

3. *“Informal care” means individuals providing child care to less than 3 non-related children who are not required to be licensed with the department of health and mental hygiene.*

4. *“Mandated voucher” means child care assistance that is required to be provided to certain families pursuant to section 410-w of the social services law.*

5. *“Non-mandated voucher” means child care assistance that may be provided to certain families pursuant to section 410-w of the social services law.*

6. *“Shelter system” means a system of temporary housing provided by the human resources administration or the department of homeless services.*

7. *“Subsidized child care program” means child care programs, including child care centers and family child care networks, that are directly funded by ACS and provide free or low cost child care to families with children ages 6 weeks to 12 years.*

b. Beginning January 1, 2016, and quarterly thereafter, ACS shall furnish to the speaker of the city council and post on ACS’ website, no later than 30 days after the end of each quarter, a report regarding child care services that includes, at a minimum, the following information:

1. *Any additions or changes that have been made to ACS’ procedures relating to: (i) deciding under what circumstances a child care center will be evaluated for possible closure; (ii) the steps taken to prevent the closure of a child care center; (iii) the manner in which a center will be closed after the steps from item (ii) of this paragraph are followed, including how the employees, enrollees, and parents or caregivers of the enrollees are to be notified of the closure; and (iv) any efforts ACS will take to transition employees to other child care centers. Not more than 10 days following the effective date of the local law that added this section, ACS shall submit to the city council and post online its existing procedure(s) relating to items (i) through (iv) of this paragraph.*

2. *Any additions or changes that have been made to ACS’ procedures relating to a parent’s eligibility for subsidized child care. Not more than 10 days following effective date of the local law that added this section, ACS shall submit to the city council and post online its existing procedure(s) relating to such eligibility procedures.*

3. *A report detailing: (i) the average time elapsed between the submission of an application for a child care to ACS and the placement of a child in child care, disaggregated by borough; and (ii) the average time elapsed between the submission*

of an application for a child care to ACS by a child care center and the placement of a child in child care, disaggregated by borough.

4. A report detailing the following information for children residing in the shelter system: (i) the total number enrolled in subsidized child care programs; (ii) the number utilizing a voucher; and (iii) the number utilizing vouchers at subsidized child care programs.

5. A report detailing the following information for children receiving preventive services through ACS: (i) the total number enrolled in subsidized child care programs; (ii) the number utilizing a voucher; and (iii) the number utilizing vouchers at subsidized child care programs.

6. A report detailing the following information for children in the foster care system: (i) the total number enrolled in subsidized child care programs; (ii) the number utilizing a voucher; and (iii) the number utilizing vouchers at subsidized child care programs.

c. Beginning January 1, 2016, and the first of every January and July thereafter, ACS shall provide to the speaker of the city council and post on ACS' website a report of each subsidized child care program with a lease scheduled to expire in the following six month period. The report shall include the date each lease is scheduled to expire, and either a description of the steps being taken to renew each such lease or an indication that the lease will not be renewed.

d. Beginning on January 1, 2016, and monthly thereafter, ACS shall provide to the speaker of the city council and post on ACS' website a report disaggregated by total city-wide, borough, zip code and council district, and by the following age ranges, 0 to 23 months, 24 to 35 months, 36 to 47 months, 48 to 59 months, and 60 months to 13 years. The report shall include but not be limited to the total number of children enrolled in subsidized child care programs, disaggregated by the number enrolled in child care centers, family child care networks, and informal care, including whether such children are being served with a mandated voucher, non-mandated voucher, or are enrolled in a subsidized child care program without a voucher. The report shall include the number of vacancies in child care centers and family child care networks, disaggregated by total city-wide, borough, zip code and council district. The report shall include the total number of children enrolled in universal preschool in a subsidized child care program. No more than 10 days following the effective date of the local law that added this section, ACS shall submit to the city council and post on ACS' website a report detailing the information required by this subdivision for the prior two years.

d. Each report required by this section shall be in a non-proprietary format that permits automated processing.

§ 2. This local law shall become effective 60 days after its enactment into law.

Referred to the Committee on General Welfare.

Int. No. 775

By Council Members Koo, Greenfield, Williams, Dickens, Gentile, Lancman, Richards, Vallone, Crowley, Rodriguez, Koslowitz and Ignizio.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a maximum period of time for the Landmarks Preservation Commission to take action on any item calendared for consideration of landmark status.

Be it enacted by the Council as follows:

Section 1. Section 25-303 of chapter 3 of title 25 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

l.(1)The commission shall, upon the adoption of a motion, calendar any item to be considered for designation as a landmark, interior landmark, scenic landmark or historic district prior to holding a public hearing on such item. A motion to calendar must be approved by the majority of the commissioners present in order to be adopted. The date of the public hearing on the proposed designation may be set by the motion to calendar or it may be set at some later time by the chair, acting at his or her discretion.

(2)The commission shall hold a public hearing to consider any landmark, interior landmark, or scenic landmark under consideration for landmark designation within 180 days immediately following the date that the item is calendared by the commission. The commission shall have 180 days immediately following the date the public hearing is held for such item to designate the landmark, interior landmark, scenic landmark. In the event the commission either: (a) disapproves the designation of an item, (b) fails to hold a public hearing on an item within 180 days immediately following the date that the item is calendared by the commission, or (c) fails to designate an item within 180 days immediately following the date the public hearing, the item shall be removed from the calendar of the commission and shall not be calendared again by the commission for possible designation for a period of not less than five years from date of its disapproval or the expiration of a time period set forth in this subdivision.

(3) The commission shall hold a public hearing to consider any historic district under consideration for designation within one year immediately following the date that the item is calendared by the commission. The commission shall have one year immediately following the date the public hearing is held for such item to designate the historic district. In the event the commission either: (a) disapproves the historic district designation, (b) fails to hold a public hearing on a historic district within one year following the date that the item is calendared by the commission, or (c) fails to designate a historic district within one year following the date the public hearing, the historic district shall be removed from the calendar of the commission and shall not be calendared again by the commission for possible historic district designation for a period of not less than five years from date of its disapproval or the expiration of a time period set forth in this subdivision.

(4)For all landmarks, interior landmarks, scenic landmarks, and historic districts that are calendared but not designated by the effective date of the local law that added this subdivision l, the commission shall have 18 months from such date to disapprove or designate any such item. In the event the commission either: (a) disapproves the designation of any such item, or (b) fails to designate any such item

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within 18 months of the effective date of the local law which added this subdivision l, the item shall be removed from the calendar of the commission and shall not be calendared again by the commission for possible designation for a period of not less than five years from date of its disapproval or the expiration of the time period set forth in this subdivision.

§2. This local law shall take effect immediately.

Referred to the Committee on Land Use.

Res. No. 668

Resolution calling upon the State Legislature to pass and the Governor to sign, legislation that would make killing someone while driving and using a phone or handheld device a felony and seriously injuring someone while driving and using a phone or handheld device, a misdemeanor.

By Council Members Koslowitz, Mendez, Rosenthal, Arroyo, Gentile, Koo, Vallone and Cohen.

Whereas, According to New York State Vehicle and Traffic Law, it is presently a traffic infraction to operate a motor vehicle while using a mobile telephone to make a call, as well as to operate a motor vehicle while using a handheld device to text or otherwise be distracted from driving; and

Whereas, Violations of these provisions are punishable by a fine of no less than \$50 or no more than \$200; and

Whereas, According to the National Safety Council, which tracks traffic crashes across the United States, in 2014, 25% of all car crashes in the United States were caused by talking on the phone while driving and 5% of all car crashes in the United States were caused by texting while driving, totaling 30% of all crashes; and

Whereas, According to the National Safety Council, in 2012, a motorist who was texting while driving was six times more likely to get into a crash than a motorist who was driving drunk; and

Whereas, Making a violation of these laws a misdemeanor where a person is seriously injured and a felony where a person is killed would appropriately increase the penalties associated with killing or severely harming another person through a driver's careless disregard for the safety of others; and

Whereas, This change would also make enforcement easier by allowing a police officer to charge a person for seriously injuring or killing another person while using a mobile telephone or handheld device while driving, based upon probable cause, even if the officer did not witness the crash, as the officer's witnessing the crash is required under current law; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would make killing someone while driving and using a phone or handheld device a felony and seriously injuring someone while driving and using a phone or handheld device a misdemeanor.

Referred to the Committee on Transportation.

Int. No. 776

By Council Members Lander, Cabrera, Chin, Constantinides, Eugene, Gentile, Mealy, Vallone, Rosenthal and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a citywide wildlife management plan.

Be it enacted by the Council as follows:

Section 1. Chapter one 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 Wildlife management advisory board. a. There shall be a wildlife management advisory board to develop a citywide wildlife management plan.

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

1. Three members shall be appointed by the mayor, provided that at least one such member shall be from academia and have advanced specialized training in the management of wildlife in an urban setting;

2. Four members shall be appointed By The Speaker of the council, provided that at least one such member shall have not less than five years' experience working with wildlife in urban settings;

3. The commissioner of parks and recreation, the commissioner of environmental protection, and the commissioner of health and mental hygiene, or the respective designees of such commissioners, shall serve ex officio;

4. The deputy mayor for operations, or his or her designee, shall serve as chairperson of the advisory board; and

5. The advisory board shall invite the New York state department of agriculture and markets, the New York state department of environmental conservation, the United States department of agriculture, the United States department of the interior, the United States environmental protection agency, the federal aviation administration and any other relevant state or federal agency, as identified by such board, to participate in the development of the citywide wildlife management plan.

c. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment.

d. Members of the advisory board shall serve without compensation and shall meet as necessary.

e. At the first meeting of the advisory board, no later than one hundred eighty days after the enactment of the law that added this section, the advisory board shall set dates for public hearings and solicit testimony from the public and from relevant state and federal agencies on the development of a citywide wildlife management plan.

f. The advisory board shall issue a citywide wildlife management plan to the

mayor and council no later than twelve months after the final member of the advisory board is appointed. Such plan shall, at a minimum, include:

- 1. An analysis of significant wildlife management problems;*
 - 2. Strategies to promote biological diversity and healthy wildlife distribution;*
 - 3. Proposed policies to ensure that wildlife management initiatives preserve and protect the public health and safety;*
 - 4. A description of proposed strategies to address wildlife management problems that use the most humane treatment of wildlife feasible;*
 - 5. An assessment of the need for additional wildlife management resources;*
 - 6. An analysis of historical, present and projected needs for the management of wildlife;*
 - 7. A description of particular actions proposed to be undertaken by each agency in furtherance of the wildlife management plan that use the most humane treatment of wildlife feasible;*
 - 8. An estimation of the cost of such proposed initiatives; and*
 - 9. Recommendations for further action regarding the management of wildlife.*
- g. The advisory board shall terminate sixty days after the publication of the citywide wildlife management plan.*
- h. Not later than one year after the termination of the wildlife management advisory board, and every one year thereafter, the department shall submit a report to the mayor and the speaker of the council concerning the current status of wildlife management problems and programs in the city. This report shall provide an update on the status of ongoing significant wildlife management problems, including but not limited to those identified in the citywide wildlife management plan and in prior years' reports. The report will provide an update on the impact and progress of any wildlife management proposals adopted by relevant agencies, including but not limited to proposals adopted from the citywide wildlife management plan and proposals adopted from the recommendations made in the reports of prior years. The report shall also provide recommendations for future action regarding the management of wildlife.*
- i. All agencies shall consider the effect that their initiatives, actions, policies and programs have on wildlife in the city of New York.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 669

Resolution to amend rule 7.60 of the rules of the council in relation to allowing the submission of written and video testimony to public hearings through the council's website.

By Council Members Levin, Gentile, Richards and Rose.

Section 1. Subdivision a of rule 7.60 of the rules of the council of the city of New York is amended to read as follows:

a. A committee chairperson may call public hearings on any matter referred to such committee, and at such public hearing shall maintain decorum. The chairperson shall have general control over the Chamber, lobbies, rooms and corridors in that part of the building assigned to the committee. The chairperson may allow public testimony on any item being considered by the committee at that hearing. *Once a hearing has been called on a proposed local law or resolution, the chairperson may permit the public to submit written or video testimony through the Council's website, which the chairperson may have distributed or played at, and which the chairperson may include as part of the public record for, such hearing.*

Referred to the Committee on Rules, Privileges and Elections.

Int. No. 777

By Council Members Levine, Cabrera, Dickens, Eugene, Gentile, King, Rose and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the City to be responsible for sidewalks outside of buildings owned by or used exclusively by nonprofit organizations.

Be it enacted by the Council as follows:

Section 1. Section 7-210 of the administrative code of the city of New York is amended to read as follows:

§ 7-210 Liability of real property owner for failure to maintain sidewalk in a reasonably safe condition. *a. Definitions. For the purpose of this section, "nonprofit" means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.*

[a.] *b.* It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition.

[b.] *c.* Notwithstanding any other provision of law, the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such sidewalk in a reasonably safe condition. Failure to maintain such sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective sidewalk flags and the negligent failure to remove snow, ice, dirt or other material from the sidewalk. This subdivision shall not apply to one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, *nor shall this subdivision apply to real property that is (i) owned by a nonprofit or (ii) used exclusively for nonprofit purposes.*

[c.] *d.* Notwithstanding any other provision of law, the city shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain sidewalks (other than sidewalks abutting one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, or sidewalks abutting real property that abut real property that is (i) owned by a nonprofit or (ii) used exclusively for nonprofit purposes, in a reasonably safe condition. This subdivision shall not be construed to apply to the liability of the city as a property owner pursuant to subdivision b of this section.

[d.] *e.* Nothing in this section shall in any way affect the provisions of this chapter or of any other law or rule governing the manner in which an action or proceeding against the city is commenced, including any provisions requiring prior notice to the city of defective conditions.

§ 2. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

t. This section shall not apply where the property is owned by a nonprofit or used exclusively by a nonprofit. For purposes of this subdivision, "nonprofit" means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

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

Referred to the Committee on Governmental Operations.

Int. No. 778

By Council Members Mendez, Garodnick, Cabrera, Chin, Constantinides, Johnson, Lander, Richards, Rose and Rosenthal.

A Local Law to amend the administrative code of the city of New York and the New York city charter, in relation to requiring the board of correction and the commissioners of the department of correction and department of investigation to submit quarterly reports regarding the investigations of excessive use of force by correction officers on inmates.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-135 to read as follows:

§ 9-135. Use of force investigations

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

1. "Command discipline" means any penalty imposed by officers of the department to sanction the officers under their command for the purpose of

correcting minor deficiencies and maintaining discipline within the officer's command, and does not include any formal charges.

2. *"Excessive force" means force that, considering the totality of the circumstances in which it is used, is greater than that which a reasonable person in the position of the person using such force would reasonably believe necessary to ensure their safety or the safety of others.*

3. *"Facility investigation" means any investigation of an incident conducted by staff within a departmental facility and does not include any investigation conducted by the investigation division.*

4. *"Formal charges" means any recommendation for sanctions against staff brought by the department pursuant to section 75 of the civil service law, including but not limited to departmental charges commonly known as "charges and specifications."*

5. *"Hospital" means any medical treatment facility located outside the facilities of the department.*

6. *"Incident" means any incident in which staff used use of force A or use of force B on an inmate.*

7. *"Investigation division" means any departmental unit responsible for investigating allegations of the excessive use of force by staff against inmates, including but not limited to the investigation division and intelligence unit, and does not include any departmental unit solely responsible for investigating allegations of the excessive use of force by staff on inmates within one facility.*

8. *"Staff" means anyone, other than an inmate, working at a facility operated by the department.*

9. *"Use of force A" means a use of force by staff on an inmate resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those use of force resulting in one or more of the following treatments/injuries: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; and (x) admission to a hospital.*

10. *"Use of force B" means a use of force by staff on an inmate which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.*

b. *Beginning October 1, 2015, and every quarter thereafter, the commissioner shall post on the department website a report including the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year:*

1. *The number of incidents in total and disaggregated by facility, and further disaggregated by the rate of incidents per 100 inmates in the custody of the department during the reporting period;*

2. *The number of incidents in which a facility investigation was conducted, in total and disaggregated by facility, and further disaggregated by the rate of such incidents per 100 inmates in the custody of the department during the reporting period;*

3. *For incidents in which a facility investigation was conducted and an investigation by the investigation division was not conducted, the following indicators: (a) the number of incidents in which the department determined that staff violated departmental rules or directives regarding the use of force, (b) the number of incidents in which the department determined that excessive force was used, (c) the number of incidents in which command discipline was recommended, (d) the number of incidents in which command discipline was imposed, (e) the nature of any command discipline sanctions imposed, (f) the number of incidents in which the department brought formal charges, (g) the number of incidents in which sanctions were imposed pursuant to formal charges, (h) the nature of any sanctions recommended by the department and/or an administrative law judge as part of formal charges, (i) the nature of any sanctions imposed by the commissioner as part of formal charges. Where the sanctions imposed differed from those recommended pursuant to formal charges, the commissioner must provide a written explanation regarding the reasons for varying from the recommendation;*

4. *The number of incidents investigated by investigation division, in total and disaggregated by facility, and further disaggregated by the rate of such incidents per 100 inmates in the custody of the department during the reporting period;*

5. *For incidents investigated by the investigation division, the following indicators: (a) the number of incidents in which the department determined that staff violated departmental rules or directives regarding the use of force, (b) the number of incidents in which the department determined that excessive force was used, (c) the number of incidents referred to a District Attorney's office, (d) the number of incidents in which command discipline was recommended, (e) the number of incidents in which command discipline was imposed, (f) the nature of any command discipline sanctions imposed, (g) the number of incidents in which the department brought formal charges, (h) the number of incidents in which sanctions were imposed pursuant to formal charges, (i) the nature of any sanctions recommended by the department and/or by an administrative law judge as part of formal charges, (j) the nature of any sanctions imposed by the commissioner as part of formal charges. Where the sanctions imposed differed from those recommended pursuant to formal charges, the commissioner must provide a written explanation regarding the reasons for varying from the recommendation;*

6. *The number of incidents in which the department of investigation submitted a report regarding the use of force by staff on inmates, in total and disaggregated by facility, and further disaggregated by the rate of such incidents per 100 inmates in the custody of the department during the reporting period; and*

7. *For incidents in which the department of investigation submitted a report regarding the use of force by staff on inmates, the following indicators: (a) the number of incidents in which the department determined that staff violated departmental rules or directives regarding the use of force, (b) the number of incidents in which the department determined that excessive force was used, (c) the*

number of incidents in which command discipline was recommended, (d) the number of incidents in which command discipline was imposed, (e) the nature of any command discipline sanctions imposed, (f) the number of incidents in which the department brought formal charges, (g) the number of incidents in which sanctions were imposed pursuant to formal charges, (h) the nature of any sanctions recommended by the department and/or by an administrative law judge as part of formal charges, (i) the nature of any sanctions imposed by the commissioner as part of formal charges. Where the sanctions imposed differed from those recommended pursuant to formal charges, the commissioner must provide a written explanation regarding the reasons for varying from the recommendation.

§ 2. Section 803 of Chapter 34 of the New York city charter is amended by adding a new subdivision g to read as follows:

g. beginning October 1, 2015, and every quarter thereafter, to post on the city's website a report including the following information for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year:

1. The number of alleged incidents of the excessive use of force on inmates by staff of the department of correction that were investigated by the department, and the number of such cases in which the department sent any report to the department of correction.

2. For all incidents of the alleged use of excessive force on inmates by staff of the department of correction that were investigated by the department, the outcome of the investigation in the following categories: (a) the number of incidents in which the department's investigation was unsubstantiated, (b) the number of incidents in which the department determined that misconduct occurred, (c) the number of incidents in which the department determined that criminal behavior occurred, or (d) the number of incidents in which any other outcome occurred.

§ 3. Subdivision d of Section 626 of Chapter 26 of the New York city charter is repealed and a new subdivision d is added to read as follows:

d. The board may submit to the mayor, the council, and the commissioner reports, findings, and recommendations in regard to the matters within its jurisdiction at such times as it may determine. Beginning October 1, 2015, and every quarter thereafter, the commissioner shall also post on the department website a report regarding alleged incidents of the excessive use of force on inmates by staff of the department of correction. This report shall include the information regarding such incidents for the preceding quarter, the reporting period prior to the preceding quarter, and the previous year. The report shall include the following information, in total and disaggregated by the rate of such incidents per 100 inmates in the custody of the department of correction during the reporting period: the number of incidents closed by the board, the number of incidents investigated by the board, the number of incidents referred by the board to department of correction staff within one facility, the number of incidents referred by the board to the department of correction's investigative division or similar division responsible for investigating allegations of the excessive use of force by staff against inmates, the number of incidents referred by the board to the department of investigation, and the number of incidents referred by the board to any district attorney's office. Such report shall include this information in total, and per 100 inmates in the custody of the

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department of correction during the reporting period.

§4. This local law shall take effect 90 days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 670

Resolution calling upon the MTA to allow riders travelling within New York City limits to pay a fare for commuter rail equal to that of a MetroCard ride on New York City Transit subways and buses; and allow for free transfers between commuter rail and New York City Transit subways and buses.

By Council Members Miller, Eugene, Gentile, Johnson, Richards and Cohen.

Whereas, On March 21st, 2015, the MTA raised fares on trains, buses, bridges, tunnels and commuter rail across their entire system; and

Whereas, The MTA has raised fares for riders on five separate occasions in the past eight years and plans to raise fares again in 2017; and

Whereas, At a New York City Transit (NYCT) monthly board meeting on March 23rd, 2015, NYCT President Carmen Bianco acknowledged increases in system delays and wait times for riders; and

Whereas, The MTA presently has several subsidy programs for travel within specific areas, including the CityTicket program, which charges \$4.25 on Metro North and Long Island Rail Road travel within city limits exclusively on weekends; the \$3 intermediate fare for all Metro North Travel within the Bronx; the \$3.25 fare for all off-peak LIRR travel within Zone 3, which includes 14 stops in eastern Queens; and

Whereas, CityTicket has specific restrictions, including that it is only available on weekends; it cannot be used to transfer trains at junction points, even when remaining within city limits; it is only available on the date of purchase; it cannot be purchased on board trains; it is not available on the New Haven Line between Manhattan and Fordham station; and it does not provide free transfers between commuter rail and subways and buses; and

Whereas, On weekdays, when CityTicket is not in effect and a larger number of commuters are traveling, fares for commuter rail are over 50% higher, with peak fares from Penn Station to LIRR stations in Queens totaling between \$8.25 and \$10; peak fares between Grand Central Terminal and Metro North Stations in the Bronx totaling \$8.75; and the peak fare between Atlantic Terminal and Jamaica is \$10; and

Whereas, According to testimony from the Tri-State Transportation Campaign at a February 10th, 2015 hearing of the Council of the City of New York's Committee on Transportation, the percentage of New Yorkers spending an hour or more to get to work has increased by 20% over the past few years and two-thirds of this group make less than \$35,000 per year, highlighting the financial burdens of higher fares and longer commutes; and

Whereas, According to MTA data, travel time via commuter rail within New York City is considerably faster than comparable subway and bus trips, with trips between Grand Central Station and several stations in the Bronx taking 50% less time; trips between Penn Station and outer Queens stations taking over 50% less time and trips between Jamaica Station in Queens and Flatbush Avenue in Brooklyn taking nearly 75% less time; now, therefore, be it

Resolved, That The Council of the City of New York calls upon the MTA to allow riders travelling within New York City limits to pay a fare for commuter rail equal to that of a MetroCard ride on New York City Transit subways and buses; and allow for free transfers between commuter rail and New York City Transit subways and buses.

Referred to the Committee on Transportation.

Res. No. 671

Resolution calling on the Governors and State Legislatures of New York and New Jersey to maintain the Port Authority Trans-Hudson (PATH) rail system's operation as a governmental entity.

By Council Members Miller, Chin, Johnson, Gentile and Mendez.

Whereas, On May 6, 2014, the Governors of New York and New Jersey commissioned a panel to review and evaluate reforms of the Port Authority's mission, structure, management, operations and overall governance, known as the Special Panel on the Future of the Port Authority; and

Whereas, On December 6, 2014, this panel issued a report to the Governors of New York and New Jersey, titled Keeping The Region Moving, which included a recommendation to Revitalize Core Transportation Assets, specifically highlighting the Port Authority Trans-Hudson (PATH) rail system as being in need of an improved operating model; and

Whereas, The report recommends allowing a third party operator, either governmental or private, to take over the management of the PATH rail system, noting however, that a new operator may not necessarily be held to the same regulatory standards as PATH presently is required to adhere to; and

Whereas, The report states that in order to incentivize a third party operator to take over the management of the PATH rail system, the Port Authority would likely need to offer a subsidy in the form of monetary payment or a transfer of assets; and

Whereas, According to a 2011 report by the Project on Government Oversight, a federal non-profit organization focused on transparency, in 33 of 35 cases studied, using government employees was less expensive than privately contracted employees, even while compensation for private employees was lower than governmental employees in each case; and

Whereas, Such a partnership with a government-subsidized private corporation could worsen the bleak financial situation of the PATH rail system and hinder another of the report's recommendations—to promote a culture of transparency and

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ethical conduct—by turning the PATH rail system over to an operator not accountable to governmental regulations and sunlight policies; and

Whereas, According to a 2009 study by the Economic Policy Institute, privatization of public entities tend to be harmful to workers in the form of lower pay; to government finances through the payment of a subsidy; and to transparency through a lack of comparable oversight; and

Whereas, This study also found that even on the federal level, contracted employees are much less likely to earn wages high enough to allow a single full-time worker to put a family of four over the poverty threshold; and

Whereas, The Port Authority has stated a need to spend taxpayer money prudently, to promote transparency and to support workers' rights to fair compensation; now, therefore, be it

Resolved, That The Council of the City of New York calls upon the Governors and State Legislatures of New York and New Jersey to maintain the Port Authority Trans-Hudson rail system's operation as a governmental entity.

Referred to the Committee on Transportation.

Int. No. 779

By Council Members Rodriguez, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Greenfield, Johnson, King, Koo, Levin, Maisel, Reynoso, Richards, Rose, Vacca, Vallone, Van Bramer, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to providing certain parking privileges for press vehicles.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that since the time of John Peter Zenger the freedom of the press and the ability of the press to gather the news are recognized as indispensable components of good government, and that news coverage is of vital importance to the citizens of the City of New York. In 1950, the Bureau of Motor Vehicles in the New York State Department of Taxation and Finance recognized the importance of automobiles to news gathering by creating a series of license plates bearing the letters NYP to represent the New York Press corps. The New York State Legislature ratified this action by amending the Vehicle and Traffic Law in Section 404 to provide for the issuance of special license plates to "accredited representatives of the press." These license plates continue to be issued by the New York State Department of Motor Vehicles and require proof of press accreditation.

During the same time period, the City through the predecessor agency of the Department of Transportation also recognized the necessity of motor vehicles for the press by establishing a limited number of special parking spaces reserved for the

press, commonly called “NYP zones”, throughout the city. With the understanding that news often happened in areas where there were no reserved parking spaces and where parking was otherwise prohibited, the Police Department issued special placards last known as Press Vehicle Identification Cards which permitted the press to park when covering the news in locations where parking would otherwise be prohibited. A variety of parking, driving and enforcement privileges came into being both formally and informally. These Press Vehicle Cards existed for approximately fifty years but since 2009, the New York City Police Department has not reissued them. The Department of Transportation has failed to address both the inadequacy of NYP zones and the problems accruing to Press Vehicles when these spaces are used by city-owned, commercial, diplomatic, and other vehicles. The imposition of parking and driving restrictions on the press has severely impeded its ability to cover the news especially during emergency situations. The Council finds that given the need to use motor vehicles in the gathering of the news, this legislation is intended to restore the ability of these members of the press to use their vehicles for news-gathering purposes.

§2. Subchapter 2 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

§19-162.3. Permissible parking for vehicles operated by members of the press.

a. For purposes of this section, “press vehicle” shall mean: (1) a motor vehicle registered pursuant to the vehicle and traffic law and which contains a license plate issued by the department of motor vehicles or successor agency indicating such registration has been provided to a member of the press; or (2) a vehicle registered by the New Jersey motor vehicle commission or successor agency or the Connecticut department of motor vehicles or successor agency in a series reserved for members of the press working in the state of New York.

b. Notwithstanding any other provision of law, a press vehicle may park where parking or standing is otherwise prohibited except where standing or stopping is prohibited to all motor vehicles, and any such press vehicle shall not be required to use an authorized payment method for a metered parking space or to comply with signage indicating the time limit for such metered parking, provided that at the time of such parking the operator or an occupant of such vehicle immediately preceding the parking of such vehicle is actually engaged in the covering of a news event or matter of public concern.

c. Where the department of any other city agency has granted by sign any privilege of parking or driving to “vehicles with NYP license plates”, such privilege shall be extended solely to press vehicles and on-duty emergency vehicles.

§3. This local law shall take effect immediately.

Referred to the Committee on Transportation.

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Int. No. 780

By Council Member Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a color photograph of designated building janitors in buildings with multiple dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 27-2053 of the administrative code of the city of New York is amended to read as follows:

§ 27-2053 Obligations of owner. a. The owner of a multiple dwelling shall provide adequate janitorial services.

b. In a multiple dwelling of nine or more dwelling units, the owner shall either:

(1) Perform the janitorial services himself or herself, if he or she is a resident owner; or

(2) Provide a janitor; or

(3) Provide for janitorial services to be performed on a twenty-four-hour-a-day basis in a manner approved by the department.

c. The owner of a multiple dwelling or his or her managing agent in control shall post and maintain in such dwelling a legible sign, conspicuously displayed, containing the janitor's name, address (including apartment number), *current color photograph*, and telephone number. A new identification sign shall be posted and maintained within five days following a change of janitor.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 781

By Council Members Ulrich, Cabrera, King and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to liability for the cost and expense of sidewalk repairs and for injuries resulting from failure to repair by the owner of a house of worship

Be it enacted by the Council as follows:

Section 1. Subdivision b and subdivision c of Section 7-210 of the administrative code of the city of New York are amended to read as follows:

b. Notwithstanding any other provision of law, the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury,

including death, proximately caused by the failure of such owner to maintain such sidewalk in a reasonably safe condition. Failure to maintain such sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective sidewalk flags and the negligent failure to remove snow, ice, dirt or other material from the sidewalk. This subdivision shall not apply to one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, *nor shall it apply to real property that is used as a house of worship. For purposes of this section, the term "house of worship" shall have the same meaning as such term is defined in section 19-162.1 of this code.*

c. Notwithstanding any other provision of law, the city shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain sidewalks (other than sidewalks abutting one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes *or sidewalks abutting real property that is used as a house of worship*) in a reasonably safe condition. This subdivision shall not be construed to apply to the liability of the city as a property owner pursuant to subdivision b of this section.

§ 2. Section 19-152 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

t. The provisions of this section shall not apply to the owner of real property used as a house of worship. The term "house of worship" shall have the same meaning as such term is defined in section 19-162.1 of this chapter.

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

Referred to the Committee on Governmental Operations.

Int. No. 782

By Council Members Ulrich, Ferreras, Cabrera and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide notice of deaths to certain agencies and to require certain agencies to update records of program beneficiaries on a regular and continuous basis

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended to add a new section 17-166.1 to read as follows:

§ 17-166.1 Reporting of deaths to certain city agencies. a. The department shall deliver to applicable agencies at least monthly, in a format it deems appropriate, notice of all persons for whom death certificates were issued in the prior calendar month. Applicable agencies shall include, but not be limited to, the department of finance, the human resources administration, the department of housing preservation

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and development, and the New York city housing authority. Such notice shall be arranged by borough of residence, and shall include the name, last residence address and birth date of each such person.

b. Applicable agencies shall consult the social security death index administered by the social security administration and update their records on a regular and continuous basis.

c. The commissioner shall issue guidance as necessary to ensure the confidentiality of information contained in notices delivered pursuant to subdivision a of this section.

§ 2. This local law shall take effect thirty days after it becomes law.

Referred to the Committee on Health.

Res. No. 672

Resolution recognizing and commemorating June 21st as World Yoga Day in the City of New York.

By Council Members Vallone, Dromm, Eugene and Koo.

Whereas, Yoga has been practiced for thousands of years; and

Whereas, According to a 2012 study on yoga in the United States, 20.4 million Americans practice yoga; and

Whereas, The National Center for Complementary and Integrative Health recognizes that “yoga may be beneficial for a number of conditions, including pain;” and

Whereas, According to a study published in *Alternative Therapies in Health and Medicine*, by Barry S. Oken, Daniel Zajdel, Shirley Kishiyama, Kristin Flegal, Cathleen Dehen, Mitchell Haas, Dale F. Kraemer, Julie Lawrence, and Joanne Leyva, which performed a random control trial on the benefits of yoga for seniors, compared to the control group, seniors in the yoga group had “significant improvement in quality-of-life”; and

Whereas, According to a study published in the *European Journal of Preventive Cardiology* by Paula Chu, Rinske Gotink, Gloria Yeh, Sue Goldie, and Myriam Hunink, which reviewed random control trials comparing yoga to non-exercise controls, yoga produced significant improvement for body mass index, systolic blood pressure, low-density lipoprotein cholesterol, and high-density lipoprotein cholesterol; and

Whereas, This review also showed that yoga produced significant changes seen in body weight, diastolic blood pressure, total cholesterol, triglycerides, and heart rate; and

Whereas, The United States Centers for Disease and Control recognizes yoga as a great activity for everyone; and

Whereas, Forbes Magazine lists New York City as one of the top 10 cities in the United States for yoga; and

Whereas, The United Nations declared June 21st of each year as international yoga day; now, therefore, be it

Resolved, That the Council of the City of New York recognizes and commemorates June 21st as World Yoga Day in the City of New York.

Referred to the Committee on Health.

Int. No. 783

By Council Member Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the interest rate applied to unpaid charges for emergency repairs performed by the department of housing preservation and development.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 27-2144 of the administrative code of the city of New York, as amended by local law number 19 for the year 2009, is amended to read as follows:

d. If such charge is not paid by the date when such charge is due and payable in accordance with subdivision c of this section, it shall be the duty of the department of finance to receive interest thereon [at the rate of seven percent per annum], to be calculated to the date of payment from the due and payable date. *The rate of interest applied to such unpaid charge shall be the rate adopted for nonpayment of taxes on real property pursuant to subdivision (e) of section 11-224.1 of title eleven of this code.*

§ 2. This local law shall take effect July 1, 2015.

Referred to the Committee on Housing and Buildings.

Res. No. 673

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.4279/S.1710, which seeks to amend the New York State Finance Law and Tax Law, in relation to establishing the police officer protection fund to be made available to the Division of Criminal Justice Services for the purpose of establishing and implementing a program to retrofit all patrol vehicles of the New York Police Department, and thereafter all patrol vehicles of the New York State Police, with bullet-proof glass.

By Council Members Williams, Chin, Gentile and Mendez.

Whereas, New York Police Department (“NYPD”) officers have a very difficult and dangerous job and their safety is a high priority for all New Yorkers; and

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Whereas, NYPD officers are provided with radios, weapons, and bulletproof vests to assist in keeping them safe and enabling them to do their job in a safe manner; and

Whereas, According to the National Institute of Justice, over the past 30 years, the lives of over 3000 police officers have been saved in the United States because they were wearing a bulletproof vest; and

Whereas, According to various reports, on December 20th 2014, Police Officers Wenjian Liu and Rafael Ramos were shot and killed through the front passenger window of their patrol car; and

Whereas, Although having had a patrol vehicle outfitted with bulletproof glass could not have guaranteed their safety, such simple safety measures should be available in the hope that it will protect other officers in the future; and

Whereas, A.4279/S.1710, introduced respectively by New York State Assemblyman Felix Ortiz and New York State Senator Philip Boyle and both currently pending, would create a fund to provide bulletproof protection to our police officers through a five year phased in retrofitting of police vehicles, first in the City and thereafter for state police, with the hope of preventing future tragedies of this kind; and

Whereas, Retro-fitting police vehicles with bulletproof glass is a matter of the utmost concern and its implementation ought not to be delayed; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.1710, which seeks to amend the New York State Finance Law and Tax Law, in relation to establishing the police officer protection fund to be made available to the Division of Criminal Justice Services for the purpose of establishing and implementing a program to retrofit all patrol vehicles of the New York Police Department, and thereafter all patrol vehicles of the New York State Police, with bulletproof glass.

Referred to the Committee on Public Safety.

Res. No. 674

Resolution calling upon the New York State legislature to pass and the Governor to sign, A.53/S.2291, also known as Nicholas' Law, which would amend the New York State Penal Law and the New York State General Business Law by requiring the safe storage of all guns not in the immediate possession or control of the gun owner.

By Council Members Williams, Chin and Gentile (by request of the Brooklyn Borough President).

Whereas, According to a 2012 General Social Survey, one-third of households with children contain a firearm in the United States ("U.S."); and

Whereas, According to the U.S. Centers for Disease Control and Prevention ("CDC"), 1.7 million U.S. children under 18 lived in homes with a loaded and unlocked firearm in 2002; and

Whereas, According to the CDC, 98 American children died from accidental shootings in 2010; and

Whereas, According to the Harvard School of Public Health, children were the shooters in roughly 85% of accidental shootings of children in the U.S. between 2003 and 2006; and

Whereas, According to the Law Center to Prevent Gun Violence, 14 states, along with the District of Columbia, currently have laws that hold adults criminally liable if they fail to store a gun safely; and

Whereas, A.53, introduced by New York State Assembly Member Amy Paulin, and companion bill S.2291, introduced by New York State Senator Jeffrey Klein, seek to amend the New York State Penal Law and the New York State General Business Law by enhancing the prevention of gun injuries and deaths by limiting children's access to guns; and

Whereas, A.53/S.2291, also known as "Nicholas' Law", is named for 12-year-old Nicholas Naumkin, of Saratoga Springs, New York, who died in 2010 after being shot unintentionally by a friend playing with his father's unlocked gun; and

Whereas, Nicholas' Law would require the safe storage of all guns not in the immediate possession or control of the gun owner, either in a safe storage depository or with a locking device, to prevent access by children and others who should not have access to them; and

Whereas, Gun Owners who fail to comply will be subject to criminal liability ranging from a violation to a Class E felony; and

Whereas, A gun owner who fails to store a weapon safely will be subject to a Class E felony if that gun fires causing physical injury or death; and

Whereas, Nicholas' Law is supported by notable groups and organizations, including New Yorkers Against Gun Violence; and

Whereas, Nicholas' Law would help prevent children gaining access to firearms while promoting gun safety for all New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass and the Governor to sign, A.53/S.2291, also known as Nicholas' Law, which would amend the New York State Penal Law and the New York State General Business Law by requiring the safe storage of all guns not in the immediate possession or control of the gun owner.

Referred to the Committee on Public Safety.

L.U. No. 216

By Council Member Ferreras:

**277 Gates Avenue, Block 1974, Lot 51; Brooklyn, Community District No. 3,
Council District No. 36.**

Referred to the Committee on Finance.

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L.U. No. 217

By Council Member Ferreras:

Bensonhurst Housing for the Elderly, Block 6264, Lot 29; Brooklyn, Community District No. 11, Council District No. 44.

Referred to the Committee on Finance.

L.U. No. 218

By Council Member Greenfield:

Application No. 20155529 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State for an Urban Development Action Area Project for property located at 222 East 13th Street, Borough of Manhattan, Community Board 3, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 219

By Council Member Greenfield:

Application No. 20155554 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 identified as Block 2025, Lots 41,50, 52, and 53, and Block 2026, Lot 7 , Borough of Manhattan, Community Board 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

ANNOUNCEMENTS:

Wednesday, April 29, 2015

Committee on **HOUSING AND BUILDINGS** jointly with the
Committee on **CONSUMER AFFAIRS****10:00 A.M.**

Int 682 - By Council Members Garodnick, Williams, Chin, Constantinides, Gibson, King, Koslowitz, Lancman, Levin, Richards, Rose, Rosenthal, Van Bramer, Cohen, Cumbo, Barron, Kallos, Mendez, Cohen and Menchaca - A Local Law to amend the administrative code of the city of New York, in relation to licensing tenant relocation specialists.

Int 700 - By Council Members Williams, Garodnick, Espinal, Barron, Chin, Cumbo, Gibson, Johnson, King, Koslowitz, Lander, Levin and Rosenthal - A Local Law to amend the administrative code of the city of New York, in relation to required notifications by persons negotiating tenant buyout offers

Int 757 - By the Speaker (Council Member Mark-Viverito) – A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include repeated buyout offers

Council Chambers – City Hall.....Jumaane D. Williams, Chairperson
..... Rafael L. Espinal, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT. 10:00 A.M.**

Oversight - Sustainability in the Commercial Waste Industry.

Committee Room – City Hall Antonio Reynoso, Chairperson

★Deferred

~~Committee on **ECONOMIC DEVELOPMENT** jointly with the~~

~~Committee on **HIGHER EDUCATION** **1:00 P.M.**~~

~~**Oversight** – Cornell Tech Campus Construction~~

~~Council Chambers – City Hall.....Daniel Garodnick, Chairperson
..... Inez Barron, Chairperson~~

★Addition

Committee on **ENVIRONMENTAL PROTECTION** **1:00 P.M.**

Int 578 - By Council Members Richards, Chin, Constantinides, Gibson, Levine, Mendez, Johnson, Rodriguez, Rose, Van Bramer, Williams and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to limiting

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nighttime illumination for certain buildings
Committee Room – City Hall Donovan Richards, Jr., Chairperson

★ Note Committee Addition

Committee on **HIGHER EDUCATION** jointly with the

★Committee on TECHNOLOGY1:00 P.M.

Oversight - Diversity at CUNY TV

Council Chambers – City Hall Inez Barron, Chairperson

..... James Vacca, Chairperson

Committee on **VETERANS** **1:00 P.M.**

Oversight - Veterans Liaisons at City Agencies

Proposed Res 329-B - By Council Members Maisel, Ulrich, Dickens, Gentile, Koo, Mendez, Rose, Lander, Van Bramer, Williams and Dromm - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign legislation requiring the SUNY and CUNY Boards of Trustees to adopt policies requiring system universities and colleges to award college credit based on military service

Committee Room – 250 Broadway, 16th Floor Eric Ulrich, Chairperson

Thursday, April 30, 2015

★ Note Location Change

Committee on **PUBLIC HOUSING** jointly with the

Committee on **RECOVERY AND RESILIENCY****10:00 A.M.**

Oversight - Monitoring FEMA’s \$3 Billion Dollar Grant to NYCHA for Sandy-Damaged Developments

★Council Chambers – City Hall Ritchie Torres, Chairperson

..... Mark Treyger, Chairperson

★ Deferred

~~Committee on **PUBLIC SAFETY** **10:00 A.M.**~~

~~Agenda to be announced~~

~~Council Chambers – City Hall Vanessa L. Gibson, Chairperson~~

Committee on **GOVERNMENTAL OPERATIONS**. **1:00 P.M.**

Int 585 - By Council Members Dromm, Kallos, Chin, Cumbo, Lander, Mealy, Richards, Van Bramer and Ferreras - **A Local Law** to amend the New York city charter, in relation to establishing term limits for community board members.

Int 732 - By Council Members Kallos, Cabrera, Eugene, Lancman, Mendez and Rose - **A Local Law** to amend the New York city charter, in relation to making urban planning professionals available to community boards

Committee Room – 250 Broadway, 14th Floor Ben Kallos, Chairperson

Friday, May 1, 2015

Committee on **CONSUMER AFFAIRS** jointly with the

Committee on **HEALTH**..... **10:00 A.M.**

Proposed Int 304-A - By The Public Advocate (Ms. James) and Council Members Johnson, Chin, Cornegy, Crowley, Koo, Lancman, Rose and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to the promotion of health and safety at nail salons.

Int 610 - By Council Members Espinal, Constantinides, Cohen, King, Levine, Rose, Torres, Greenfield, and Gibson (by the request of the Bronx Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the posting of information related to services offered at licensed appearance enhancement businesses.

Res 534 - By Council Members Espinal, Constantinides, Cohen, King, Lancman, Levine, Torres, Wills, Greenfield, Gibson and Rosenthal (by request of the Bronx Borough President) - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation amending the general business law to require periodic retraining of persons licensed to practice appearance enhancement and the Department of State to increase the number of health and safety inspectors who inspect appearance enhancement businesses.

Res 535Error! Bookmark not defined.- By Council Members Espinal, Constantinides, Cohen, Lancman, Levine, Torres, Greenfield, Gibson, Rosenthal and King (by request of Bronx Borough President) - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation amending the General Business Law to authorize the New York City Department of Health and Mental Hygiene to enforce State health and safety regulations against appearance enhancement establishments and to allow the Department to create a letter grading system for these establishments.

Council Chambers – City Hall..... Rafael L. Espinal, Chairperson
..... Corey Johnson, Chairperson

Committee on **IMMIGRATION**.....**10:00 A.M.**

Oversight - Implementation of IDNYC - New York City’s Municipal Identification Program.

Committee Room – 250 Broadway, 14th Floor ... Carlos Menchaca, Chairperson

Monday, May 4, 2015

Committee on **TRANSPORTATION****10:00 A.M.**

Oversight - Examining the Importance of Federal Funding for City Transportation Systems.

Res 652 - By Council Member Rodriguez, Chin and Koo - **Resolution** calling upon the United States Congress to pass, and the President to sign, the GROW AMERICA Act.

Council Chambers – City Hall Ydanis Rodriguez, Chairperson

Tuesday, May 5, 2015

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING**

& MARITIME USES**11:00 A.M.**

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS**

& CONCESSIONS **1:00 P.M.**

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor Inez Dickens, Chairperson

Wednesday, May 6, 2015

★ Note Topic Addition

Committee on **FIRE AND CRIMINAL JUSTICE**

SERVICES **10:00 A.M.**

Oversight - Examining Violence in New York City’s Jails and the City’s Response.

Int 643 - By Council Members Crowley, Lancman, Arroyo, Johnson, Koo, Richards, Rosenthal, Wills and Mendez - **A Local Law** to amend the administrative code of the city of New York in relation to requiring the department of correction to provide a monthly report regarding the number of inmates who are on a waiting list for housing in restrictive housing and clinical alternative to punitive segregation units.

★ Int 706 - By Council Members Dromm, King, Levine, Chin, Johnson, and Palma - **A Local Law** to amend the administrative code of the city of New York, in relation

to requiring the commissioner of the department of correction to post a quarterly report regarding the visitation of incarcerated individuals.

Int 753 - By Council Members Rosenthal, Crowley, Cumbo, Koslowitz, Palma, Cornegy, Torres, Cohen and Rodriguez - **A Local Law** to amend the New York city charter, in relation to requiring the department of information technology and telecommunications to post a quarterly report on the department's website regarding the bail status of New York city inmates.

Int 758 - By Council Member Barron - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the commissioner of the department of correction to post a quarterly report regarding the department's grievance system.

Int 759 - By Council Member Cabrera - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the departments of correction and health and mental hygiene to report on cases of injuries to inmates and staff in city jails, and to refer such cases to investigative agencies.

Int 763 - By Council Members Ferreras, The Speaker (Council Member Mark-Viverito), The Public Advocate (Ms. James) and Garodnick - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the Commissioner of the department of correction to report on security indicators in city jails.

Int 766 - By Council Members Garodnick, Dromm and Ferreras - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to post a quarterly report on the population demographics of the city's jails.**Int 767** - By Council Members Garodnick, Dromm and Ferreras - **A Local Law** to amend the administrative code of the city of New York, in relation to the publication of the department of correction's policies on the use of force.

Int 768 - By Council Members Garodnick, Dromm and Ferreras - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on enhanced supervision housing.

Int 770 - By Council Member Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that the department of correction establish a crisis intervention program.

Int 778 - By Council Members Mendez and Garodnick - **A Local Law** to amend the administrative code of the city of New York and the New York city charter, in relation to requiring the board of correction and the commissioners of the department of correction and department of investigation to submit quarterly reports regarding the investigations of excessive use of force by correction officers on inmates.

Committee Room – City Hall Elizabeth Crowley, Chairperson

Committee on **LAND USE****12:00 P.M.**

Oversight: Industrial Land Use and Zoning Policy - Challenges and Opportunities

Council Chambers – City Hall David G. Greenfield, Chairperson

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Committee on **VETERANS** **1:00 P.M.**

Oversight: Evaluating the Effectiveness of MOVA's Role Serving New York City's Veterans.

Committee Room – City Hall Eric Ulrich, Chairperson

Thursday, May 7, 2015

Committee on **LAND USE**.....**11:00 A.M.**

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall David G. Greenfield, Chairperson

Monday, May 11, 2015

★ **Addition**

Committee on **GENERAL WELFARE** jointly with the

Committee on **GOVERNMENTAL OPERATIONS**.....**10:00 A.M.**

Int 251 - By Council Members Dromm, Palma, Chin, Constantinides, Koo, Levine, Mendez, Richards, Levin, Van Bramer, Lancman, Menchaca, Weprin, Arroyo, Vacca, Rodriguez, Ferreras, Koslowitz, Torres, Vallone, Lander, Dickens, Kallos, Treyger, King, Reynoso, Cohen, Greenfield, Williams, Rosenthal, Cumbo, Johnson, Rose, Eugene and Garodnick - **A Local Law** to amend the New York city charter, in relation to the collection of demographic data regarding numerous Asian Pacific American sub-demographic groups.

Int 551 - By Council Members Chin, Johnson, Kallos, Arroyo, Constantinides, Dromm, Gentile, Lander, Levine, Mendez, Richards, Weprin, Reynoso, Koslowitz, Miller, Levin, Rodriguez, Vallone, Palma, Lancman, Ferreras, Koo, Rose, Espinal, Cumbo, Crowley, Torres, Menchaca, Rosenthal and Van Bramer - **A Local Law** to amend the New York city charter, in relation to requiring city agencies to amend their official forms and databases to accommodate multiracial identification where racial identification is required.

Int 552 - By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Arroyo, Chin, Constantinides, Lander, Levine, Cohen, Rodriguez, Vallone, Ferreras, Koslowitz, Lancman, Rosenthal, Levin, Reynoso, Kallos, Cabrera, Miller, Richards, Rose, Vacca, Weprin, Williams, Cumbo, Cornegy, Gentile, Palma, Crowley, Espinal, Maisel, Dickens, Ulrich and the Public Advocate (Ms. James) - **A Local Law** to amend the New York city charter, in relation to collecting and reporting data related to sexual orientation and gender identity.

Res 472 - By Council Members Chin, Johnson, Kallos, Arroyo, Constantinides, Dromm, Gentile, Lander, Levine, Mendez, Weprin, Reynoso, Koslowitz, Levin, Rodriguez, Vallone, Palma, Lancman, Ferreras, Koo, Rose, Espinal, Cumbo, Miller,

Crowley, Torres, Menchaca and Rosenthal - **Resolution** calling on the state and federal governments to amend their official forms and databases to accommodate multiracial identification in all instances where racial identification is required

Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson
..... Ben Kallos, Chairperson

★ Addition

Committee on **HOUSING AND BUILDINGS**.....**10:00 A.M.**

Oversight - Construction Safety

Council Chambers – City HallJumaane D. Williams, Chairperson

★ Addition

Subcommittee on **LIBRARIES** **1:00 P.M.**

Oversight - New York City Library Systems’ Compliance with the Americans with Disabilities Act of 1990.

Committee Room – 250 Broadway, 14th Floor
..... Costa Constantinides, Chairperson

Thursday, May 14, 2015

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*

During the Meeting, congratulations were given to Council Member Levin and Council Member Ferreras on their recent respective nuptials. Also, Council Member Barron announced the birth of her and Assembly Member Charles Barron’s first grandchild, Solomon Shamari Johnson.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Thursday, May 14, 2015.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int Nos.421-A, 497-B, 656, 689-A, and 690-A (all adopted by the Council at the March 31, 2015 Stated Meeting) were signed into law by the Mayor on April 20, 2015 as, respectively, Local Law Nos. 29, 30, 31, 32, and 33 of 2015. Int Nos. 727 and 747 (both adopted by the Council at the April 16, 2015 Stated Meeting) were signed into law by the Mayor on April 28, 2015 as, respectively, Local Law Nos. 34 and 35 of 2015.

April 28, 2015

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