

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING

of

Thursday, May 14, 2015, 2:02 p.m.

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

Council Members

Melissa Mark-Viverito, Speaker

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

Excused on Bereavement Leave: Council Member Wills.

May 14, 2015

1564

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 50 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. Robert Lowe, Mount Moriah AME Church, 116-20 Francis Lewis Boulevard, Queens, N.Y. 11411.

Can we bow our heads for a word of prayer?

Dear Heavenly Father,

I come to you this day on behalf of all of those who are assembled in these Council Chambers.

We thank you for your abundant grace, and we thank you for life, for health and for strength to be able to carry out the assignment that you have given to us. We thank you for the privilege and the opportunity to have this opportunity to come into this day, and to allow your people to be present under the sound of my voice.

So, I pray for elected officials everywhere from the White House to Gracie Mansion.

I pray for the President,

I pray for the Mayor, I pray for the Speaker; all elected officials under the sound of my voice; and I pray now that You would grant them the wisdom to deliberate on this day.

I pray that they would have the confidence to do what is right and good for the City of New York.

I pray that they would have the ability to work together for the common good for the people of New York and for the City of New York.

That the welfare of this City is now in good hands,

I pray your blessings upon this Council for the work of the day, and that at the end of the day, that You'll be pleased and the City will be blessed.

This I ask in your dear Son's name, and let all the Council say Amen.

Council Member Miller 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 for a Moment of Silence in memory of the following individuals:

Police Officer Brian Moore, 25, died on May 4, 2015 of injuries he sustained after being shot in the line of duty two days earlier in Queens Village, N.Y. The Speaker (Council Member Mark-Viverito) reiterated that violence against police officers is never justified and that the Council will always stand behind New York City's brave men and women in uniform.

Retired Police Captain Gertrude Schimmel, 96, the first female police chief in NYPD history, died on May 11, 2015. While serving as captain, she pushed to allow women to serve in street patrols and radio cars.

The Speaker (Council Member Mark-Viverito) also mentioned the tragic Amtrak train accident of May 11, 2015 that took place in Philadelphia which killed eight people and injured over two hundred others. She offered her thoughts and prayers to the families of all those who lost their lives. Two New Yorkers were among those killed: Justin Zemser and Derrick Griffith. Justin Zemser, 20, was a midshipman at the U.S. Naval Academy in Annapolis, Maryland and was a former intern for Council Members Eric Ulrich and Donovan Richards. Derrick Griffith, 42, served as the Dean of Students of Freshmen Enrollment at Medgar Evers College and had completed his Ph.D requirements at CUNY Graduate Center.

ADOPTION OF MINUTES

Council Member Deutsch moved that the Minutes of the Stated Meeting of April 16, 2015 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-279

Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2016, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

May 14, 2015

1566

M-280

Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2016, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-281

Communication from the Mayor - Submitting the Proposed City Fiscal Year 2016 Community Development Program, the Proposed CFY'16 Budget, the Proposed Reallocations-the CD XDLI Funds, Proposed CD XLII Statement of Objectives and Budget, dated May 7, 2015.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-282

Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2016 pursuant to Section 250 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-283

Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2016, Volumes I, II and III, pursuant to Section 219(d) of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-284

Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2016.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-285

Communication from the Mayor - Submitting the Executive Capital Budget Fiscal Year 2016, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated May 7, 2015 pursuant to the provisions of Sections 213 (4) & 219 (D) of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

May 14, 2015

1568

M-286

Communication from the Mayor – Submitting the Ten-Year Capital Strategy, Fiscal Year 2016-2025.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor’s Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-287

Communication from the Mayor - Submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2016, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor’s Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-288

Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2016 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.

May 7, 2015

Honorable Members of the Council
Honorable Scott M. Stringer, Comptroller
Honorable Ruben Diaz, Jr., Bronx Borough President
Honorable Eric L. Adams, Brooklyn Borough President

Honorable Gale A. Brewer, Manhattan Borough President
 Honorable Melinda R. Katz, Queens Borough President
 Honorable James S. Oddo, Staten Island Borough President
 Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2016 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2016	\$6,587 Million
2017	7,688 Million
2018	8,323 Million
2019	8,631 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2016 — 2019:

2016	\$5,029 Million
2017	6,149 Million
2018	6,690 Million
2019	6,978 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2016 — 2019:

2016	\$1,558 Million
2017	1,539 Million
2018	1,633 Million
2019	1,653 Million

I further certify that, as of this date, in my opinion, the City may newly

May 14, 2015

1570

appropriate in the Capital Budget for fiscal year 2016, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2016	\$11,523 Million
2017	8,671 Million
2018	8,265 Million
2019	7,916 Million

Sincerely,

Bill de Blasio
Mayor

Received, Ordered, Printed and Filed.

M-289

Communication from the Mayor - Submitting the name of Karen Redlener to the Council for its advice and consent prior to her appointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.

May 11, 2015

The Honorable Melissa Mark-Viverito
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Karen Redlener to the City Council for advice and consent prior to her appointment to the Board of Health.

Ms. Redlener is Executive Director of the Children's Health Fund. When appointed, she will fill a vacancy and serve for the remainder of a six-year term expiring on May 31, 2020.

I send my thanks to you and all Council members for reviewing this Board of Health nomination.

1571

May 14, 2015

Sincerely,

Bill de Blasio
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-290

Communication from the Mayor - Submitting the name of Ramanathan Raju, M.D. to the Council for its advice and consent prior to his appointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.

May 11, 2015

The Honorable Melissa Mark-Viverito
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Ramanathan Raju, M.D., to the City Council for advice and consent prior to his appointment to the Board of Health.

Dr. Raju is President and CEO of the New York City Health & Hospitals Corporation. When appointed, he will serve for the remainder of a six-year term expiring on May 31, 2018.

I send my thanks to you and all Council members for reviewing this Board of Health nomination.

Sincerely,

Bill de Blasio
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-291

Communication from the Mayor - Submitting the name of Rosa M. Gil, DSW to the Council for its advice and consent prior to her appointment to the Board of Health, Pursuant to Sections 31 and 553 of the City Charter.

May 14, 2015

1572

May 11, 2015

The Honorable Melissa Mark-Viverito
New York City Council City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Rosa M. Gil, DSW, to the City Council for advice and consent prior to her appointment to the Board of Health.

Dr. Gil is Founder, President and CEO of the Comunilife, Inc. When appointed, she will serve for the remainder of a six-year term expiring on May 31, 2020.

I send my thanks to you and all Council members for reviewing this Board of Health nomination.

Sincerely,

Bill de Blasio
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-292

Communication from the Mayor - Submitting the name of William Aguado to the Council for its advice and consent concerning his appointment to the New York City Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.

May 11, 2015

The Honorable Melissa Mark-Viverito
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 2301 of the New York City Charter, and following the recommendation of the Bronx delegation of the City Council, I am pleased to

1573

May 14, 2015

present the name of William Aguado to the City Council for advice and consent concerning his appointment to the New York City Taxi and Limousine Commission.

When appointed to the Commission, Mr. Aguado will serve for the remainder of a seven-year term expiring on January 31, 2022.

I send my thanks to you and all Council members for reviewing this Taxi and Limousine Commission appointment.

Sincerely,

Bill de Blasio
Mayor

Referred to the Committee on Rules, Privileges and Elections.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Aging

Report for Int. No. 702-A

Report of the Committee on Aging 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 development of a guide for building owners regarding aging in place.

The Committee on Aging, to which the annexed amended proposed local law was referred on March 11, 2015 (Minutes, page 783), respectfully

REPORTS:

INTRODUCTION

On May 12, 2015, the Committee on Aging, chaired by Council Member Margaret Chin, will hold a second hearing on Proposed Int. No. 702-A, which would amend the administrative code of the city of New York, in relation to requiring the development of a guide for building owners regarding aging-in-place. The Committee held its first hearing on this legislation on April 15, 2015. Those testifying at that hearing included the New York City Department for the Aging (DFTA), the American Institute of Architects (AIA), advocates, and service providers. Following that hearing, the legislation was amended to require that the guide include information on public and private sources of funding to assist in making building modifications and improvements, to include the Mayor's Office for People with Disabilities and businesses/organizations with expertise in design for dwelling units occupied by older adults in the consultation process, and to require that the guide be published no later than July 1, 2016.

BACKGROUND

New York City is currently home to 1.49 million individuals 60 and older, with the population of older New Yorkers expected to increase significantly in the coming years.¹ By 2030, nearly one out of every five New Yorkers will be 60 and older.² For the growing number of senior citizens in the city, the ability to remain comfortably and safely in one's own home is a significant concern. Most seniors, when given an option, want to stay where they currently live for as long as possible, citing reasons like comfort, familiarity, cost saving, and independence.³ In fact, when compared to other age groups, seniors between the ages of 65 and 85 are the least likely to move.⁴

However, as city residents age, many will face challenges with limited mobility, vision, and other impairments, all of which can increase safety risks within the home.⁵ Disability rates are slightly higher for older New Yorkers than the overall population nationally.⁶ According to DFTA, in New York City, there were 372,906 older people who reported some level of disability (37 percent of the civilian non-institutionalized civilian population) as of 2012.⁷ From this group, 27 percent had physical disabilities affecting walking, climbing stairs, reaching, lifting, or carrying, 20 percent had conditions that restricted their ability to leave their homes, 12 percent were limited in their ability to perform self-care activities such as dressing, bathing, or getting around inside the home, 10 percent reported hearing disabilities, and 8 percent reported vision disabilities.⁸ Without appropriate accessibility features in their homes, seniors are at greater risk for injury from falls and may also experience increased social isolation.⁹ To address this problem, buildings and residences can be adapted to meet seniors' changing physical needs. Particular modifications include increased lighting throughout living spaces and hallways; grab bars, and wider hallways and doorways to accommodate mobility devices.¹⁰

¹ N.Y.C. Department for the Aging, *Annual Plan Summary April 1, 2015-March 31, 2016* (September 2014), at 7, available at http://www.nyc.gov/html/dfta/downloads/pdf/dfta_aps_0914.pdf.

² *Id.* at 3.

³ Nicholas Farber et. al., *Aging in Place: A State Survey of Livability Policies and Practices*, AARP Public Policy Institute & National Conference of State Legislatures (Dec. 2011), at IX, available at <http://assets.aarp.org/rgcenter/ppi/liv-com/aging-in-place-2011-full.pdf>; Barbara Lipman et. al., *Housing An Aging Population: Are We Prepared*, Center for Housing Policy, at 13, available at <http://www.nhc.org/media/files/AgingReport2012.pdf>.

⁴ United Neighborhood Houses, *Aging in the Shadows: Social Isolation Among Seniors in New York City* (Spring 2005), at 6, available at <http://www.unhny.org/LiteratureRetrieve.aspx?ID=95124>.

⁵ Stanley K. Smith et al., *Aging and Disability: Implications for the Housing Industry and Housing Policy in the United States*, *Journal of the American Planning Association* (Jul. 23, 2008), at 290, available at <http://oied.ncsu.edu/selc/wp-content/uploads/2013/03/Aging-and-Disability-Implications-for-the-Housing-Industry-and-Housing-Policy-in-the-United-States.pdf>; American Society for Interior Designers, *Design For Aging In Place Toolkit*, at 9, available at <https://www.asid.org/sites/default/files/u34215/Aging-In-Place-Toolkit.pdf>.

⁶ N.Y.C. Department for the Aging, *supra* note 1, at 13.

⁷ *Id.* at 12.

⁸ *Id.*

⁹ Smith, *supra* note 3.

¹⁰ American Society for Interior Designers, *Home for a Lifetime: Interior Design for Active Aging*, at 6, 12, available at <https://www.asid.org/custom/ASID2013/documents/HomeforaLifetime.pdf>.

In New York City, housing specifically adapted for senior residents is limited.¹¹ Data from 2011 showed that 36 percent of all households with residents over the age of 60 live in buildings without a passenger elevator and 40 percent lack grab bars.¹² Seniors who cannot remain in their homes may be forced into costly or undesirable options like nursing homes.¹³ In New York City, the average cost of nursing home care is \$142,116 a year.¹⁴ As the population of seniors in the city increases exponentially over the next twenty years, mechanisms to help seniors to remain safely in their homes will become increasingly important.¹⁵

The Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) has stated that home modifications should be designed to improve three features of a home.¹⁶ These are *accessibility* (remodeling in accordance with the Fair Housing Amendments Act of 1988, the Americans with Disabilities Act accessibility guidelines, American National Standards Institute regulations for accessibility, and state and local building codes), *adaptability* (changes that can be made quickly to accommodate the needs of seniors or disabled individuals without having to completely redesign the home), *universal design* (features usually built into a home when the first blueprints or plans were drawn, and are easy for all to use, flexible where they can be adapted for special needs, sturdy and reliable, and functional with minimal effort and understanding), and *visibility* (home modifications for seniors who may want to plan ahead for when they will have greater difficulty with mobility).¹⁷

The Design for Aging Committee of the New York Chapter of the American Institute of Architects (AIANY) has been conducting research to determine specific ways that New York City can accommodate the needs of the elderly through design.¹⁸ Through their Booming Boroughs initiative, AIANY has engaged with architects and designers to envision concrete ways that many of New York's existing residential structures can be adapted for aging residents.¹⁹ Some basic examples from their findings include extended handrails in low-rise walkup buildings and increased contrast between indoor surfaces for the visually impaired.²⁰ The resources

¹¹ New York City Comptroller John C. Liu, *Senior Housing in New York City: The Coming Crisis* (May 2013), at 12, available at http://comptroller.nyc.gov/wp-content/uploads/documents/NYC_SeniorHousing.pdf.

¹² *Id.*

¹³ Smith, *supra* note 2, at 302.

¹⁴ Estimated Average New York State Nursing Home Rates, New York State Dept. of Health, https://www.health.ny.gov/facilities/nursing/estimated_average_rates.htm (last accessed April 1, 2015).

¹⁵ Center for an Urban Future, *The New Face of New York's Seniors* (July 2013), available at <https://nycfuture.org/pdf/The-New-Face-of-New-Yorks-Seniors.pdf>.

¹⁶ Eldercare Locator: Home Modifications, Department of Health and Human Services, http://www.eldercare.gov/Eldercare.NET/Public/Resources/Factsheets/Home_Modifications.aspx (last accessed April 8, 2015).

¹⁷ U.S. Department of Health and Human Services, Administration on Aging, *Home Modification Fact Sheet* (Aug. 27, 2003), available at http://gero.usc.edu/nrcshhm/resources/fs_home_mod.pdf.

¹⁸ Committees: Design for Aging, AIA New York, <http://aiany.aiany.org/index.php?section=committees&prid=32> (last accessed April 8, 2015).

¹⁹ Workshop Findings, Booming Boroughs: Redesigning Aging in New York, <http://boomingboroughs.org/workshop-findings/> (last accessed April 1, 2015).

²⁰ *Id.*

from this work can inform the city's efforts to encourage and assist building owners in making senior-friendly modifications in their own buildings.

While there are no dedicated funds for this particular type of building modification, certain examples of public resources at the state and local level illustrate ways in which financial support could be provided to adapt buildings for seniors. The United States Administration on Aging (AoA) has identified several sources of public funding for home modifications and repairs.²¹ Title III of the Older Americans Act provides home modification and repair funds that are distributed by local area agencies on aging. Medicare and Medicaid funds, while typically only used to cover items that are used for medical purposes and ordered by a doctor, may also cover certain modifications. The United States Department of Energy's Low-Income Home Energy Assistance Program (LIHEAP)²² and Weatherization Assistance Program (WAP),²³ both run by local agencies, provide, respectively, investment capital for emergency heating system services and technological upgrades to improve energy-efficiency. Finally, the AoA notes that many cities make community development block grant funds available for modifications and repairs. In fiscal year 2015, the New York City Department for the Aging received \$2.2 million in federal community development block grant funding.²⁴ Private sources of funding cited by the AoA include Rebuilding Together, Inc., a national volunteer organization that provides home rehabilitation and modification services to low-income families.²⁵ The New York City chapter of this organization was founded in 1999 and operates the Access to Home program, which installs such features as grab bars, wheelchair ramps, chair and stair lifts, as well as accessible bathrooms and hallways.²⁶

In New York State, New York State Homes and Community Renewal (HCR) operates two major programs designed for making home repairs and modifications for seniors and individuals with disabilities. The Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE) program was created in 1987.²⁷ Under RESTORE, funds may be used to pay for the cost of emergency repairs to eliminate hazardous conditions in homes owned by elderly when they cannot afford to make the repairs in a timely manner themselves. Eligible applicants for RESTORE are not-for-profit organizations and municipalities, who are able to design programs as loans, grants, or a combination of both. To be eligible to receive funds, homeowners must be 60 years of age or older and have a household income that does not exceed 80 percent of the area median income. Furthermore, the funds must be

²¹ Eldercare Locator: Home Modifications, *supra* note 16.

²² Energy Assistance, NYC Human Resources Administration, <http://www.nyc.gov/html/hra/html/services/energy.shtml> (*last accessed* April 8, 2015).

²³ Weatherization Assistance Program (WAP), Homes and Community Renewal, New York Homes and Community Development, <http://www.nyshcr.org/Programs/WeatherizationAssistance/> (*last accessed* April 8, 2015).

²⁴ N.Y.C. Department for the Aging, *supra* note 1, at 43.

²⁵ Rebuilding Together, <http://rebuildingtogether.org/> (*last accessed* April 8, 2015).

²⁶ Access to Home, Rebuilding Together, New York City, <http://rebuildingtogethernyc.org/access-to-home/> (*last accessed* April 8, 2015).

²⁷ Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE), New York Homes and Community Development, <http://www.nyshcr.org/Programs/Restore> (*last accessed* April 8, 2015).

used for one to four-unit dwellings owned and occupied by eligible households, and covered work cannot exceed \$5,000 per building. It is uncertain how much funding will be available for this program in 2015.²⁸

The Access to Home program, created in 2005, provides financial assistance to property owners to make dwelling units accessible for low-and moderate-income individuals with disabilities.²⁹ The program is funded from fees earned by the Housing Trust Fund Corporation. Homeowners may receive loans (given at 0% interest with payments deferred conditionally upon the individual residing in the modified residence, and forgiven in full at the end of a regulatory period of up to five years) up to 100% of the total cost of adaptations to a maximum of \$25,000. As with the RESTORE program, grants are made to municipalities and not-for-profit agencies and are based on their experience with adapting or retrofitting homes for individuals with disabilities. Homeowners and renters qualify for assistance based on certain criteria, including: the occupant must be physically disabled or has substantial difficulty with a daily activity due to aging; the dwelling unit must be a permanent residence; and the total household income must not exceed 80 percent of area median income (or 120% of area median income if the individual is a disabled veteran). In July 2006, the State Private Housing Finance Law was amended to establish the program as a statutory program under state law and to allow municipalities to participate as local program administrators.³⁰ The State awarded \$1.455 million to 10 organizations under this program in 2014.³¹ Funding for the program is expected to be \$1 million in 2015.³²

In New York City, the Department of Housing Preservation and Development (HPD) provides a number of financial benefits for property owners that support the preservation and improvement of existing buildings throughout the city. Examples include the Participatory Loan Program, which provides building owners with low-interest loans and tax exemptions to rehabilitate low and moderate-income housing sites, the Primary Prevention Program, which administers federally funded grants for lead treatment in homes, and the Multifamily Housing Rehabilitation Program, which supports the upgrade of major buildings systems like plumbing, roofing, and electrical systems through low-interest loans.³³ Additionally, the Senior Housing Affordable Rental Apartments Program, also administered by HPD, provides loans for major renovation projects of affordable housing for seniors.³⁴ These various programs demonstrate how the city could facilitate a system of incentives to

²⁸ *New York State Annual Action Plan Program Year 2015*, New York State Division of Housing and Community Renewal et al. (Oct. 2014), available at <http://www.nyshcr.org/AboutUs/Publications/2015AnnualActionPlanPublishedforPublicComment.pdf>.

²⁹ Access to Home Program, New York Homes and Community Development, <http://www.nyshcr.org/Programs/AccessToHome/> (last accessed April 8, 2015).

³⁰ New York State Division of Housing and Community Renewal et al., *Consolidated Annual Performance and Evaluation Report Program Year 2014* (March 2015), at 56, available at <http://www.nyshcr.org/AboutUs/Publications/2014-CAPER-Published-for-Public-Comment.pdf>.

³¹ *Id.*

³² *New York State Annual Action Plan Program Year 2015*, *supra* note 28, at 53.

³³ Private Site Financing – Preservation, NYC Housing Preservation & Development, <http://www1.nyc.gov/site/hpd/developers/private-site-preservation.page> (last accessed April 8, 2015).

³⁴ Senior Housing Affordable Rental Apartments Program (SARA), NYC Housing Preservation & Development, <http://www1.nyc.gov/site/hpd/developers/senior-housing.page> (last accessed April 8, 2015).

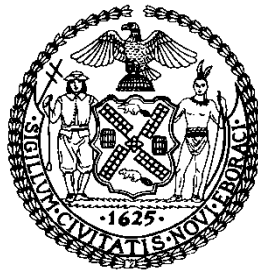
encourage building owners to make necessary home modifications for seniors aging in place.

ANALYSIS

Section one of Proposed Int. No. 702-A would amend chapter two of title 21 of the Administrative Code to add new section 21-205. New section 21-205 would require the Department for the Aging, in consultation with the Department of Buildings, Department of Housing Preservation and Development, the Mayor’s Office for People with Disabilities, and businesses and nonprofit organizations with expertise in design for dwelling units occupied by older adults, to develop, distribute, and publish on its website a guide for owners regarding modifications and improvements that may be made to dwelling units to allow tenants to safely remain in such units for as long as possible as they age. Additionally, it would require such guide to include, but not be limited to, information on improving access for individuals with limited mobility, lighting, technological enhancements, railings and grab bars, and the widening of doors and hallways. Finally, it would mandate that the guide include information on available public and private sources of funding to assist building owners in making modifications and improvements, including information on eligibility criteria and how to apply for such funding.

Section two of Proposed Int. No. 702-A would provide that this local law take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 702-A:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 702-A
COMMITTEE: Aging**

TITLE: A local law to amend the administrative code of the city of New York, in relation to requiring the development of a guide for building owners regarding aging in place.

SPONSORS: Speaker Melissa Mark-Viverito, and Council Members Chin, Arroyo, Constantinides, Gentile, Lander, Palma, Richards, Rose, Vallone, Wills, Rosenthal, Menchaca, Deutsch, Miller, and Rodriguez

SUMMARY OF LEGISLATION:

Proposed Intro. No. 702-A would require the Department for the Aging (DFTA), in consultation with the Department of Buildings (DOB), the Department of Housing Preservation and Development (HPD), the Mayor’s Office for People with Disabilities, and businesses and nonprofit organizations with expertise in

architectural design that allows seniors aging in place to develop, distribute, and publish on its website a guide for building owners regarding modifications and improvements that would allow elderly residences to safely remain in their current residence.

Information that this guide would provide, but not be limited to, include information relating to improving access for individuals with limited mobility, lighting, railings and grab bars, technological enhancements, and widening of doorways and hallways. The guide must also include information on available public and private sources of funding, including information on eligibility criteria and how to apply for such funding to assist building owners in making modifications.

DFTA would develop and lead the coordination of developing this guide in addition to distributing and publishing the guide on its website no later than July 1, 2016.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY16
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$25,000-\$50,000	\$25,000-\$50,000
Net	\$0	\$25,000-\$50,000	\$25,000-\$50,000

IMPACT ON REVENUES: It is anticipated that there will be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: Given that DFTA, DOB, HPD, and the Mayor's Office for People with Disabilities do not have the full expertise to write a guide that includes architectural standards and design issues related to aging in place, an outside consultant would be needed to develop the required guide. Depending on the scope of work, it is estimated that consultation fees would range from \$25,000 to \$45,000 in Fiscal 2016. It is assumed that DFTA would be the lead agency coordinating the effort to write the guide and would use existing staff resources to do

May 14, 2015

1580

so. In addition, the cost of printing the guides for distribution is estimated to be \$5,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department for the Aging

ESTIMATE PREPARED BY: Dohini Sompura, Senior Legislative
Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director,
New York City Council Finance Division
Rebecca Chasan, Assistant Counsel, New
York City Council Finance Division
Tanisha Edwards, Chief Counsel, New
York City Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 702 on March 11, 2015 and referred to the Committee on Aging. The Committee on Aging held a hearing on Intro. No. 702 on April 15, 2015 and the legislation was laid over. The legislation was subsequently amended, and the amended legislation Proposed Intro. No. 702-A, will be voted on by the Committee on Aging on May 12, 2015. Upon successful vote by the Committee, Proposed Int. No. 702-A will be submitted to the full Council for a vote on May 14, 2015.

DATE PREPARED: June 18, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 702-A:)

Int. No. 702-A

By The Speaker (Council Member Mark-Viverito) and Council Members Chin, Arroyo, Constantinides, Gentile, Lander, Palma, Richards, Rose, Vallone, Wills, Rosenthal, Menchaca, Deutsch, Miller, Rodriguez, Van Bramer, Koslowitz, Kallos and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the development of a guide for building owners regarding aging in place

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding new section 21-205 to read as follows:

§ 21-205 Aging in place guide. In consultation with the department of buildings, the department of housing preservation and development, the mayor's office for people with disabilities, and businesses and nonprofit organizations with expertise in design for dwelling units occupied by older adults, the department shall develop, distribute, and publish on its website, not later than July 1, 2016, a guide for building owners regarding modifications and improvements that may be made to dwelling units to allow tenants to safely remain in such units for as long as possible as such tenants age. Such guide shall include, but not be limited to, information relating to: improving access for individuals with limited mobility; lighting, railings and grab bars; technological enhancements; and widening of doorways and hallways. Such guide shall also include information on available public and private sources of funding, including information on eligibility criteria and how to apply for such funding, to assist building owners in making modifications and improvements.

§ 2. This local law takes effect immediately.

MARGARET S. CHIN, *Chairperson*; MARIA del CARMEN ARROYO, KAREN KOSLOWITZ, DEBORAH L. ROSE, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 12, 2015. *Other Council Members Attending: Rosenthal.*

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 Res. No. 426-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.4748 and A.5565A, legislation eliminating the sunset provisions related to income threshold increases for the senior citizen rent increase exemption and disability rent increase exemption programs.

The Committee on Aging, to which the annexed amended resolution was referred on October 7, 2014 (Minutes, page 3593), respectfully

REPORTS:

INTRODUCTION

On May 12, 2015, the Committee on Aging, chaired by Council Member Margaret Chin, will hold a second hearing on Proposed Res. No. 426-A, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.4748 and A.5565A, legislation eliminating the sunset provisions related to income threshold increases for the senior citizen rent increase exemption and

disability rent increase exemption programs. The Committee first heard this resolution on April 15, 2015. Those testifying at this first hearing included the New York City Department for the Aging (DFTA), advocates, and service providers. After the hearing, the resolution was amended to refer specifically to legislation pending in the State legislature, A. 5565A, introduced by New York State Assemblyman Brian Kavanagh, and S. 4748, introduced by New York State Senator Diane Savino, which would eliminate the sunset provisions for SCRIE and DRIE.

BACKGROUND

Senior Citizens Rent Increase Exemption (SCRIE)

The City of New York began the Senior Citizen Rent Increase Exemption (SCRIE) program in 1970.¹ The program was designed to offer qualifying senior citizens exemption from future rent increases, protecting low-income tenants residing in rent-regulated units. SCRIE was first administered by the Department of Housing Preservation and Development (HPD).² Later, this administration was split between DFTA for rent-controlled and rent-stabilized apartments, and HPD for Mitchell-Lama units.³ In September 2009, the Council enacted legislation which transferred administration of SCRIE for rent controlled and stabilized apartments from DFTA to DOF.⁴

To be eligible for the SCRIE program, an individual must be at least 62 years old, be the head of household as the primary tenant named on the lease/rent order or have been granted succession rights in a rent controlled, rent stabilized, or rent regulated hotel apartment, and spend more than one-third of their monthly income on rent.⁵ Additionally, the combined household income for eligible participants must be \$50,000 or less.⁶ Apartments ineligible for SCRIE include public housing units administered by the New York City Housing Authority (NYCHA), units partially or fully paid by a Section 8 voucher, non-rent regulated apartments (such as apartments in private homes and private cooperative buildings not subject to rent regulation), and apartments that are sublet (regardless of whether the apartment is rent-regulated).⁷

Currently, 52,171 households in New York City are benefitting from the SCRIE program.⁸ This includes 9,015 in the Bronx, 14,582 in Brooklyn, 17,212 in Manhattan, 10,995 in Queens, and 367 on Staten Island.⁹ The average SCRIE participant is 76.5 years old, has been in the program 9.1 years, and has an annual household income of \$16,504.¹⁰ Participants receive an average monthly benefit amount of \$250.¹¹

Disability Rent Increase Exemption (DRIE)

The Disability Rent Increase Exemption Program (DRIE) was established in New York City in 2005.¹² From its inception, the DOF has administered the DRIE program.

Eligible participants in DRIE must be at least 18 years old, and be named on the lease/rent order or have been granted succession rights in a rent controlled, rent

stabilized, rent regulated hotel apartment or an apartment located in a building where the mortgage was federally insured under Section 213 of the National Housing Act¹³, owned by a Mitchell-Lama development, Limited Dividend housing company, Redevelopment Company or Housing Development Fund Corporation (HDFC) incorporated under New York State's Private Housing Finance Law.¹⁴ As with SCRIE, the applicant's combined household income must be \$50,000 or less, and the applicant must spend more than one-third of their monthly household income on rent. Finally, DRIE applicants must receive one of the following: Federal Supplemental Security Income (SSI), Federal Social Security Disability Insurance (SSDI), U.S. Department of Veterans Affairs disability pension or compensation, or disability-related Medicaid if the applicant has received either SSI or SSDI.¹⁵

Currently, 9,148 households in New York City benefit from the DRIE program.¹⁶ This includes 2,821 in the Bronx, 2,051 in Brooklyn, 2,779 in Manhattan, 1,429 in Queens, and 68 in Staten Island.¹⁷ The average DRIE participant is 58 years old, has been in the program 4.4 years, and has an annual household income of \$13,516.¹⁸ Participants receive an average monthly benefit of \$189.¹⁹

Recent Legislative Changes to SCRIE and DRIE

On March 31, 2014, Governor Andrew Cuomo signed into law Chapter 55 of 2014 ("Chapter 55"), which increased the maximum income level qualifying for exemption from rent increases granted to certain senior citizens.²⁰ The State Law authorized localities throughout the State of New York to adopt a local law to increase the maximum income level qualifying for SCRIE from \$29,000 to \$50,000.²¹ Pursuant to Chapter 55, the City enacted Local Law 19 of 2014 in May 2014, which increased the maximum income level for SCRIE eligibility in New York City to \$50,000.²²

Shortly after the State legislature increased the income threshold for SCRIE to \$50,000, it did the same for DRIE, through Chapter 129 of 2014.²³ In August 2014, the Council passed, and Mayor de Blasio signed into law, legislation increasing the DRIE income limit to \$50,000 for qualifying New York City residents.²⁴ This change brought parity between the two programs, as prior to the income threshold increase, the SCRIE income limit had been \$29,000 while the DRIE income limit had been \$20,412 for single-person households and \$29,484 for households with more than two people in residence.²⁵ Additionally, the DRIE income limits had previously been tied to cost of living adjustments issued by the Social Security Administration rather than a strict amount in state and city laws.²⁶

However, the authorizing State laws, both Chapters 55 and 129, provide that the income threshold increases are valid for only a two year period, and will expire on July 1, 2016.²⁷ At that point, qualifying incomes will return to a maximum of \$29,000. The DOF estimated that the recent legislative changes increasing the income threshold limit increased the eligible population of SCRIE by 9% and of DRIE by 10%.²⁸ Approximately 13,403 households are eligible for SCRIE and DRIE under the new threshold, and would lose their eligibility were the increases allowed to sunset in July 2016.²⁹

ANALYSIS

Proposed Res. No. 426-A states that New York State law authorizes the City of New York to provide senior citizens and persons with disabilities rent increase exemption benefits that help them to remain in affordable housing. The resolution then notes that in 1970, New York City instituted the senior citizen rent increase exemption (SCRIE) program to protect low-income seniors from rising housing costs by offering landlords a property tax abatement in exchange for freezing the rent of eligible seniors. Proposed Res. No. 426-A discusses that tenants are eligible for SCRIE if they are at least 62 years old, have a total household income that does not exceed a maximum amount authorized by State law, spend more than one-third of their monthly income on rent, and reside in a rent controlled or rent stabilized apartment, rent regulated hotel, or an apartment owned by a Mitchell-Lama development. The resolution then states that individuals receiving state or federal disability related assistance are eligible to be exempted from future rent increases under the disability rent increase exemption (DRIE) if they have a total household income that does not exceed a maximum amount authorized by State law, reside in a rent controlled or rent stabilized apartment, rent regulated hotel, or an apartment owned by a Mitchell-Lama development, and spend more than one-third of their monthly income on rent. The resolution notes that as of 2014, SCRIE and DRIE programs combined provide approximately 53,000 households with rent exemption benefits.

Proposed Res. No. 426-A next discusses that New York State's 2014-2015 Executive Budget contained an authorization for localities to adopt a local law to increase the maximum income level qualifying for SCRIE from \$29,000 to \$50,000 for a period of two years beginning July 1, 2014, and in July 2014, that the State Legislature and the Governor authorized an increase of the DRIE income threshold from \$20,412 for a single person household or \$29,484 for households comprised of two or more people to \$50,000 for all households (in order to mirror the SCRIE income threshold increase). The resolution states that the Council adopted and the City enacted legislation implementing the income threshold increase for both SCRIE and DRIE.

Next, the resolution notes that the authorizing State legislation increasing the income threshold increases for SCRIE and DRIE contain provisions that automatically repeal these increases on July 1, 2016. It cites the Department of Finance's finding that approximately 13,403 additional households became eligible for SCRIE and DRIE under the income threshold increase. The resolution then comments that the repeal of these income threshold increases would cause thousands of households in New York City to lose their SCRIE and DRIE benefits, threatening their ability to remain in their homes while paying affordable rents, and that eliminating the sunset provisions would provide stability to many of New York City's most vulnerable residents.

Finally, the resolution states that in February 2015, New York State Assemblyman Brian Kavanagh introduced A. 5565A, and in April 2015, New York State Senator Diane Savino introduced S.4748, legislation that would eliminate the sunset provisions for the SCRIE and DRIE programs.

The resolution thus calls upon the New York State Legislature to pass, and the Governor to sign A.5565A and S.4748, legislation eliminating the sunset provisions related to income threshold increases for the senior citizen rent increase exemption and disability rent increase exemption programs.

¹ N.Y.C. Department of Finance, *NYC Rent Freeze Program: A Guide for Tenants 1* (February 4, 2015), available at <http://www1.nyc.gov/assets/finance/downloads/pdf/brochures/scriedriebrochure.pdf>.

² N.Y.C. Department of Finance, *Report on the New York City Rent Freeze Program: Identifying and Enrolling Eligible Households 5* (December 10, 2014), available at http://www1.nyc.gov/assets/finance/downloads/pdf/scrie/scrie_drie_report.pdf.

³ *Id.*

⁴ L.L. 44/2009.

⁵ N.Y.C. Administrative Code § 26-509.

⁶ *Id.*

⁷ N.Y.C. Department of Finance, Guide for Tenants, *supra* note 1, at 3.

⁸ N.Y.C. Department of Finance, Report on N.Y.C. Rent Freeze Program, *supra* note 2, at 8.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 5.

¹³ Cooperative housing projects where the mortgage has been insured by the United States Department of Housing and Urban Development (HUD). These mortgages have been made by private lending institutions on cooperative housing projects of five or more dwelling units to be occupied by members of nonprofit cooperative ownership housing corporations. U.S. Department of Housing and Urban Development, *Cooperative Housing (Section 213)*, available at <http://portal.hud.gov/hudportal/HUD?src=/hudprograms/cooph> (last accessed April 6, 2015)

¹⁴ N.Y.C. Department of Finance, Guide for Tenants, *supra* note 1, at 2.

¹⁵ N.Y.C. Administrative Code § 26-509.

¹⁶ N.Y.C. Department of Finance, Report on N.Y.C. Rent Freeze Program, *supra* note 2, at 8.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ 2014 Sess. Law News of N.Y. Ch. 55 (A. 8555-D) (McKINNEY'S)

²¹ *Id.*

²² L.L. 19/2014.

²³ 2014 Sess. Law News of N.Y. Ch. 129 (A. 9744) (McKINNEY'S)

²⁴ L.L. 39/2014.

²⁵ N.Y.C. Department of Finance, Report on N.Y.C. Rent Freeze Program, *supra* note 2, at 6.

²⁶ *Id.*

²⁷ 2014 Sess. Law News of N.Y. Ch. 55 (A. 8555-D) (McKINNEY'S)

²⁸ N.Y.C. Department of Finance, Report on N.Y.C. Rent Freeze Program, *supra* note 2, at 14.

²⁹ *Id.* at 15.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 426-A:)

Res. No. 426-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.4748 and A.5565A, legislation eliminating the sunset provisions related to income threshold increases for the senior citizen rent increase exemption and disability rent increase exemption programs.

By Council Members Cohen, Rosenthal, Arroyo, Cabrera, Chin, Eugene, Gentile, Gibson, Johnson, Koo, Lander, Levine, Palma, Richards, Rose, Wills, Rodriguez, Koslowitz, Levin, Vallone, Deutsch, Miller, Menchaca, Van Bramer, Kallos, Williams and the Public Advocate (Ms. James).

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

Whereas, In 1970, New York City instituted the senior citizen rent increase exemption (SCRIE) program to shield low-income seniors from rising housing costs by offering landlords a property tax abatement in exchange for freezing the rent of eligible senior tenants; and

Whereas, Tenants are eligible for the SCRIE program if they are at least 62 years old, have a total household income that does not exceed a maximum amount authorized by State law, reside in a rent controlled or rent stabilized apartment, rent regulated hotel, or an apartment owned by a Mitchell-Lama development, and spend more than one-third of their monthly income on rent; and

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

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

Whereas, New York State's 2014-2015 Executive Budget contained an authorization for localities in the State to adopt a local law to increase the maximum income level qualifying for SCRIE from \$29,000 to \$50,000 for a period of two years beginning July 1, 2014; and

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

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

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

Whereas, According to the New York City Department of Finance, approximately 13,403 additional households are eligible for SCRIE and DRIE under the new income threshold;

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

Whereas, The elimination of these sunset provisions would provide stability to many of New York's most vulnerable residents;

Whereas, in February 2015, New York State Assemblyman Brian Kavanagh introduced A. 5565A, and in April 2015, New York State Senator Diane Savino introduced S. 4748, legislation that would eliminate the sunset provisions for the SCRIE and DRIE income threshold increases; 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. 4748 and A. 5565A, legislation eliminating the sunset provisions related to income threshold increases for the senior citizen rent increase exemption and disability rent increase exemption programs.

MARGARET S. CHIN, *Chairperson*; MARIA del CARMEN ARROYO, KAREN KOSLOWITZ, DEBORAH L. ROSE, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 12, 2015. *Other Council Members Attending: Rosenthal.*

Laid Over by the Council.

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

Report for Int. No. 742-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 the community engagement process in the percent for art law.

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed proposed amended local law was referred on March 31, 2015 (Minutes, page 1012), respectfully

REPORTS:

INTRODUCTION

On May 13, 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. 742, sponsored by Council Members Van Bramer and Cumbo, a local law to amend the New York city charter, in relation to the community engagement process in the percent for art law. On April 20, 2015, there was a hearing on an earlier version of this legislation. Witnesses invited to present testimony at that hearing included the Department of Cultural Affairs

(DCLA), the Department of Design and Construction (DDC), borough presidents, various arts and cultural organizations, as well as concerned advocates. The legislation was amended to address the witness testimony presented as well as concerns from the de Blasio Administration.

BACKGROUND

New York City's Percent for Art Program

In 1982, the Percent for Art law was passed by the City Council. The law requires that one percent of the budget for eligible City-funded construction projects be spent on artwork for City facilities.¹ Administered by DCLA, the Percent for Art program ("the Program") began in 1983 with the development of a procedure for determining eligible projects along with an equitable artist selection process.² The Program offers City agencies the opportunity to acquire or commission works of art specifically for City-owned buildings throughout the five boroughs.³

The purpose of the Program is to bring artists into the design process and enrich the City's civic and community buildings.⁴ Percent for Art projects are site-specific and engage a variety of media—painting, mosaic, glass, textiles, sculpture, as well as works that are integrated into infrastructure or architecture.⁵ The Program aims to commission artists of all races and backgrounds in order to reflect the diversity of New York City.⁶ DCLA suggests that projects developed through the Program demonstrate how art can be integrated into its site to enhance civic architecture and a wide range of public spaces. Since the Program's inception, nearly 300 projects have been completed with accumulated art work commissions of over 41 million dollars.⁷ Seventy new projects are currently in progress.⁸

Since its inception over 30 years ago, the Program has experienced substantial growth and success which benefit the City and its residents collectively. The Program has played an integral role in the City's artistic culture, which helps to make the City one of the art capitals of the world.

Recent Controversy

In November 2014, controversy developed over "The Sunbather,"⁹ an 8 ½ foot tall bright pink sculpture that will be commissioned through the Program and is expected to cost \$515,000.¹⁰ The sculpture would be placed on Jackson Avenue in Long Island City, Queens.¹¹ According to residents of the neighborhood, public inclusion in the selection process has been limited. While community boards are invited to participate in panels during the Program's selection process, they were only informed towards the end of the process.

This bill was introduced to ensure that community engagement is increased from the very onset of the Program's selection process.

ANALYSIS

Section one of Proposed Int. No. 742-A would amend subdivision d of section 224 of chapter 9 of the Charter of the City of New York (the Charter) to require that reasonable advance notification be provided of the intention to include works of art in a Percent for Art project. Pursuant to this legislation, the reasonable advance notification would also be posted on the website of the department of cultural affairs. The amended subdivision d would also require the Department of Cultural Affairs to hold or present at a public meeting, such as a meeting of the community board of the community district in which a project is located, on such works of art before inclusion in the Percent for Art program. The legislation would require that notice of such public meeting be published on the Department's website at least fourteen days prior to any public meeting.

Finally, Proposed Int. No. 742-A section two would establish that this local law take effect immediately following its enactment into law.

¹ See <http://www.nyc.gov/html/dcla/html/panyc/panyc.shtml>, retrieved on 4/1/15.

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id.

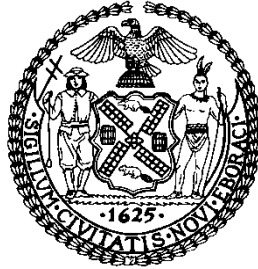
⁸ Id.

⁹ Big Pink Sculpture Likely to Go Up on Jackson Avenue While Long Island City Residents are Kept in the Dark. <http://licpost.com/2014/11/26/big-pink-sculpture-likely-to-go-up-on-jackson-ave-while-lic-residents-kept-in-the-dark/>, retrieved on 4/1/15.

¹⁰ A Pink Sculpture in Long Island City Brings Questions Over the Use of Tax Dollars. <http://www.nytimes.com/2015/03/18/nyregion/a-pink-sculpture-in-long-island-city-brings-questions-over-the-use-of-tax-dollars.html>, retrieved on 4/1/15.

¹¹ Id.

(The following is the text of the Fiscal Impact Statement for Int. No. 742-A:)



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 742-A
COMMITTEE:
Cultural Affairs**

TITLE: A local law to amend the New York city charter, in relation to the community engagement process in the percent for art law

SPONSOR(S): Council Members Van Bramer and Cumbo

SUMMARY OF LEGISLATION: This bill would require that the Department of Cultural Affairs (DCLA) provide reasonable advance notification of its intention to include works of art in a Percent for Art project on DCLA’s website, an addition to current law that mandates similar notification to the appropriate council member, borough president, and chairperson of the community board of the community district in which the project is located. The bill would also require that DCLA hold, or present at, a public meeting on such works of art prior to inclusion, such as at a meeting of the community board of the community district in which a project is located. The bill would further require that notice of that hearing be published on DCLA’s website at least fourteen days before the hearing would take place.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: 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 DCLA would use existing resources to implement the requirements of 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 31, 2015 as Intro. No. 742 and was referred to the Committee on Cultural Affairs. A hearing was held by the Committee on Cultural Affairs on April 20, 2015 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. No. 742-A, will be considered by the Committee on Cultural Affairs on May 13, 2015. Upon successful vote by the Committee, Proposed Intro. No. 742-A will be submitted to the full Council for a vote on May 14, 2015.

DATE PREPARED: May 8, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 742-A:)

Int. No. 742-A

By Council Members Van Bramer, Cumbo, Lander, Cohen, Menchaca, Koo, Levin, Greenfield, Kallos and Williams.

A Local Law to amend the New York city charter, in relation to the community engagement process in the percent for art law.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 224 of chapter 9 of the New York city charter is amended to read as follows:

d. Reasonable advance notification of the intention to include works of art in a project shall be provided to the appropriate council member, borough president and chairperson of the community board of the community district in which the project is located. *Reasonable advance notification of the intention to include works of art in a project shall also be posted on the website of the department of cultural affairs. Following notification of the intention to include works of art in any project, the*

May 14, 2015

1592

department of cultural affairs shall hold or present at a public meeting, such as a meeting of the community board of the community district in which the project is located, on such works of art prior to such inclusion. A notice of such public meeting shall be posted on the website of the department of cultural affairs not less than fourteen days prior to any such meeting. All such works of art shall be subject to the approval of the art commission pursuant to section eight hundred fifty-four of this charter.

§2. This local law shall take immediately after its 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, May 13, 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 Environmental Protection

Report for Int. No. 240-A

Report of the Committee on Environmental Protection 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 filing semiannual reports on catch basin cleanup and maintenance.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on March 26, 2015 (Minutes, page 907), respectfully

REPORTS:

Introduction

On May 11, 2015, the Committee on Environmental Protection, chaired by Council Member Donovan Richards, will hold a vote on Proposed Int. No. 240-A, in relation to filing semi-annual reports on catch basin cleanup and maintenance, and Reso. No. 549, calling on Governor Andrew Cuomo to veto the application by Liberty Natural Gas, LLC to construct the Port Ambrose liquefied natural gas terminal off the coast of New York. The Committee previously held public hearings on Proposed Int. No. 240-A and Reso. No. 549 on December 4, 2014, and April 1, 2015, respectively.

PART I - Background on Proposed Int. No. 240-A

There are four general types of flooding that affect New York City: coastal flooding, tidal flooding, riverine flooding and inland flooding.¹ Coastal flooding affects areas of the city that are adjacent to the ocean, bays, rivers, streams or estuaries of tidal influence, and it is usually caused by storm surge from strong coastal storms.² Tidal flooding affects low-lying areas of the city that have extensive shoreline exposure, and it is caused by irregularly high tides.³ Riverine flooding is often caused by large-scale weather systems that generate prolonged rainfalls over large areas, causing freshwater rivers and streams to exceed their capacity and overflow.⁴ Inland flooding, which is the type of flooding that this hearing is primarily concerned with, can be caused by large-scale storms, short-term, high-intensity rainfall events, or even moderate rainfall over a period of days where water accumulation in an area exceeds water drainage.⁵

Inadequate draining is a main contributing factor to localized, inland flooding. Drainage complications in a given area can be due to the condition or design capacity of the local sewer and stormwater management infrastructure, natural conditions such as topography, proximity to the groundwater level and subsurface features, and/or the surface characteristics and built environment of the area.⁶ Low-lying areas with limited natural drainage capacity, such as sections of the city that are built on lands that used to be wetlands, marshes or creeks, are particularly vulnerable to this effect.⁷

In recent years, flooding has occurred with increased frequency and more widely than in the past.⁸ For example, local, inland flooding has increased in parts of the Bronx and Staten Island due to intense precipitation that overwhelms the flow capacity of local storm sewers, rivers and streams.⁹ Other parts of the city, such as Sheepshead Bay in Brooklyn, Broad Channel, Edgemere, Bayswater, Far Rockaway, Rockaway Beach and Arverne in southern Queens, and Rosedale and Jamaica in southeastern Queens have antiquated or not fully built-out storm sewer systems that currently experience street flooding during heavy rainfalls.¹⁰ This flooding may be exacerbated in the future as heavy downpours are likely to increase in frequency due to climate change.^{11, 12} According to the Department of Environmental Protection, some of the biggest causes of the increase in local flooding include increasingly extreme weather events, dense urban development, and the capacity of the city's aging sewer infrastructure.¹³

Stormwater and the Sewer System

Stormwater is generated by rain or snow. Just one inch of rain citywide generates 5.26 billion gallons of stormwater – enough water to fill the Empire State Building 19 times.¹⁴ As stormwater flows across the land's surface it is either absorbed into the ground, through pervious media such as soil, or it continues to flow, collect and accumulate along the land's surface, eventually draining through the city's sewer system. In a city that is as developed as New York is, there are limited pervious surfaces through which stormwater can naturally be absorbed into the ground. Impervious surfaces, such as buildings, parking lots, sidewalks and streets cover approximately 72% of the city's 305 square miles of land area,¹⁵ reduce the amount of water that is absorbed into the ground, increasing surface water runoff, and directing a massive volume of water into the city's sewer infrastructure.

Stormwater is managed by the city's extensive sewer system. The sewer system conveys an average of 1.3 billion gallons of wastewater per day, through service lines, catch basins and 7,500 miles of sewers (3,330 miles within the five boroughs) to 14 in-city wastewater treatment plants.¹⁶ About 60% of the city's sewer system is combined, managing both stormwater and sanitary waste from homes and businesses. The remaining 40% of the system is separated, meaning that sanitary sewers carry sewage to treatment plants while separate storm water sewers carry stormwater runoff directly to local waterways.¹⁷

Weather events that inundate the city's sewer system with a high volume of stormwater can contribute to flooding in a variety of ways. Sewers can become overtaxed by stormwater and wastewater during periods of intense rainfall, filling them to capacity, and causing excess stormwater to remain aboveground, flooding streets, sidewalks and surfaces.¹⁸ Another common cause of flooding is the blocking of catch basin grates in streets. This typically occurs when stormwater flows along the sidewalk or street surface on its way to a catch basin, carrying with it debris such as bottles, leaves and paper, and depositing this debris on a catch basin's grate. As debris accumulates on the catch basin's grate, it can block water from entering the sewer, causing water to pool and flood.¹⁹

According to an analysis of data released by New York City Comptroller Scott Stringer, in fiscal years 2012 and 2013, 1,168 claims were filed against the city for damages caused by sewer overflows.²⁰ Of these total claims filed, 42.2% were in Staten Island, 41.9% were in Brooklyn, 15.1% were in Queens, 0.6% were in the Bronx and 0.1% were in Manhattan.²¹

Catch Basins

A catch basin is a type of storm drain that is normally located adjacent to a curb, where it collects rainwater from the streets and directs it into the sewer. Catch basins are usually covered by a metal grate, and in addition to transporting water from impermeable surfaces into the sewer system, they serve to prevent large objects and floatables from entering the sewer. With roughly 148,000 catch basins in the city,²² some of them inevitably become clogged with debris. In order to maintain the city's catch basins on a regular basis and prevent clogging, the Department of Environmental Protection sends field crews to inspect each catch basin at least once every three years.²³ It is germane to note that the United States Environmental Protection Agency recommends that catch basins be inspected at least annually to determine whether they need cleaning.^{24, 25}

The DEP also deploys field crews to inspect catch basins in flood prone areas around heavy storm events, and responds to 311 system complaints of clogged or broken catch basins. Through this process, a 311 operator enters the complaint call into DEP's computerized maintenance management system, which then assigns the individual order to DEP personnel stationed at field locations.²⁶ Once the DEP field crew inspects or cleans a catch basin, they determine whether it requires further, structural repairs, and if so, a computerized maintenance management system prioritizes work.²⁷ Raw data on the number of 311 complaints regarding "catch basin clogged/flooding" that have been filed is available to the public on the New York City Open Data Portal,²⁸ and data regarding the number of catch basin complaints

received and addressed is summarized in the “Mayor’s Management Report”²⁹ and the Department of Environmental Protection “District Resource Statement.”³⁰

According to the Mayor’s Management Report, the city received 53,350 catch basin complaints from fiscal year 2010 through fiscal year 2014.³¹ The city received 8,576 catch basin complaints in fiscal year 2014. This is compared to 10,548, 12,357, 10,539 and 11,330 catch basin complaints received in fiscal years 2013, 2012, 2011 and 2010, respectively. There was an 18% drop in the number of catch basin complaints between fiscal years 2013 and 2014. The average catch basin backup resolution time was 3.9 days in fiscal year (FY) 2014, 3.1 days in FY2013, 5.1 days in FY2012, 5.1 days in FY2011, and 8.4 days in FY2010. The percentage of catch basins inspected was 31.0% in FY2014, 30.0% in FY2013, 33.1% in FY2012, 29.3% in FY2011 and 35.1% in FY2010,³² which is a rate consistent with the DEP’s policy to ensure that each catch basin is inspected once every three years.

The Department of Environmental Protection “District Resource Report” provides data that is useful for comparing catch basin complaints from borough to borough. In fiscal year 2014:

- In the Bronx (Community Boards 1-12) 862 catch basin complaints were filed and 4,504 catch basins were cleaned (972 in response to complaints and 3,532 were scheduled work). The average time it took to clean a catch basin after it had been complained about was 3.39 days.
- In Brooklyn (Community Boards 1-18) 1,986 catch basin complaints were filed and 5,647 catch basins were cleaned (2,218 in response to complaints and 3,429 were scheduled work). The average time it took to clean a catch basin after it had been complained about was 3.46 days.
- In Manhattan (Community Boards 1-12) 862 catch basin complaints were filed and 3,605 catch basins were cleaned (625 in response to complaints and 2,980 were scheduled work). The average time it took to clean a catch basin after it had been complained about was 7.62 days.
- In Queens (Community Boards 1-14) 3,406 catch basin complaints were filed and 12,571 catch basins were cleaned (3,910 in response to complaints and 8,661 were scheduled work). The average time it took to clean a catch basin after it had been complained about was 4.18 days.
- In Staten Island (Community Boards 1-3) 1,460 catch basin complaints were filed and 3,403 catch basins were cleaned (600 in response to complaints and 2,803 were scheduled work). The average time it took to clean a catch basin after it had been complained about was 1.88 days.

Summary of Proposed Int. No. 240-A

This bill amends section 24-503 of the administrative code by adding a new subdivision f, which requires the Commissioner of the Department of Environmental Protection to submit to the Mayor and Speaker of the City Council semiannual reports regarding the inspection, maintenance and repair of catch basins, disaggregated by community district.

The semiannual reports must include the number of catch basins inspected, the number of clogged or malfunctioning catch basins identified, the number of catch basins unclogged or repaired, whether the inspection was in response to a complaint, and the response time for resolution of any complaint.

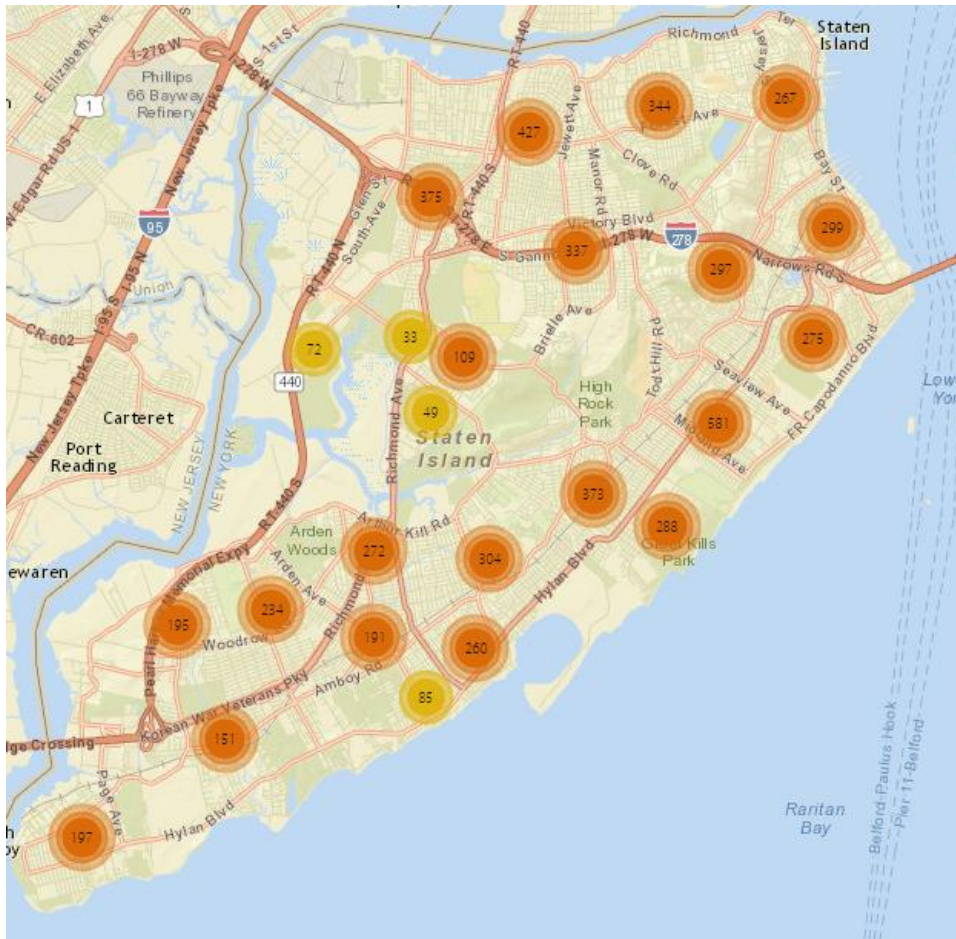
The bill also requires the Commissioner of the Department of Environmental Protection to ensure that every catch basin is inspected at least once every year, and unclogged or repaired within nine days after an inspection or the receipt of a complaint about such catch basin being clogged or malfunctioning. Catch basins not unclogged or repaired within nine days must be identified in the semiannual report.

The law, all of the provisions mentioned above, will take effect July 1, 2016, and will expire and be deemed repealed on June 30, 2019. The first semiannual report will cover the period from July 1, 2016 through December 31, 2016. The final semiannual report will cover the period January 1, 2019 through June 30, 2019.

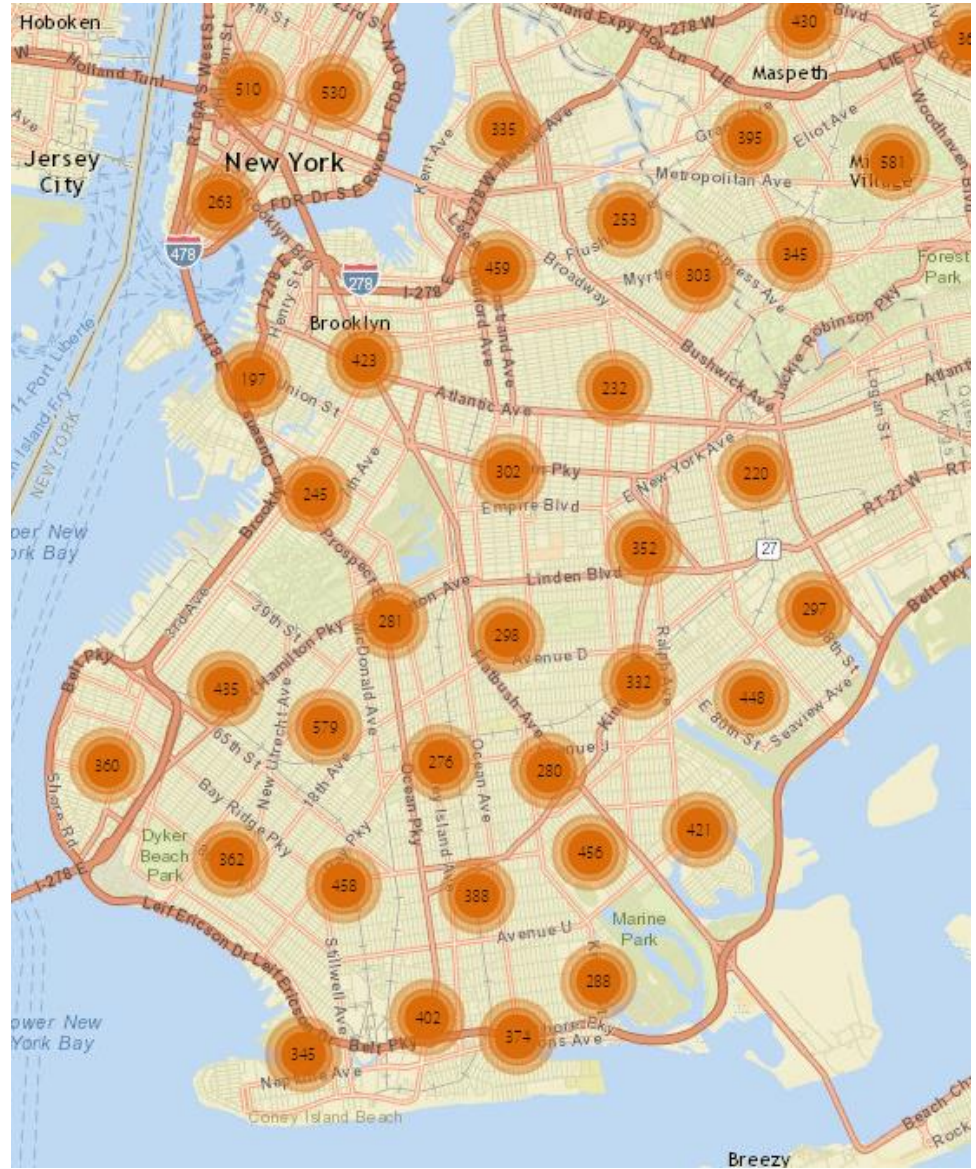
Changes to Proposed Int. No. 240-A

- Technical changes were made to improve readability and for consistency.
- The “Legislative findings and intent” section was removed.
- The reporting period that the first semiannual report must cover, July 1, 2016, through December 31, 2016, was added.
- “Malfunctioning catch basins” was added to the information that the semiannual reports must include.
- The period in which a catch basin needs to be repaired after inspection or a complaint has been increased from three days to nine days.
- The date on which this law will take effect has changed from immediately upon its enactment to July 1, 2016, and an expiration date for the law has been added, June 30, 2019.

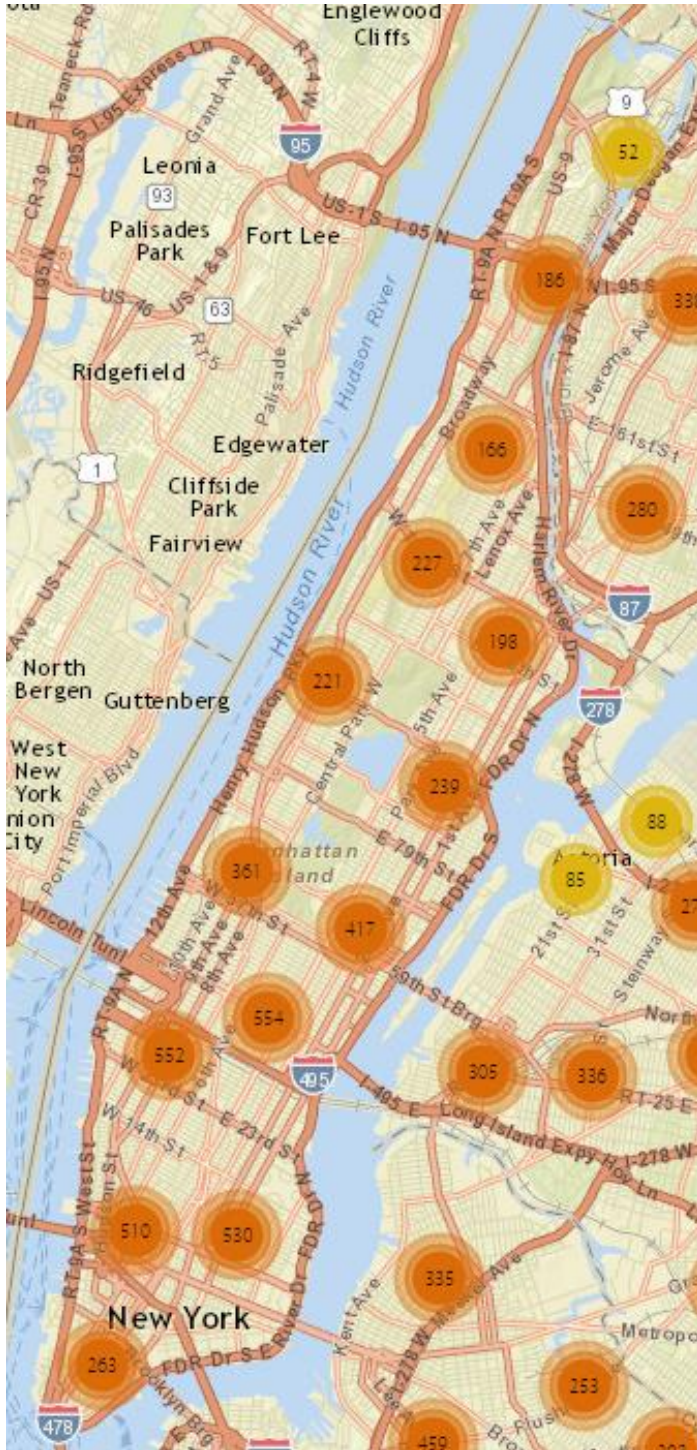
APPENDIX OF MAPS



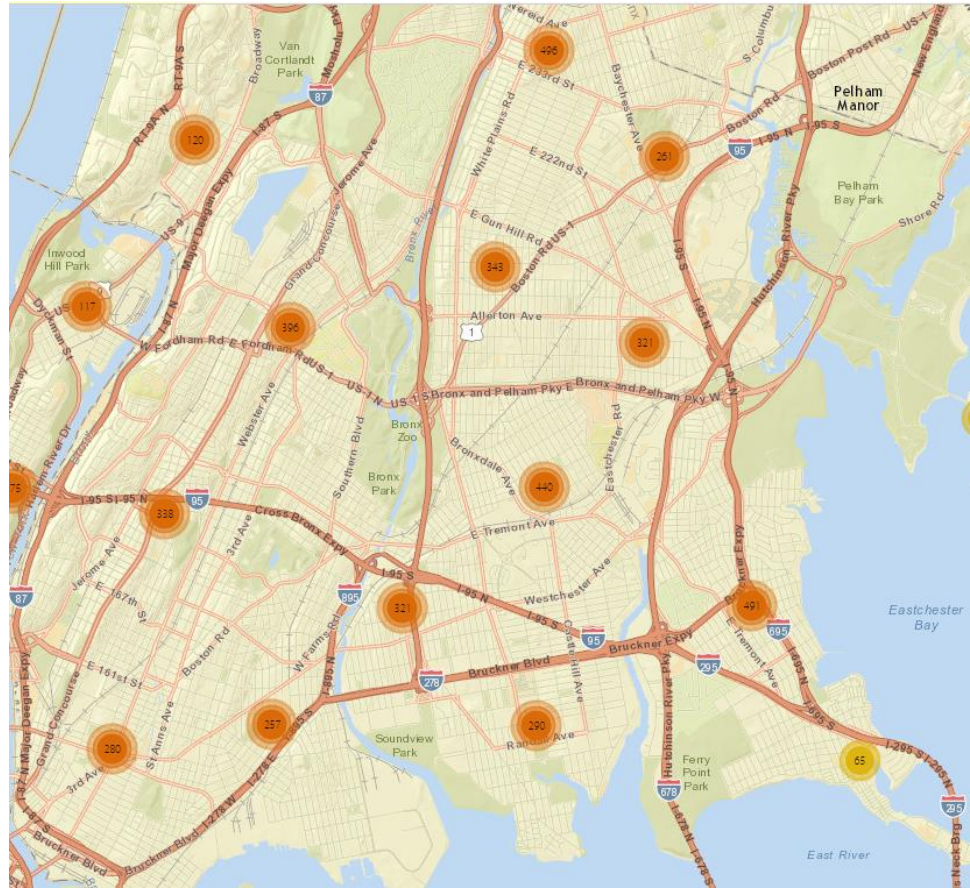
Pictured above: The number of 311 service requests related to “Catch Basin Clogged/Flooding” between 1/1/2010-present, in STATEN ISLAND.



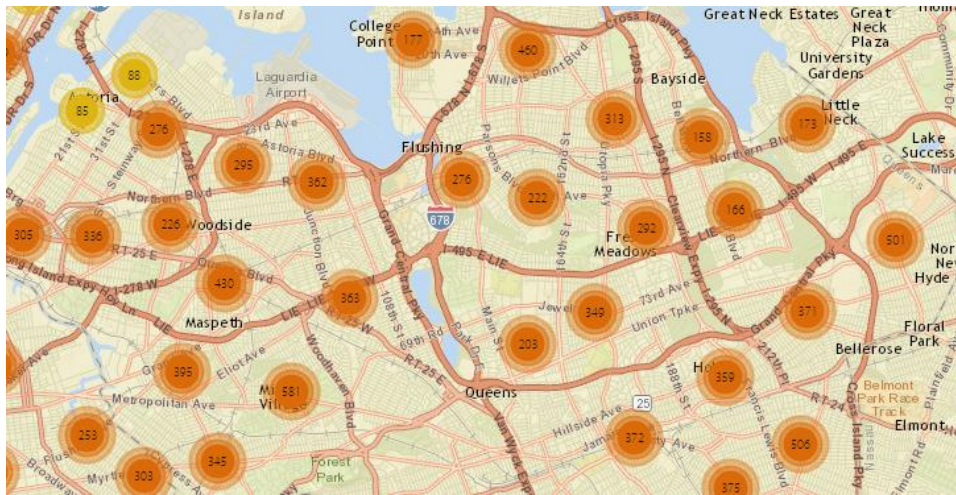
Pictured above: The number of 311 service requests related to “Catch Basin Clogged/Flooding” between 1/1/2010-present, in BROOKLYN.



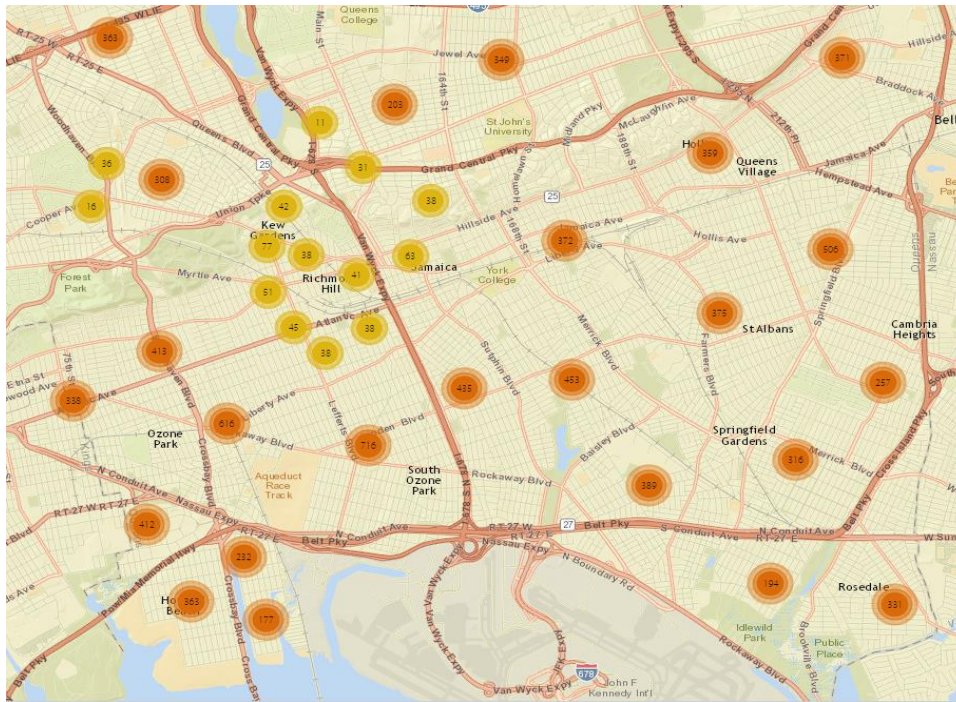
Pictured above: The number of 311 service requests related to “Catch Basin Clogged/Flooding” between 1/1/2010-present, in MANHATTAN.



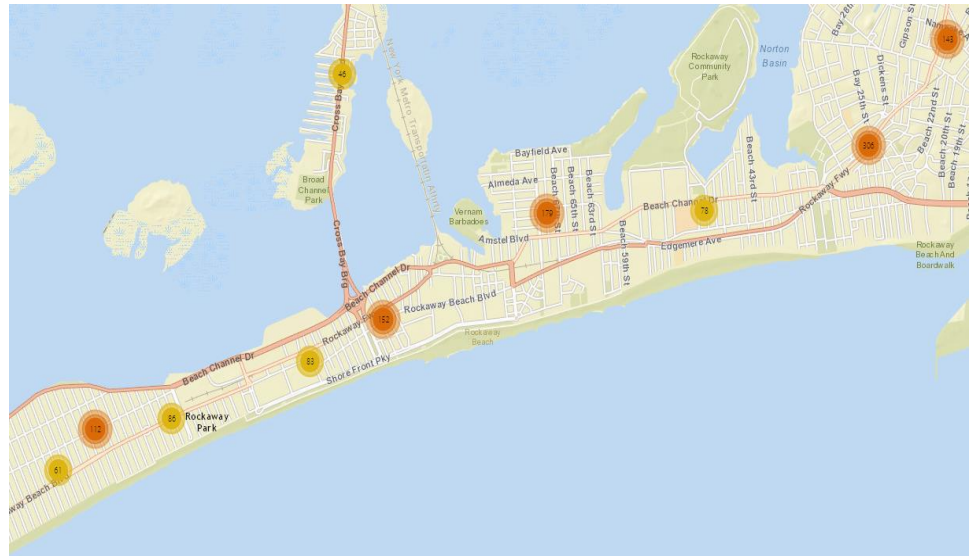
Pictured above: The number of 311 service requests related to “Catch Basin Clogged/Flooding” between 1/1/2010-present, in BRONX.



Pictured above: The number of 311 service requests related to “Catch Basin Clogged/Flooding” between 1/1/2010-present, in NORTHERN QUEENS.



Pictured above: The number of 311 service requests related to “Catch Basin Clogged/Flooding” between 1/1/2010-present, in SOUTHERN QUEENS.

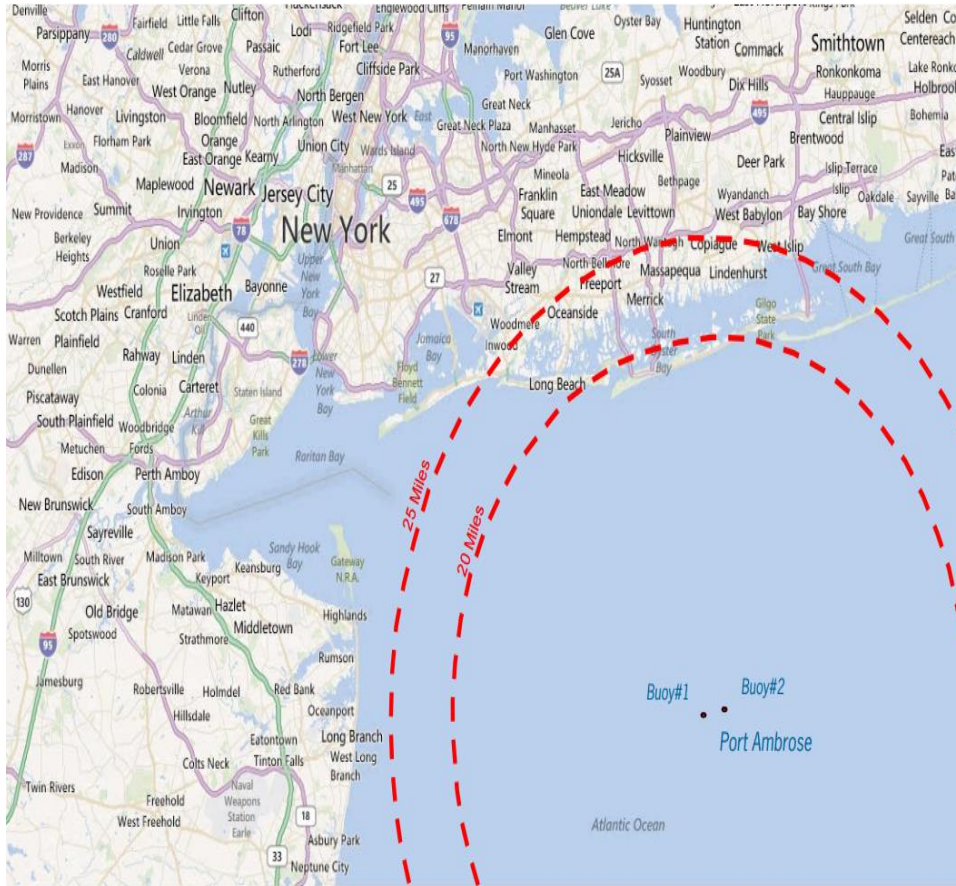


Pictured above: The number of 311 service requests related to “Catch Basin Clogged/Flooding” between 1/1/2010-present, in the ROCKAWAYS AND ARVERNE.

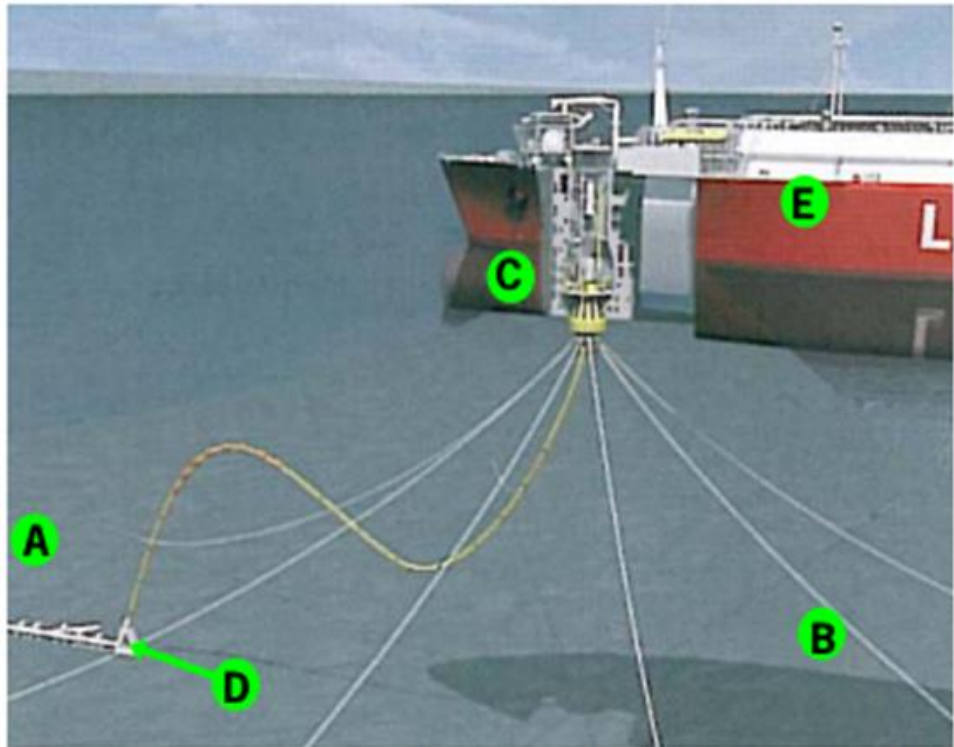
PART II – Background on Port Ambrose Project Proposal

Liberty Natural Gas, LLC has proposed the construction of a deepwater port facility, called the Port Ambrose liquefied natural gas (LNG) terminal, which would be used to import liquefied natural gas. The Port Ambrose LNG terminal would consist of a submerged buoy system located in federal waters, within the New York Bight, approximately 19 miles off the coast of New York City. Liquefied natural gas would arrive at the Port Ambrose LNG terminal on vessels, which would connect to the submerged buoy system and transfer natural gas into a twenty-two mile long pipeline connecting to the existing Transco Lower New York Bay Lateral pipeline, serving New York City and Long Island.

Liberty Natural Gas, LLC is a portfolio company of a fund advised by West Face Capital, an investment management firm based in Toronto, Canada.³³ Construction of the port, if a license is issued, is expected to take 20 months³⁴ and cost approximately \$300 million. Port Ambrose would have an expected operating life of 30 years³⁵ and, according to Roger Whelan, president of LNG, will save consumers \$325 million per year.³⁶



Graphic 1: Proximity of the proposed Port Ambrose project to New York City.

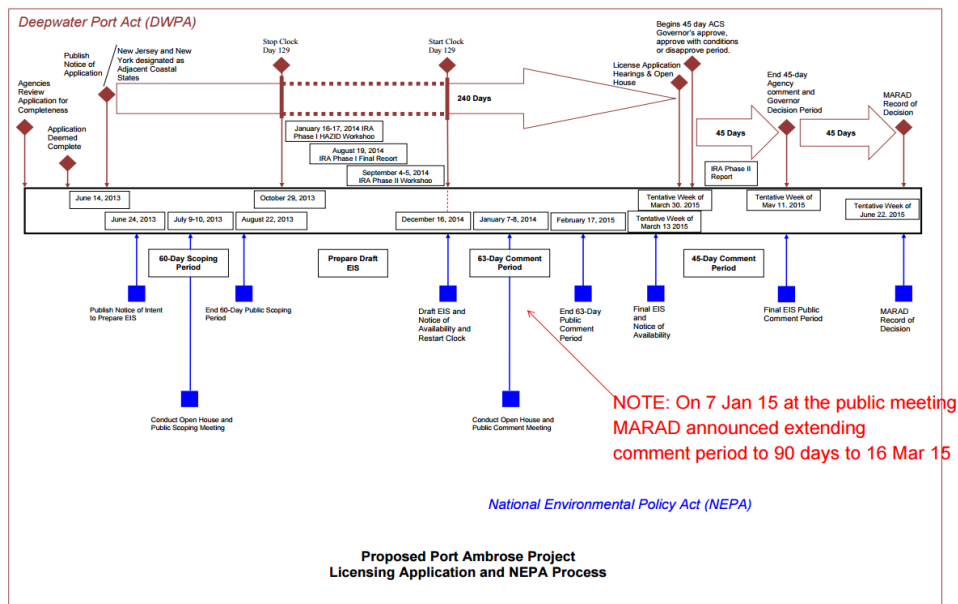


Primary Components of Proposed Offloading Facility
A-Sea-floor Pipeline, B-Mooring System, C-Submerged Turret Buoy
D-Pipeline End Manifold, E-Attendant LNGRV

38

Graphic 2: Showing the primary components of the proposed facility. “A” and “D” depict the Sea-floor Pipeline and Pipeline End Manifold, which connect the Buoys to the sea-floor pipeline, and which are designed to regulate the transmission of gas through the port. “B” depicts the Mooring System consisting of anchor chains that will be connected and secured to an engineered anchoring system. “C” depicts a Submerged Turret Buoy which will be anchored to the seabed via the Mooring System. Vessel hulls will connect with the Buoys below the waterline, offloading natural gas. “E” depicts a liquefied natural gas regasification vessel, which would arrive at and connect to the Buoy, re-gasify liquefied natural gas it holds, and transmit it into the system.

Regulatory Timeline



39

Graphic 3: This graphic above depicts the stages of the regulatory process, and when the involved government entities must act. As the graphic shows, some noteworthy immediately next steps in the process were that, tentatively, the Governors of New York and New Jersey were expected to make a decision with respect to their approval of the project by the week of May 11, 2015, and MARAD was expected to record a decision with respect to the project's application by June of 22, 2014. However, this timeline has been affected, first, by the extension of the public comment period on the draft Environmental Impact through March 16, 2015, and more recently, by a suspension of the timeline. On March 17, 2015 MARAD and the Coast Guard suspended the regulatory timeline ("stop clock") because they have not received from Liberty Natural Gas, LLC "information necessary to complete development of the Final EIS and make a determination of financial responsibility."⁴⁰ This stop clock is effective beginning March 17, 2015.

The Deepwater Port Act of 1974

The federal Deepwater Port Act of 1974⁴¹ (DWPA) created a licensing system for the ownership, construction, operation and decommissioning of deepwater ports located in waters beyond the territorial sea of the United States. Through the process created by the DWPA, there are conditions that deepwater port license applicants must meet, including minimizing adverse impacts to marine environments and the submission of detailed plans for construction, operation and decommissioning of deepwater ports. The law outlines detailed procedures for the issuance of licenses by the Secretary of the United States Department of Transportation (USDOT). The

DWPA also prohibits the issuance of a license without the approval of the governors of the adjacent coastal states.⁴² Under the DWPA, the USDOT Secretary is required to establish environmental review criteria that is consistent with the National Environmental Policy Act (NEPA),⁴³ which requires federal agencies to consider and mitigate adverse environmental impacts resulting from a proposed project (through the issuance of an Environmental Impact Statement), inform the public regarding possible consequences and facilitate their involvement in the assessment process.⁴⁴ On June 18, 2003, USDOT delegated to the Maritime Administration (MARAD) and the United States Coast Guard, the joint authority to issue and process licenses for the construction and operation of a deepwater port.⁴⁵ Under the licensing process established by DWPA, an applicant must submit detailed plans about its proposed facility to USDOT. USDOT will then designate adjacent coastal states for consultation in the process.⁴⁶

The DWPA establishes a time frame of 330 days from the date that the notice of the application is published in the Federal Register for approval or denial of the license.⁴⁷ Throughout this period, MARAD receives and assesses specific information from participating agencies and must process all required licensing documentation.⁴⁸ The DPWA mandates that there be at least one public hearing in each adjacent coastal state⁴⁹ for each project application, with the caveat that the final public license application hearing occur no later than 240 days after publication of the notice of application in the federal register.⁵⁰

As stated earlier, the governors of adjacent coastal states have the authority to approve or disapprove of a project. Specifically, governors of adjacent states have 45 days after the initial public license application hearing to issue their final comments on the proposal and may notify MARAD of their approval, approval with conditions or disapproval of the application.⁵¹ Governors may also notify MARAD of inconsistencies with the proposed project and state environmental protection programs.⁵² After the receipt of such comments, MARAD has 45 days to issue a decision on whether to grant, grant with conditions or deny the application.⁵³

In deciding whether or not to issue a license with or without conditions, MARAD will consider the following criteria:⁵⁴

1. The applicant must be financially responsible and able to meet the requirements of Section 1016 of the Oil Pollution Act of 1990 (33 U.S.C. §§ 2701 et seq.; 104 Stat 484) and financially able to construct, own and operate the deepwater port. The applicant also must provide a financial guarantee or bond sufficient to meet cost for removal of components of the deepwater port upon the termination or revocation of the license.
2. It must be determined that the applicant can and will comply with relevant laws, regulations, and license conditions and the applicant must provide, in writing, its intended compliance with applicable laws.
3. The construction and operation of the deepwater port must be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality.

4. The deepwater port should not unreasonably interfere with international navigation or other reasonable uses of the high seas.
5. It must be determined whether the applicant would construct and operate the deepwater port using the best available technology, so as to prevent or minimize adverse impacts on the marine environment.
6. The application must properly address all applicable provisions of the Clean Air Act, the Federal Water Pollution Control Act, and the Marine Protection, Research and Sanctuaries Act.
7. The Secretary of the Army, the Secretary of State and the Secretary of Defense must convey their views on the adequacy of the application, and its effect on programs within their respective jurisdictions.
8. The governor(s) of the adjacent coastal state(s) must approve the issuance of a deepwater port license. Silence on this issue denotes approval.
9. The adjacent coastal state(s) to which the deepwater port is to be directly connected by pipeline must have an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972.

Impacts and Concerns

As a required part of the NEPA process, the U.S. Maritime Administration and the U.S. Coast Guard issued a draft Environmental Impact Statement (dEIS) for the Port Ambrose Project Deepwater Port Application in December of 2014. The purpose of the dEIS, among other things, was to assess the potential environmental impacts associated with the installation, operation and decommissioning of the proposed Project.⁵⁵ The dEIS is intended to describe the proposed action, the environment of the proposed project area as it currently exists, the probable environmental consequences that may result from the project, cumulative and other impacts.⁵⁶ Some of the probable environmental impacts of the proposed project as they are outlined in the dEIS are summarized below.

Water Quality Impacts: Water quality impacts during construction would consist of increases in turbidity (the amount of particles floating in and clouding up the water) associated with seafloor sediment disturbances during Mainline lowering and backfilling, and during the installation of the buoy systems. Other water quality impacts are anticipated in connection with routine discharges (including deck runoff and engine cooling water. Note: all gray water and sanitary wastewater would be stored onboard for appropriate disposal) from the construction vessels and the discharge of Mainline hydrostatic test water (According to the dEIS, such discharges are expected to result in localized, short-term, minor impacts on water quality. If an accidental spill or discharge of un-neutralized hydrostatic test water were to occur, potential impacts on water quality and the marine environment would be greater, but

should remain localized and short-term). Operation of the project should result in sediment disturbance and turbidity caused by riser pipe movement and buoy anchor chain movement, as well as accidental releases of petroleum products, LNG, and/or other chemicals.⁵⁷

Impacts on Biological Resources: Construction of the project would result in impacts on biological resources from routine discharges, increased vessel traffic, noise, lighting, marine debris, bottom sediment disturbance, hydrostatic testing and inadvertent spills. “Minor to moderate” adverse impacts on marine mammals would result from noise from the Mainline installation and buoy system. Operation of the project would result in impacts on biological resources from increased vessel traffic, noise, lighting, marine debris, routine discharges, LNG spills, inadvertent spills, bottom sediment disturbance, marine facilities and Mainline presence and seawater intake.⁵⁸

Impacts on Threatened and Endangered Marine Mammals: According to the dEIS, construction, operation and decommissioning of the project would have some impacts on threatened or endangered marine species including marine mammals, sea turtles, fish and birds. Construction of the project would result in impacts on threatened and endangered species from routine discharges, increased vessel traffic, noise, lighting, marine debris, bottom sediment disturbance, entanglement, inadvertent spills, and noise from the construction of the Mainline and buoy system. Operation of the project would impact these species through increased vessel traffic, noise, lighting, marine debris, routine discharges, LNG spills, inadvertent spills, sediment disturbances and the project’s and Mainline’s presence. A permanent impact on approximately 3.2 acres of seafloor would be expected due to buoy placement. The dEIS states that most of these impacts would be negligible, but others such as noise and vessel traffic may have long term effects on some species. Of the six whales that exist in the New York Bight, only the fin and humpback whale are somewhat likely to cross the region of impact. These mammals are not expected to suffer long-term impacts, as any disturbances should cause them to vacate or avoid the disturbed area.⁵⁹

Fish Habitat: Construction, operation and decommissioning of the proposed project would have direct localized impacts on some designated essential fish habitat species, habitat and associated prey species due to displacement of the water column and displacement of benthic habitat in the footprint of the project. For example, red hake, haddock, monkfish and surfclam have larval or juvenile stages that settling on the ocean floor and are thus susceptible to impacts of this project such as turbidity. The dEIS notes that the footprint of the project represents a very small portion of this type of available offshore benthic and water column habitat in the New York Bight.⁶⁰

Geological Resources: Geological resources generally would not be affected by the project. Some localized disturbances to seafloor sediment would be expected during construction, operation and decommissioning of the project.⁶¹

Cultural Resources: Construction of the project would have the potential to impact submerged cultural resources, but studies completed thus far have concluded that there are not likely to be particularly significant cultural resources in the affected area.⁶²

Ocean Use, Land Use, Recreation, and Visual Resources: Operation of the project would result in localized impacts due to enforcement of a Safety Zone, No Anchoring Areas, and an Area to be Avoided. The dEIS states that oceangoing and commercial vessels are already common in the New York Bight waters, and residents and mariners in coastal communities are accustomed to their presence.⁶³

Socioeconomics: The dEIS states that the project would result in a combination of short- to long-term beneficial and adverse socioeconomic impacts. Beneficial impacts would be due to economic activities generated from onshore fabrication sites, support vessel contracts and shore based contracts, while adverse impacts would potentially result from loss of fishing grounds due to the project's presence and its Safety Zone, No Anchoring Areas, and Area to be Avoided.⁶⁴

Transportation: According to the dEIS, construction and decommissioning of the project would result in minor short-term disturbances to transportation. These disturbances would occur to the regional transportation network and navigation through open waters of the coast of New York. No long term disturbances are anticipated for onshore or offshore transportation during operation of the project.⁶⁵

Air Quality: According to the dEIS, short- and long-term adverse impacts on air quality would result during construction, operation and decommissioning of the project. The dEIS characterizes these impacts as "predominantly insignificant." Impacts due to construction include emissions of NO_x, volatile organic compounds, carbon monoxide, sulfur dioxide, particulate matter and carbon dioxide equivalent emissions due to the operation of construction vessels and equipment on the vessels. The same suite of emissions would be released during operation of the project due to LNG regasification vessels, offshore support vessels, and ancillary equipment. Adverse impacts on air quality during decommissioning are expected to be "negligible," as the same suite of emissions would be released in connection with the operation of decommissioning support vessels and ancillary equipment.⁶⁶

Noise: Adverse airborne and marine noise impacts would result from the project. The highest sound pressure in the marine environment could be approximately 216 decibels, due to pile driving during the construction phase (this is in the unlikely event that geotechnical conditions preclude the use of suction anchors). According to the dEIS, the short-term noise created by the project's construction phase is expected to have a "minor" impact on species of mammals, turtles and fish, and this impact would amount to "harassment" for all such species. Construction noise would also cause an "incremental increase" in onshore sound level. The dEIS states that operation of the project would add to onshore noise levels by a negligible amount, and the noise produced by additional trips of project vessels would not exceed that of existing vessel traffic.⁶⁷ It is worth noting that according to at least one study,

independent of the dEIS, it has been found that under experimental conditions some fish species suffered lethal effects from low-frequency tonal sounds under exposure levels of 24 hours at >170 decibels. This study concluded that while its experimental regime differed greatly from field operation conditions, making it unwarranted to extrapolate its results, it nevertheless indicated that risk of direct fish mortality from sounds with such characteristics cannot be completely discounted.⁶⁸

Safety: The dEIS states that safety concerns have “no short-term or long-term, adverse, direct impact on activities outside the Safety Zone, NAAs, or ATBA,” because mitigation measures would be developed to reduce the hazards that the project poses to the public and vessels. The Safety Zone would keep non-project vessels and the public from the highest hazard zones surrounding the project. The project applicant may apply additional mitigation measures such as NAAs and an ATBA, which would prevent vessels from anchoring near or having incidental contact with components of the project that are outside the Safety Zone (such as the Mainline, and port components). The dEIS notes that this document will not serve as the Coast Guard’s final safety assessment with respect to the project.

The public comment period on the dEIS closed March 16, 2015. Thousands of comments were submitted by individuals, advocacy organizations, chambers of commerce, companies, small businesses, business associations, civic associations, elected officials, cities, government agencies and others regarding the dEIS, and the proposed project, generally. These comments may be viewed on the Federal Register.⁶⁹ According to these public comments, some of the most commonly stated reasons for why entities support the Port Ambrose project are that it could create hundreds of construction related jobs; it could result in the spending of tens of millions of dollars in the local economy; it could generate tax revenue; it could introduce a supply of competitively priced natural gas into the local energy market and thereby decrease the local price of natural gas and electricity; it could help stabilize local electricity costs during times of peak demand; it could help stabilize local energy supply and price; it could help meet long-term regional energy demand; it could help supplant dirtier petroleum-based fuels with relatively cleaner natural gas in the local energy market.⁷⁰

According to the public comments, some of the most commonly stated reasons for why entities oppose the Port Ambrose project are that the Long Island-New York City Collaborative (a public-private partnership that includes the New York Power Authority, Long Island Power Authority and Consolidated Edison of New York) is pursuing the development of a 350-700 megawatt offshore wind energy project in the same area of the proposed Port Ambrose project, and the Port Ambrose project could severely limit the ability of this collaborative to develop the wind farm; New York should be transitioning to greater reliance on renewable energy sources and less reliance on petroleum-based fuels; the project could adversely impact the environmental quality and ecological habitat of the New York Bight by causing sediment turbidity, discharging of chemically treated water into the sea, noise impacts and other factors, and these impacts are inadequately addressed in the dEIS; the construction, operation and potential accidents could interfere with the local fishing industry, for example, through the establishment of a Safety Zone and increased vessel traffic; domestic natural gas production is historically high and

imports have been declining in recent years, therefore there is no need for additional natural gas supply via this project; there is concern that in the future Liberty Natural Gas could apply to convert this project to an LNG exporting facility, incenting the domestic production of natural gas by means of hydraulic fracturing; and the operation of this project could result in fugitive methane emissions, a potent greenhouse gas which can contribute to climate change; in 2011, New Jersey Governor Chris Christie vetoed a comparable application by Liberty Natural Gas, LLC to construct a LNG deepwater port off the coast of New Jersey, stating that the facility would have posed unacceptable risks; the project could pose a threat to coastal communities and shipping lanes if an extreme event, such as a hurricane or terrorist attack, were ever to cause damage to the terminal that resulted in water contamination or fire.⁷¹

It is worth noting that the New York City Mayor's Office of Sustainability (NYCOS) submitted comments during the dEIS comment period. The NYCOS comments made two points. First, NYCOS stated that the dEIS does not adequately assess the potential for the Port Ambrose project to substantially interfere with the development and operation of the offshore wind farm, which the City supports, proposed in the same vicinity. The NYCOS comments point out that these two projects have overlapping footprints and exclusion zones. Second, NYCOS states that the dEIS fails to address the impact of increased sediment disturbance and turbidity that the project's construction and operation will cause on a "chronic basis."⁷² The New York State Department of Environmental Conservation⁷³ and New York Power Authority also submitted comments.⁷⁴ In their comments, these entities have not outright supported or opposed the Port Ambrose project, but rather, they address aspects of the dEIS.

¹ New York City Office of Emergency Management, "2014 New York City Hazard Mitigation Plan – Flooding," available at http://www.nyc.gov/html/oem/downloads/pdf/hazard_mitigation/plan_update_2014/3.11_flooding_profile.pdf

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ 2014 New York City Hazard Mitigation Plan – Flooding

⁷ Id.

⁸ New York City Department of Environmental Protection webpage, "Flooding in New York City," available at http://www.nyc.gov/html/dep/html/stormwater/flooding_index.shtml

⁹ 2014 New York City Hazard Mitigation Plan – Flooding

¹⁰ Id.

¹¹ New York City Hazard Mitigation Plan – Flooding

¹² New York City Panel on Climate Change, "Climate Risk Information 2013," http://www.nyc.gov/html/planyc2030/downloads/pdf/nccc_climate_risk_information_2013_report.pdf

¹³ New York City Department of Environmental Protection webpage, "Flooding in New York City."

¹⁴ New York City Department of Environmental Protection, "The State of the Sewers 2012," available at <http://www.nyc.gov/html/dep/pdf/reports/state-of-the-sewers.pdf>

¹⁵ New York City Department of Environmental Protection webpage, "Stormwater," available at <http://www.nyc.gov/html/dep/html/stormwater/index.shtml>

¹⁶ NYC "The State of the Sewers 2012"

¹⁷ New York City Department of Environmental Protection, "The State of the Sewers 2013," available at <http://www.nyc.gov/html/dep/pdf/reports/state-of-the-sewers-2013.pdf>

¹⁸ New York City Department of Environmental Protection webpage, "Causes of Flooding," available at

http://www.nyc.gov/html/dep/html/stormwater/flooding_causes.shtml

¹⁹ NYCDEP “Causes of Flooding”

²⁰ IQuantNY, “Canarsie Tops List of Most Flooded Neighborhoods According to ClaimStat Data,” available at <http://iquantny.tumblr.com/post/95886254859/canarsie-tops-list-of-most-flooded-neighborhoods>

²¹ *Id.*

²² NYCDEP “State of the Sewers 2013”

²³ NYCDEP “State of the Sewers 2013”

²⁴ United States Environmental Protection Agency, “Storm Water O&M Fact Sheet – Catch Basin Cleaning,” available at http://water.epa.gov/scitech/wastetech/upload/2002_06_28_mtb_catchbas.pdf

²⁵ United States Environmental Protection Agency, “Catch Basin Inserts,” available at <http://water.epa.gov/polwaste/npdes/swbmp/Catch-Basin-Inserts.cfm>

²⁶ NYCDEP “State of the Sewers 2012”

²⁷ *Id.*

²⁸ New York City Open Data Portal, 311 service requests related to catch basins, available at <https://nycopendata.socrata.com/Social-Services/311-Service-Requests-from-2010-to-Present/erm2-nwe9?>

²⁹ New York City “Mayor’s Management Report (September 2014),” available at http://www.nyc.gov/html/ops/downloads/pdf/mmr2014/2014_mmr.pdf

³⁰ New York City Department of Environmental Protection, “District Resource Statement for Fiscal Years 2014 and 2015.”

³¹ Mayor’s Management Report (September 2014)

³² Mayor’s Management Report (September 2014)

³³ *See*, Port Ambrose, Who Are We, <http://portambrose.com/who-we-are/>

³⁴ *See*, U.S. Coast Guard and Maritime Administration, “Port Ambrose Deepwater Port Environmental Impact Statement Proposed Action Part 1,” 2013.

³⁵ *Id.*

³⁶ Laura Shepard, “Liberty Natural Gas Seeks to Build Port,” *Queens Chronicle*, July 25, 2013.

³⁷ Graphic taken from the draft “Environmental Impact Statement for the Liberty Port Ambrose Deepwater Port Application,” available at file:///C:/Users/wmurray/Downloads/Appendix_G_Port_Ambrose_DEIS_Volume_II.pdf

³⁸ Graphic taken from the draft “Environmental Impact Statement for the Liberty Port Ambrose Deepwater Port Application,” available at file:///C:/Users/wmurray/Downloads/Appendix_G_Port_Ambrose_DEIS_Volume_II.pdf

³⁹ The Federal Register, “Proposed Port Ambrose Project Licensing Application and NEPA Process,” available at [file:///C:/Users/wmurray/Downloads/Proposed_Port_Ambrose_Project_Licensing_Application_and_NEPA_Process%20\(3\).pdf](file:///C:/Users/wmurray/Downloads/Proposed_Port_Ambrose_Project_Licensing_Application_and_NEPA_Process%20(3).pdf)

⁴⁰ Federal Register, letter from MARAD and US Coast Guard to Liberty Natural Gas, LLC, available at <http://www.regulations.gov/#!documentDetail;D=USCG-2013-0363-2117>

⁴¹ 33 U.S.C. §1501 et seq.

⁴² 33 U.S.C. §1508.

⁴³ 42 U.S.C. §4332 et seq.

⁴⁴ *See* USDOT Maritime Administration website on Deepwater Port Licensing Program, http://www.marad.dot.gov/ports_landing_page/deepwater_port_licensing/dwp_port_act/dwp_port_act.htm.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Adjacent coastal states are defined as either being directly connected by a pipeline or within 15 nautical miles of the port.

⁵⁰ United States Coast Guard and Maritime Administration Port Ambrose Deepwater Port Environmental Impact Statement Proposed Action Part 1, <http://www.regulations.gov/#!documentDetail;D=USCG-2013-0363-1218>.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ 33 U.S.C. §1503(c).

⁵⁵ United States Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES4, available at file:///C:/Users/wmurray/Downloads/Executive_Summary_Port_Ambrose_DEIS_Volume_I.pdf

⁵⁶ *Id.*

⁵⁷ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES15.

⁵⁸ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES16.

⁵⁹ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES17.

⁶⁰ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES19.

⁶¹ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES20.

⁶² US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES21.

⁶³ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES22.

⁶⁴ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES23.

⁶⁵ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES24.

⁶⁶ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES26.

⁶⁷ US Coast Guard and Tertra Tech, Inc., “Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application” Executive Summary, page ES27.

⁶⁸ Review of Scientific Information on Impacts of Seismic Sound on Fish, Invertebrates, Marine Turtles and Marine Mammals, available at http://www.dfo-mpo.gc.ca/csas/Csas/status/2004/HSR2004_002_e.pdf

⁶⁹ Federal Register, “Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port,” public comments submitted available at <http://www.regulations.gov/#!docketBrowser:rpp=50;so=DESC;sb=docId;po=50;dct=PS;D=USCG-2013-0363>

⁷⁰ Federal Register, comments submitted by various entities who support the “Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port,” available at <http://www.regulations.gov/#!docketBrowser:rpp=50;so=DESC;sb=docId;po=50;dct=PS;D=USCG-2013-0363>

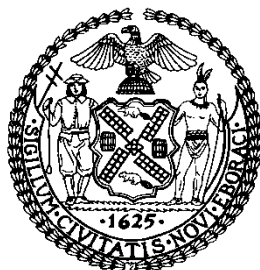
⁷¹ Federal Register, comments submitted by various entities who oppose the “Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port,” available at <http://www.regulations.gov/#!docketBrowser:rpp=50;so=DESC;sb=docId;po=50;dct=PS;D=USCG-2013-0363>

⁷² Comments from the New York City Mayor’s Office of Sustainability regarding the “Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port,” available at [file:///C:/Users/wmurray/Downloads/City_of_New_York%20\(1\).pdf](file:///C:/Users/wmurray/Downloads/City_of_New_York%20(1).pdf)

⁷³ Comments from the New York State Department of Environmental Conservation regarding the “Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port,” available at [file:///C:/Users/wmurray/Downloads/New_York_State_Department_of_State_and_the_New_York_State_Department_of_Environmental_Conservation%20\(2\).pdf](file:///C:/Users/wmurray/Downloads/New_York_State_Department_of_State_and_the_New_York_State_Department_of_Environmental_Conservation%20(2).pdf)

⁷⁴ Comments from the New York Power Authority regarding the “Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port,” available at [file:///C:/Users/wmurray/Downloads/New_York_Power_Authority%20\(1\).pdf](file:///C:/Users/wmurray/Downloads/New_York_Power_Authority%20(1).pdf)

(The following is the text of the Fiscal Impact Statement for Int. No. 240-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 240-A

**COMMITTEE:
Environmental
Protection**

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to filing semi-annual reports on catch basin cleanup and maintenance.

SPONSORS: By Council Members Williams, Richards, Constantinides, Gentile, Koo, Mendez, Cornegy, Rodriguez, King, Treyger, Reynoso, Rosenthal, Wills, Gibson, Vallone, Miller, Barron, Crowley, Koslowitz, Dickens, Cohen, Vacca, Cumbo, Lancman, Torres, Deutsch, Johnson, Kallos, Arroyo, Levin, Chin, Espinal, Van Bramer and Ulrich

SUMMARY OF LEGISLATION: Currently the Department of Environmental Protection (DEP) inspects catch basins, at least, once every three years. A catch basin is a type of storm drain that is normally located adjacent to a curb, where it collects rainwater from the streets and directs it into the sewer. This legislation would require that the DEP inspect catch basins under its jurisdiction, at a minimum, once every year and unclog or repair clogged catch basins within nine days after inspection or the receipt of a complaint that a catch basin is clogged. In addition, the legislation would require that the DEP submit semiannual reports each year to the Mayor and the Speaker of the Council regarding the inspection, maintenance and repair of catch basins, disaggregated by community district. Catch basins not unclogged or repaired within nine days after an inspection or the receipt of a complaint shall be identified in the semiannual report.

Effective Date: This local would take effect July 1, 2016, and would expire and be deemed repealed June 30, 2019, except that the Commissioner of the DEP shall submit a report in accordance with section 24-503 (f) of the Administrative Code for the period from January 1, 2019, through June 30, 2019.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY17
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$5,108,016	\$4,261,121	\$5,108,016
Net	\$5,108,016	\$4,261,121	\$5,108,016

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

IMPACT ON EXPENDITURES: It is estimated that the impact on expenditures would begin in Fiscal 2017 and end in Fiscal 2019. Expenditures are expected to be approximately \$4,261,121 each year. Of that amount, \$1,000,000 is to meet the nine-day unclog and repair requirement and \$3,261,121 is to allow DEP to hire 29 additional staff and related OTPS costs. It is anticipated that this legislation would require \$846,895 in the first year for start-up costs for additional vehicles and workstations that would allow the DEP to increase the number of catch basin inspections.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCES OF INFORMATION: New York City Council Finance Division
Department of Environmental Protection

ESTIMATE PREPARED BY: Jonathan K. Seltzer, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, Finance Division
Rebecca Chasan, Assistant Counsel, Finance Division
Tanisha Edwards, Chief Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 240 on March 26, 2014 and referred to the Committee on Environmental Protection. The Committee considered the legislation at a hearing on December 4, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 240-A, will be considered by the

May 14, 2015

1616

Committee on May 11, 2015. Upon a successful vote by the Committee, Proposed Intro. No. 240-A will be submitted to the full Council for a vote on May 14, 2015.

DATE PREPARED: May 8, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 240-A:)

Int. No. 240-A

By Council Members Williams, Richards, Constantinides, Gentile, Koo, Mendez, Rodriguez, King, Treyger, Reynoso, Rosenthal, Wills, Gibson, Vallone, Miller, Barron, Crowley, Koslowitz, Dickens, Cohen, Vacca, Cumbo, Lancman, Torres, Deutsch, Johnson, Kallos, Arroyo, Levin, Chin, Espinal, Van Bramer and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to filing semiannual reports on catch basin cleanup and maintenance.

Be it enacted by the Council as follows:

Section 1. Section 24-503 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. The commissioner of environmental protection shall submit semiannual reports to the mayor and the speaker of the council regarding the inspection, maintenance and repair of catch basins within the jurisdiction of the commissioner, disaggregated by community district. The first semiannual report shall cover the period from July 1, 2016, through December 31, 2016. Such reports shall include the number of catch basins inspected, the number of clogged or malfunctioning catch basins identified, the number of catch basins unclogged or repaired, whether the inspection was in response to a complaint, and the response time for resolution of any complaint. The commissioner of environmental protection shall also ensure that such catch basins are inspected, at a minimum, once every year, and are unclogged or repaired within nine days after an inspection or the receipt of a complaint about a clogged or malfunctioning catch basin. Catch basins not unclogged or repaired within nine days after an inspection or the receipt of a complaint shall be identified in the semiannual report.

§ 2. This local law takes effect July 1, 2016, and expires and is deemed repealed June 30, 2019, except that the commissioner of environmental protection shall submit a report in accordance with subdivision f of section 24-503 of the administrative code of the city of New York, as added by section one of this local law, for the period from January 1, 2019, through June 30, 2019.

DONOVAN J. RICHARDS, *Chairperson*; STEPHEN T. LEVIN, COSTA G. CONSTANTINIDES, ERIC A. ULRICH; Committee on Environmental Protection; May 11, 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 Finance

Report for Res. No. 666

Report of the Committee on Finance in favor of approving a 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.

The Committee on Finance, to which the annexed resolution was referred on April 28, 2015 (Minutes, page 1520), respectfully

REPORTS:

BACKGROUND

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the "Law"), the Mayor and the Council are authorized to establish and extend Business Improvement Districts (hereinafter "BIDs") in New York City and thereafter amend each BID's district plan or authorize an increase in annual expenditures. BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The District Management Association of a BID carries out the activities described in the BID's district plan.

The Lower East Side BID was first established in 1993 and is located in southeastern Manhattan. Developed primarily during the last half of the nineteenth century, the Lower East Side has served as the receiving neighborhood for successive waves of immigrants coming mostly from eastern and southern Europe. The densely-built four to six story tenements developed to accommodate these immigrants and their ground and first floor shops continue to constitute a large part of the Lower East Side today. The majority of the BID is comprised of ground floor commercial units

with residential units on upper floors in most buildings. While historically a “bargain district” a mixture of commercial uses now exists throughout the BID. These include boutique apparel shops, dining and lounge establishments, art galleries, general retailers, and hotels.

The Lower East Side BID is seeking Council approval to amend its district plan to change the method of assessment on which the district charge is based and to modify the existing services provided by the BID.

Change in Method of Assessment

Currently, the BID calculates the assessment owed by each property in the BID through a formula based on assessed value. The Lower East Side BID now seeks an amendment to its district plan to change the method of assessing the properties within the BID’s boundaries. Specifically, the BID proposes creating two sub-districts within the BID – 1) the Contextual Sub-District (“CSD”), and 2) the Non-Contextual Sub-District (“NCSD”). The NCSD will be comprised of five tax lots within the Seward Park Extension Urban Renewal Area (“SPEURA”). SPEURA is an area located near Delancey Street and Essex Street which has largely sat vacant for more than four decades and which is now being developed into a 1.65-million-square-foot development anchored by 1,000 units of housing, half of which will be permanently affordable, a 15,000-square-foot open space, a new and expanded Essex Street Market, a dual-generation school, a community center, 250,000 square feet of office space, and a diverse mix of retail space. The remainder of the tax lots in the BID, specifically 251 other tax lots, will be in the CSD.

Under the proposed district plan amendment, commercial and mixed use properties within the CSD will be assessed by a formula based upon assessed value (the “AV rate”) and square footage (the “SF rate”). Commercial properties, defined as properties devoted in whole to commercial uses, with a total floor area of 34,999 gross square feet or more will be assessed at 100% of the AV rate and SF rate, while commercial properties with less square footage will be assessed at 40% of the AV rate and 35% of the SF rate. Mixed use properties will be assessed at 40% of the AV rate and 20% of the SF rate. Residential and vacant properties will be assessed \$1 per year and government and not-for-profit owned property is exempt from assessment.

Commercial properties within the NCSD, defined as properties devoted in whole or in part to commercial uses, will be assessed by a formula based upon commercial square footage (the “CSF rate”). Vacant and undeveloped properties within the NCSD, including properties currently undergoing development but which do not yet have a certificate of occupancy from the Department of Buildings, will be assessed at a rate of \$1 per square foot. Upon receipt of a certificate of occupancy, these properties will be reclassified according to their proper uses. Residential properties will be assessed \$1 per year and government and not-for-profit owned property is exempt from assessment.

The following is a breakdown of the high, low, average, and median assessments expected to be paid under this proposed assessment scheme:

	1619			May 14, 2015
	CSD – Large Commercial	CSD – Small Commercial	CSD – Mixed Use	NCSD – Vacant and Undeveloped ¹
High	\$109,478	\$7,576	\$5,154	\$60,800
Low	\$11,087	\$3	\$314	\$15,265
Median	\$41,554	\$1,005	\$1,480	\$21,075
Average	\$50,918	\$1,602	\$1,572	\$29,554

The BID is not seeking a change to the maximum amount of annual assessment at this time, so that amount remains \$974,600.

Modify Existing Services

The Lower East Side BID is proposing to modify its existing services. The service categories in the original plan were as follows: Promotion; Parking Maintenance and Improvement; Sanitation; Administration; Additional Services. The service categories in the proposed amended district plan are as follows: Marketing; Supplemental Sanitation; Economic and Community Development; Advocacy and Administration; Additional Services.

The most notable change is the inclusion of Economic and Community Development as a core service. Under this category the BID will provide capital and technical assistance programs directly to BID stakeholders; undertake traffic, transportation and pedestrian safety planning programs that improve the district's public realm; and continue to manage public assets, like municipal parking lots, that benefit quality of life within the district.

RESOLUTION 666

This Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the "BID Law"). The main purpose of this Resolution is to set the public hearing date, time, and place for the consideration of the local law which would amend the district plan of the Lower East Side BID. The public hearing will be held on May 27, 2015, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m. before the Committee on Finance.

Because the proposal involves an amendment to the BID's district plan that would change the method of assessment, the Resolution directs the Lower East Side District Management Association to, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of the Resolution or a summary thereof to each owner of real property within the BID at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the BID, and to the tenants of each building within the BID. The Resolution also directs Small Business Services (hereinafter "SBS") to arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the public hearing. The resolution further directs the Lower

May 14, 2015

1620

East Side District Management Association to publish in a newspaper having general circulation in the BID, not less than ten days prior to the public hearing, a notice stating the time and place of the public hearing and stating the increase in the amount to be expended annually in the BID.

¹ Currently, all five of the properties that would be within the NCSD would be classified as vacant and undeveloped. When they are developed as part of the SPEURA development, they will be classified according to their proper usage.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 666:)

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.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, May 14, 2015. *Other Council Members Attending: Mendez.*

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

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

Report for Res. No. 689

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

The Committee on Finance, to which the annexed resolution was referred on May 14, 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”).

Analysis. This Resolution, dated May 14, 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 local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2014 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2015 Expense Budget, and local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2014 Expense Budget, as well as amendments to the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 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 4-8; sets forth the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 9; sets forth the change in the designation of a certain organization receiving youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 10; sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to a certain initiative in the Fiscal 2014 Expense Budget, as described in Chart 11; and amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget, as described in Chart 12.

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

Budget, dated June 26, 2014, and Adjustments Summary/Schedule C/Fiscal 2014 Expense Budget, dated June 27, 2013.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget.

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.

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.

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

Chart 5 sets forth the new designation of certain organizations receiving funding pursuant to the Coalition of Theaters of Color Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 6 sets forth a change to the administering agency, in the amount of five hundred dollars, receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Dropout Prevention and Intervention 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 funding pursuant to the NORC Supportive Service Program Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 9 sets forth the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 10 sets forth the change in the designation of a certain organization, specifically the removal of a fiscal conduit, receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

May 14, 2015

1624

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Dropout Prevention and Intervention Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 12 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget.

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

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

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

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 689:)

Res. No. 689

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, 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 2015 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

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

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

Resolved, That the City Council approves the new designation and 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 NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Coalition of Theaters of Color 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 administering agency receiving funding pursuant to the Cultural Immigrant 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 Dropout Prevention and Intervention 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 funding pursuant to the NORC Supportive Service Program Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

May 14, 2015

1626

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Dropout Prevention and Intervention Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 12.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Greenfield	Wyckoff House Association, Inc.	11-2615053	DCLA	\$500.00	126	003		
Constamindes	New York Foundation For The Arts, Inc. - ProjectART	23-7129564	DIYCD	(\$5,000.00)	260	312		
Constamindes	ProjectART	46-1518061	DIYCD	\$5,000.00	260	312		

* 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 *
Barron	Brookdale Senior Resident Tenant Association	03-0488857	DFTA	(\$7,000.00)	125	003		
Barron	Bergen Basin Community Development Corporation d/b/a Millennium Development	11-3199040	DFTA	\$7,000.00	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 *
Gentile	Brooklyn Aquarium Society, Inc.	11-2461838	DYCD	(\$2,000.00)	260	312	NIA Community Services Network, Inc.	11-2697931
Gentile	Muslim American Society of New York, Inc.	36-3885457	DYCD	\$2,000.00	260	312		

* Indicates pending completion of pre-qualification review.

CHART 4: NYC Cleanup Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Menhaca	South Brooklyn Industrial Development Corporation	11-2882656	DSBS	(\$16,000.00)	801	002
Menhaca	Southwest Brooklyn Industrial Development Corporation	11-2508370	DSBS	\$16,000.00	801	002

* Indicates pending completion of pre-qualification review.

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

CHART 5: Coalition of Theaters of Color (Baseline Funding)- Fiscal 2015***

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Harlem Artist Development League Especially for You - H.A.D.L.E.Y. Players	13-3611138	DCLA	\$55,000.00	126	003
Negro Ensemble Company, Inc.	13-6216904	DCLA	\$31,000.00	126	003
Billie Holiday Theatre, Inc.	11-2336154	DCLA	\$85,000.00	126	003
New Federal Theatre, Inc.	13-2814763	DCLA	\$75,000.00	126	003
International Arts Relations, Inc.	23-7212492	DCLA	\$75,000.00	126	003
National Black Theatre Workshop, Inc.	13-2632596	DCLA	\$85,000.00	126	003
Thalia Spanish Theatre, Inc.	23-7448611	DCLA	\$77,000.00	126	003
New Heritage Theatre Group, Inc.	13-2683678	DCLA	\$75,000.00	126	003
Society of the Educational Arts, Inc. (SEA)	11-3210593	DCLA	\$57,000.00	126	003
Black Spectrum Theatre Company, Inc.	51-0135262	DCLA	\$85,000.00	126	003

* Indicates pending completion of pre-qualification review.

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

*** \$1 million was included in Schedule C at Adoption, and \$700,000 in grant funding was included in the budget for DCLA as of the 2014 November Plan for Fiscal Year 2015. Since the above referenced Community Based Organizations (CBO's) were designated by the City Council and DCLA has a Cultural Development Fund (CDF) Grant Process, additional funding to these organizations, including baselined funding, must be reflected in a Transparency Resolution, as reflected here.

CHART 6: Cultural Immigrant Initiative - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Department of Cultural Affairs	13-6400434	DCLA	(\$500.00)	126	003

* Indicates pending completion of pre-qualification review.

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

CHART 7: Dropout Prevention and Intervention Initiative - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Institute for Student Achievement	11-2995109	DOE	(\$167,000.00)	040	454
Educational Testing Services	21-0634479	DOE	\$167,000.00	040	454

* Indicates pending completion of pre-qualification review.

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

CHART 8: NORC Supportive Service Program - Fiscal 2015

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
South Brooklyn Youth Consortium, Inc.	03-0387372	DFTA	(\$79,000.00)	125	003	
Personal-Touch Homecare, Inc.	11-2339876	DFTA	\$26,000.00	125	003	*
Bayridge Center, Inc.	80-0559714	DFTA	\$13,000.00	125	003	*
Department for the Aging	13-6400434	DFTA	\$40,000.00	125	003	

* Indicates pending completion of pre-qualification review.

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

CHART 9: Local Discretionary - Fiscal 2014

Member	Organization	EIM Number	Agency	Amount	Agy #	UIA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Gentile	R.C. Church of St. Patrick in Fort Hamilton	11-1631818	DYCD	(\$2,000.00)	260	005	Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	R.C. Church of St. Patrick in Fort Hamilton	11-1631818	DYCD	\$2,000.00	260	005		
Greenfield	Brooklyn Aquarium Society, Inc.	11-2461838	DYCD	(\$3,500.00)	260	312	Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Greenfield	Brooklyn Aquarium Society, Inc.	11-2461838	DYCD	\$3,500.00	260	312		

* Indicates pending completion of pre-qualification review.

CHART 10: Youth Discretionary - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Gentile	Brooklyn Aquarium Society, Inc.	11-2461838	DYCD	(\$2,000.00)	260	312	Bay Ridge Bensonhurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Brooklyn Aquarium Society, Inc.	11-2461838	DYCD	\$2,000.00	260	312		

* Indicates pending completion of pre-qualification review.

CHART 11: Dropout Prevention and Intervention Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Institute for Student Achievement	11-2995109	DOE	(\$167,000.00)	040	454
Educational Testing Services	21-0634479	DOE	\$167,000.00	040	454

* Indicates pending completion of pre-qualification review.

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

CHART 12: Purpose of Funds Changes - Fiscal 2015

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Mealy	Seeds in the Middle	27-1847142	DYCD	(\$5,000.00)	The funds will be used to support the creation of a Hip2B Healthy market at PS390770. The funds will pay for a market manager, youth stipend, and market equipment.
Local	Mealy	Seeds in the Middle	27-1847142	DYCD	\$5,000.00	The funding is to educate students at PS/IS 327 about healthy eating and health disparities in their communities, teaching them to write letters of support, grow edible plants and conduct Chef Nights, where they cook healthy with chefs. The instruction began in February and March, and the chef nights are scheduled for early June.
Youth	Mealy	Seeds in the Middle	27-1847142	DYCD	(\$5,000.00)	The funds will be used to support the creation of a Hip2B Healthy market at PS390770. The funds will pay for a market manager, youth stipend, and market equipment.
Youth	Mealy	Seeds in the Middle	27-1847142	DYCD	\$5,000.00	The funding is to educate students at PS/IS 327 about healthy eating and health disparities in their communities, teaching them to write letters of support, grow edible plants and conduct Chef Nights, where they cook healthy with chefs. The instruction began in February and March, and the chef nights are scheduled for early June.
Anti-Poverty	Vacca	Bronx House, Inc.	13-1739935	DFTA	(\$15,000.00)	To fund personnel, OTPS, meals and consultants to provide educational, recreational and health promotion programs, a senior theater, and IT support for the senior computer room.
Anti-Poverty	Vacca	Bronx House, Inc.	13-1739935	DFTA	\$15,000.00	To provide funding for personnel, OTPS, meals and consultants to provide educational, recreational and health promotion programs. These funds will also be used to establish a senior theater in the auditorium, which will help support and enhance senior center programming. By establishing this designated theater consisting of a sound system, speakers and other multimedia equipment, the organization will be able to provide a more appropriate and enhanced experience to seniors during performances, cultural events, technology and day to day programming. In addition, a portion of these funds will be used for IT support for the senior center computer room.
Local	Kostowitz	Forest Hills Jewish Center	11-1631821	DFTA	(\$6,500.00)	Funding is targeted entirely to the services provided by senior center, which serves 150-200 individuals daily, Monday-Friday. Funding enables organization to enhance delivery of services and maintain quality standards within the facility.
Local	Kostowitz	Forest Hills Jewish Center	11-1631821	DFTA	\$6,500.00	Funds will be used to replace partitions in the bathrooms off the crystal room, which is used by the senior center that is housed at this location.
Local	Dromm	Food Bank for New York City, The	13-3179546	DSS/HRA	(\$5,000.00)	To support distribution of healthy, nutritious food through school-based food pantry services to PS148Q families (Flushing)
Local	Dromm	Food Bank for New York City, The	13-3179546	DSS/HRA	\$5,000.00	To support activities (i.e. food) with our CookShop programs at IS 5, PS 211 and PS 212 in Queens.

* Indicates pending completion of pre-qualification review.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, May 14, 2015. *Other Council Members Attending: Mendez.*

May 14, 2015

1638

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. 216

Report of the Committee on Finance in favor of approving 277 Gates Avenue, Block 1974, Lot 51; Brooklyn, Community District No. 3, Council District No. 36.

The Committee on Finance to which the annexed Land Use item was referred on April 28, 2015 (Minutes, page 1553), and was coupled with the resolution shown below, respectfully

REPORTS:

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

May 14, 2015

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

FROM: Rebecca Chasan, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of May 14, 2015 - Resolutions approving tax exemptions for five Land Use Items (Council Districts 2, 14, 17, 36, and 44)

Item 1: 404 East 10th Street (Council Member Mendez' District)

404 East 10th Street consists of 1 building with 11 units of rental housing for low- and middle-income individuals and families. Under the proposed project, Tenants of 404 E. 10th Street Housing Development Fund Corporation ("HDFC") will enter into a regulatory agreement with the Department of Housing Preservation and Development ("HPD") providing that the apartments must be rented to individuals and families whose incomes do not exceed 120% of the Area Median Income ("AMI"). In 2014, 120% of AMI was as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
120%	\$103,560	\$93,240	\$82,920	\$72,600

The property currently receives an abatement of and/or an exemption from real property taxes pursuant to Real Property Tax Law Section 489 (“J-51 Benefits”) that will expire in June 2015. Since 2009, the property has experienced financial hardship due to the phase out of the J-51 Benefits. In order to facilitate the project, HPD is requesting that the Council grant the property a 40-year exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law, commencing retroactively as of October 1, 2009. The Article XI tax exemption would be a full exemption through December 31, 2014 and then would be a partial exemption for the remainder of the 40-year exemption period.

This item has the approval of Council Member Mendez.

Summary:

- Council District – 2
- Council Member – Mendez
- Council Member approval – Yes
- Borough – Manhattan
- Block/Lot – 379/11
- Number of buildings – 1
- Number of units – 11
- Type of Exemption – Article XI, full retroactive exemption between October 1, 2009 and December 31, 2014, then a partial exemption for the remainder of a 40-year period
- Population – low- and middle-income individuals and families
- Sponsor/Developer – Tenants of 404 E. 10th St. HDFC
- Cost of the Exemption over the Full Exemption Period – \$1,087,165
- Open Violations or Outstanding Debt to the City – 2 violations: repair window sash; repair floor board from 8/2014
- AMI – units are for individuals and families earning up to 120% of AMI

Item 2: 2629 Sedgwick Avenue (Council Member Cabrera’s District)

2629 Sedgwick Avenue consists of 1 building with 30 units of rental housing for low- and middle-income individuals and families. Under the proposed project, Urban Homesteading Assistance (“UHAB”) Housing Development Fund Corporation (“HDFC”) will acquire the property and Sedgwick Avenue Dignity Developers, LLC, a limited liability company, will be the beneficial owner and will operate the property. The HDFC and the LLC (collectively, “Owner”) will finance the acquisition and rehabilitation of the property with loans from a private lender and the

Department of Housing Preservation and Development (“HPD”). The Owner and HPD will enter into a regulatory agreement providing that the units must be rented to individuals and families whose incomes do not exceed 110% of the Area Median Income (“AMI”). In 2014, 110% of AMI was as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
110%	\$94,930	\$85,470	\$76,010	\$66,550

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a full 35-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

This item has the approval of Council Member Cabrera.

Summary:

- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Borough – Bronx
- Block/Lot – 3237/108
- Number of buildings – 1
- Number of units – 30
- Type of Exemption – Article XI, full for 35 years
- Population – low- and middle-income individuals and families
- Sponsor/Developer – Urban Homesteading Assistance HDFC and Sedgwick Avenue Dignity Developers, LLC
- Cost of the Exemption over the Full Exemption Period – \$1,611,909
- Open Violations or Outstanding Debt to the City – 86 violations: 26 A violations, 56 B violations, 8 C violations
- AMI – units are for individuals and families citizens earning up to 110% of AMI

Item 3: Aquinas Deacon Juan Santos (Council Member Arroyo’s District)

Aquinas Housing for the Elderly and Deacon Juan Santos Plaza II consist of 2 building with 136 units of rental housing for low-income senior citizens. Aquinas Housing Development Fund Corporation (“HDFC”) and Deacon Juan Santos Plaza II HDFC developed the property under the Section 202 Supportive Housing Program for the Elderly, with financing and operating subsidies from the United States Department of Housing and Urban Development (“HUD”) and a tax exemption from the City. Under the proposed project, the two HDFCs will form a new single HDFC, Aquinas Deacon Juan Santos HDFC, which will acquire the property and Aquinas

Deacon Juan Santos LLC, a New York limited liability company, will become the beneficial owner of and will operate the property. The HDFC and the LLC will refinance the original HUD mortgage in order to fund needed repairs, decrease debt service, and meet other financial obligations. In connection with such financing, the new HDFC, the LLC, and HUD will enter into a Use Agreement which, among other things, requires that the project continue to provide rental housing for elderly persons of low income on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement, any section 8 or other rental housing assistance contract, and applicable federal regulations. In addition, the HDFC, the LLC, and the Department of Housing Preservation and Development (“HPD”) will enter into a regulatory agreement providing that the units must be rented to individuals and families whose incomes do not exceed 50% of the Area Median Income (“AMI”). In 2014, 50% of AMI was as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
50%	\$43,150	\$38,850	\$34,550	\$30,250

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a partial 35-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

This item has the approval of Council Member Arroyo.

Summary:

- Council District – 17
- Council Member – Arroyo
- Council Member approval – Yes
- Borough – Bronx
- Block/Lot – 3130/2; 3118/42, 44
- Number of buildings – 2
- Number of units – 136
- Type of Exemption – Article XI, partial for 35 years
- Population – low-income senior citizens
- Sponsor/Developer – Aquinas HDFC and Deacon Juan Santos Plaza II HDFC
- Cost of the Exemption over the Full Exemption Period – \$3,746,552
- Open Violations or Outstanding Debt to the City – none
- AMI – units are for senior citizens earning up to 50% of AMI

Item 4: 277 Gates Avenue (Council Member Cornegy’s District)

277 Gates Avenue consists of 1 building with 36 units of rental housing for low- and middle-income individuals and families. Under the proposed project, Gateway

277 Housing Development Fund Corporation (“HDFC”) will acquire the property. The HDFC will finance the acquisition and rehabilitation of the property with a loan from the New York City Housing Development Corporation (“HDC”). The HDFC and HDC will enter into a regulatory agreement providing that, upon vacancy, 26 of the units must be rented to individuals and families whose incomes do not exceed 100% of the Area Median Income (“AMI”) and 9 of the units must be rented to individuals and families whose incomes do not exceed 150% of AMI. In 2014, 100% and 150% of AMI were as follows:

AMI	Family of Four	Family of Three	Family of Two	Individual
100%	\$86,300	\$77,700	\$69,100	\$60,500
150%	\$129,450	\$116,550	\$103,650	\$90,750

The property currently receives an exemption from and/or abatement of real property taxes pursuant to Real Property Tax Law Section 489 (“J-51 Benefits”). In order to facilitate the project, HPD is requesting that the Council approve an Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law that will not be reduced by the J-51 Benefits and that is coterminous with the 30-year term of the new regulatory agreement. The Article XI tax exemption will be a full exemption through June 30, 2024 and then will be a partial exemption for the remainder of the 30-year exemption period.

This item has the approval of Council Member Cornegy.

Summary:

- Council District – 36
- Council Member – Cornegy
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 1974/51
- Number of buildings – 1
- Number of units – 36
- Type of Exemption – Article XI, full for through June 30, 2024 and partial for the remainder of the 30-year exemption period
- Population – Rentals for low- and middle-income individuals and families
- Sponsor/Developer – Gateway 277 HDFC
- Cost of the Exemption over the Full Exemption Period – \$2,087,603
- Open Violations or Outstanding Debt to the City – 14 A violations, 15 B violations, 1 C violation (sponsor is required to correct all outstanding violations during the rehabilitation)
- AMI – 26 of the units will be for individuals and families earning up to 100% of AMI and 9 of the units will be for individuals and families earning up to 150% of AMI

Item 5: Bensonhurst Housing for the Elderly (Council Member Greenfield’s District)

Bensonhurst Housing for the Elderly consists of 1 building with 70 units of rental housing for low-income senior citizens. Bensonhurst Housing for the Elderly Housing Development Fund Corporation (“HDFC”) developed the project under the Section 202 Supportive Housing Program for the Elderly, with financing and operating subsidies from the United States Department of Housing and Urban Development (“HUD”) and a tax exemption from the City. The HDFC now wishes to refinance its original HUD mortgage in order to fund needed repairs, decrease debt service, and meet other financial obligations. In connection with such refinancing, the HDFC will retain fee ownership of the property and convey beneficial ownership to Bensonhurst Housing, L.P., a New York limited partnership (the “Partnership”). The HDFC and the Partnership will enter into a regulatory agreement with HPD providing that the units will be rented to senior citizens whose incomes do not exceed 50% of the Area Median Income (“AMI”). In 2014, 50% of AMI was:

AMI	Family of Four	Family of Three	Family of Two	Individual
50%	\$43,150	\$38,850	\$34,550	\$30,250

Pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a partial 35-year exemption from real property taxation which will be coterminous with the period of the regulatory agreement.

This item has the approval of Council Member Greenfield.

Summary:

- Council District – 44
- Council Member – Greenfield
- Council Member approval – Yes
- Borough – Brooklyn
- Block/Lot – 6264/29
- Number of buildings – 1
- Number of units – 70
- Type of Exemption – Article XI, partial for 35 years
- Population – low-income senior citizens
- Sponsor/Developer – Bensonhurst Housing for the Elderly HDFC and Bensonhurst Housing L.P.
- Cost of the Exemption over the Full Exemption Period – \$2,075,649
- Open Violations or Outstanding Debt to the City – none
- AMI – units are for senior citizens earning up to 50% of AMI

(For text of the coupled resolutions for LU Nos. 217, 220, 221, and 222, please see, respectively, the Reports of the Committee on Finance for LU Nos. 217, 220, 221, and 222 printed in these Minutes; for text of the coupled resolution for LU No. 216, please see below)

Accordingly, this Committee recommends the adoption of LU Nos. 216, 217, 220, 221, and 222.

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

Res. No. 699

Resolution approving an exemption from real property taxes for property located at (Block 1974, Lot 51) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 216).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 13, 2015 that the Council take the following action regarding a housing project located at (Block 1974, Lot 51) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HDC and the Owner enter into the Regulatory Agreement.

- b. "Exemption" shall mean the exemption from real property taxation provided hereunder.
- c. "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1974, Lot 51, on the Tax Map of the City of New York.
- d. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- e. "HDC" shall mean the New York City Housing Development Corporation.
- f. "HDFC" shall mean Gateway 277 Housing Development Fund Corporation.
- g. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
- h. "Owner" shall mean the HDFC or any future owner of the Exemption Area.
- i. "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of thirty (30) years, 26 of the dwelling units in the Exemption Area must, upon vacancy, be rented to persons or families whose incomes do not exceed 100% of area median income, and an additional 9 of the dwelling units in the Exemption Area must, upon vacancy, be rented to persons or families whose incomes do not exceed 150% of area median income.
- j. "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- k. "Shelter Rent Tax" shall mean an amount equal to five percent (5%) of Shelter Rent.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date. Until such time as the Owner is required to pay the Shelter Rent Tax, the Exemption shall be reduced by the amount of any J-51 Benefits.
3. Commencing in tax year 2024/25, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Such payments shall not be reduced by the J-51 Benefits. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect as provided above.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, May 14, 2015. *Other Council Members Attending: Mendez.*

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

Report for L.U. No. 217

Report of the Committee on Finance in favor of approving Bensonhurst Housing for the Elderly, Block 6264, Lot 29; Brooklyn, Community District No. 11, Council District No. 44.

The Committee on Finance to which the annexed Land Use item was referred on April 28, 2015 (Minutes, page 1554), and was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 216 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 700

Resolution approving a partial exemption from real property taxes for property located at (Block 6264, Lot 29) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 217).

By Council Member Ferreras.

May 14, 2015

1648

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 13, 2015 that the Council take the following action regarding a housing project located at (Block 6264, Lot 29) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

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

(a) “Effective Date” shall mean the date of repayment or refinancing of the HUD Mortgage.

(b) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 6264, Lot 29 on the Tax Map of the City of New York.

(c) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(d) “HDFC” shall mean Bensonhurst Housing for the Elderly Housing Development Fund Company, Inc.

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

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

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

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

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

(j) "Partnership" shall mean Bensonhurst Housing, L.P.

(k) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Council of The City of New York on August 15, 1991 (Cal. No. 1214).

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

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

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

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

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) \$61,109, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax

payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

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

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

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

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

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

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, May 14, 2015. *Other Council Members Attending: Mendez.*

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

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

Report for L.U. No. 220

Report of the Committee on Finance in favor of approving 2629 Sedgwick Avenue, Block 3237, Lot 108; Bronx, Community District No. 7, Council District No. 14.

The Committee on Finance to which the annexed Land Use item was referred on May 14, 2015, and was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 216 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 701

Resolution approving an exemption from real property taxes for property located at (Block 3237, Lot 108) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 220).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 1, 2015 that the Council take the following action regarding a housing project located at (Block 3237, Lot 108) the Bronx (“Exemption Area”):

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

May 14, 2015

1652

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

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

RESOLVED:

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

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

(a) “Company” shall mean Sedgwick Avenue Dignity Developers, LLC.

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

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

(d) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3237, Lot 108 on the Tax Map of the City of New York.

(e) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(f) “HDFC” shall mean the Urban Homesteading Assistance (UHAB) Housing Development Fund Corporation.

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

(h) "Owner" shall mean, collectively, the HDFC and the Company.

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

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

3. Notwithstanding any provision hereof to the contrary:

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

(b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building in the Exemption Area that exists on the Effective Date.

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

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

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, May 14, 2015. *Other Council Members Attending: Mendez.*

May 14, 2015

1654

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

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

Report for L.U. No. 221

Report of the Committee on Finance in favor of approving 404 East 10th Street, Block 379, Lot 11; Manhattan, Community District No. 3, Council District No. 2.

The Committee on Finance to which the annexed Land Use item was referred on May 14, 2015, and was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 216 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 702

Resolution approving an exemption from real property taxes for property located at (Block 379, Lot 11) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 221).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 13, 2015 that the Council take the following action regarding a housing project located at (Block 379, Lot 11) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

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

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

(a) “Commercial Property” shall mean those portions of the Exemption Area devoted to business or commercial use.

(b) “Effective Date” shall mean October 1, 2009.

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

(d) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, and identified as Block 379, Lot 11 on the Tax Map of the City of New York.

(e) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(f) “HDFC” shall mean Tenants of 404 E. 10th St. Housing Development Fund Corp.

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

(h) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.

(i) "Partial Tax Payment" shall mean an annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii), an amount calculated by multiplying \$3,500 times the number of residential units included in the Exemption Area and increasing such product by three and seven-tenths percent (3.7%) on July 1, 2014 and on July 1 of each successive year.

(j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area on and after the date such Regulatory Agreement is executed.

(k) "Residential Property" shall mean all of the real property, other than the Commercial Property, included in the Exemption Area.

2. All of the value of the Exemption Area shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating on December 31, 2014 ("Retroactive Exemption").

3. Commencing upon January 1, 2015 and during each year thereafter until the Expiration Date, all of the value of the Exemption Area shall be exempt from real property taxation, other than assessments for local improvements, provided, however, that (i) the Owner shall make real property tax payments in the sum of the Partial Tax Payment, and (ii) the Commercial Property shall be subject to full taxation.

4. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

(a) The Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement within three hundred sixty-five (365) days after the date of approval of the Exemption, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) the Exemption Area is conveyed to a new owner without the prior written approval by HPD, or (vi) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which

notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

(b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building in the Residential Property that exists on the Effective Date.

(c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to Effective Date.

6. In consideration of the Exemption, the owner of the Exemption Area shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but (i) the Retroactive Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Partial Tax Payment shall not be reduced by the amount of such J-51 Benefits.

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, May 14, 2015. *Other Council Members Attending: Mendez.*

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

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

Report for L.U. No. 222

Report of the Committee on Finance in favor of approving Aquinas Deacon Juan Santos, Block 3118, Lots 42 and 44 and Block 3130, Lot 2; Bronx, Community District No. 6, Council District No. 17.

The Committee on Finance to which the annexed Land Use item was referred on May 14, 2015, and was coupled with the resolution shown below, respectfully

REPORTS:

May 14, 2015

1658

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 216 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 703

Resolution approving a partial exemption from real property taxes for property located at (Block 3118, Lots 42, 44 and Block 3130, Lot 2) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 222).

By Council Member Ferreras.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 13, 2015 that the Council take the following action regarding a housing project located at (Block 3118, Lots 42, 44 and Block 3130, Lot 2) the Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

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

- (a) “Additional Tax” shall mean an amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project in any year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.

- (b) “Company” shall mean Aquinas Deacon Juan Santos LLC.
- (c) “Effective Date” shall mean the date of repayment or refinancing of the HUD Mortgage.
- (d) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 3118, Lots 42 and 44, and Block 3130, Lot 2, on the Tax Map of the City of New York.
- (e) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) “HDFC” shall mean Aquinas Deacon Juan Santos Housing Development Fund Corporation.
- (g) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) “HUD” shall mean the Department of Housing and Urban Development of the United States of America.
- (i) “HUD Mortgage” shall mean the original loan made by HUD to the Exemption Area in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
- (j) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (k) “Owner” shall mean, collectively, the HDFC and the Company.
- (l) “Prior Exemption” shall mean the exemption from real property taxation for a portion of the Exemption Area approved by the Board of Estimate on August 15, 1985 (Cal. No. 70) and for another portion of the Exemption Area by the Council of the City of New York on August 15, 1991 (Resolution No. 1213) .
- (m) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- (n) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy

(including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(o) "Shelter Rent Tax" shall mean an amount equal to five percent (5%) of Shelter Rent.

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

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

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

4. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the New Owner shall make a real property tax payment in the sum of the Shelter Rent Tax. In addition to the Shelter Rent Tax, commencing upon the first anniversary of the Effective Date and during each year thereafter until the Expiration Date, the New Owner shall make a real property tax payment in the sum of the Additional Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner for the Shelter Rent Tax plus the Additional Tax shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

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

notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

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

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

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

JULISSA FERRERAS, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, HELEN K. ROSENTHAL, VINCENT M. IGNIZIO; Committee on Finance, May 14, 2015. *Other Council Members Attending: Mendez.*

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

Report of the Committee on Fire and Criminal Justice Services

Report for Int. No. 579-A

Report of the Committee on Fire and Criminal Justice Services in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on the racial and gender makeup of applicants for firefighter civil service examinations, and admission and graduation statistics from the probationary firefighter school.

The Committee on Fire and Criminal Justice Services, to which the annexed proposed amended local law was referred on December 8, 2014 (Minutes, page 4364), respectfully

REPORTS:

INTRODUCTION

On May 13, 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. 742, sponsored by Council Members Van Bramer and Cumbo, a local law to amend the New York city charter, in relation to the community engagement process in the percent for art law. On April 20, 2015, there was a hearing on an earlier version of this legislation. Witnesses invited to present testimony at that hearing included the Department of Cultural Affairs (DCLA), the Department of Design and Construction (DDC), borough presidents, various arts and cultural organizations, as well as concerned advocates. The legislation was amended to address the witness testimony presented as well as concerns from the de Blasio Administration.

BACKGROUND

New York City's Percent for Art Program

In 1982, the Percent for Art law was passed by the City Council. The law requires that one percent of the budget for eligible City-funded construction projects be spent on artwork for City facilities.¹ Administered by DCLA, the Percent for Art program ("the Program") began in 1983 with the development of a procedure for determining eligible projects along with an equitable artist selection process.² The Program offers City agencies the opportunity to acquire or commission works of art specifically for City-owned buildings throughout the five boroughs.³

The purpose of the Program is to bring artists into the design process and enrich the City's civic and community buildings.⁴ Percent for Art projects are site-specific and engage a variety of media—painting, mosaic, glass, textiles, sculpture, as well as works that are integrated into infrastructure or architecture.⁵ The Program aims to commission artists of all races and backgrounds in order to reflect the diversity of New York City.⁶ DCLA suggests that projects developed through the Program demonstrate how art can be integrated into its site to enhance civic architecture and a wide range of public spaces. Since the Program's inception, nearly 300 projects have been completed with accumulated art work commissions of over 41 million dollars.⁷ Seventy new projects are currently in progress.⁸

Since its inception over 30 years ago, the Program has experienced substantial growth and success which benefit the City and its residents collectively. The Program has played an integral role in the City's artistic culture, which helps to make the City one of the art capitals of the world.

Recent Controversy

In November 2014, controversy developed over "The Sunbather,"⁹ an 8 ½ foot tall bright pink sculpture that will be commissioned through the Program and is expected to cost \$515,000.¹⁰ The sculpture would be placed on Jackson Avenue in Long Island City, Queens.¹¹ According to residents of the neighborhood, public inclusion in the selection process has been limited. While community boards are

invited to participate in panels during the Program's selection process, they were only informed towards the end of the process.

This bill was introduced to ensure that community engagement is increased from the very onset of the Program's selection process.

ANALYSIS

Section one of Proposed Int. No. 742-A would amend subdivision d of section 224 of chapter 9 of the Charter of the City of New York (the Charter) to require that reasonable advance notification be provided of the intention to include works of art in a Percent for Art project. Pursuant to this legislation, the reasonable advance notification would also be posted on the website of the department of cultural affairs. The amended subdivision d would also require the Department of Cultural Affairs to hold or present at a public meeting, such as a meeting of the community board of the community district in which a project is located, on such works of art before inclusion in the Percent for Art program. The legislation would require that notice of such public meeting be published on the Department's website at least fourteen days prior to any public meeting.

Finally, Proposed Int. No. 742-A section two would establish that this local law take effect immediately following its enactment into law.

¹ See <http://www.nyc.gov/html/dcla/html/panyc/panyc.shtml>, retrieved on 4/1/15.

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id.

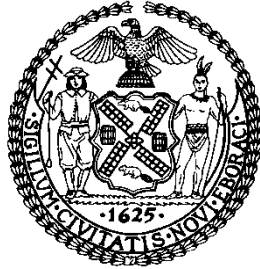
⁸ Id.

⁹ Big Pink Sculpture Likely to Go Up on Jackson Avenue While Long Island City Residents are Kept in the Dark. <http://licpost.com/2014/11/26/big-pink-sculpture-likely-to-go-up-on-jackson-ave-while-lic-residents-kept-in-the-dark/>, retrieved on 4/1/15.

¹⁰ A Pink Sculpture in Long Island City Brings Questions Over the Use of Tax Dollars. <http://www.nytimes.com/2015/03/18/nyregion/a-pink-sculpture-in-long-island-city-brings-questions-over-the-use-of-tax-dollars.html>, retrieved on 4/1/15.

¹¹ Id.

(The following is the text of the Fiscal Impact Statement for Int. No. 579-A:)



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO.: 579-A

**COMMITTEE: Fire
and Criminal Justice
Services**

TITLE: A local law to amend the administrative code of the city of New York, in relation to amend the administrative code of the city of New York, in relation to reporting on the racial and gender makeup of applicants for firefighter civil service examinations, and admission and graduation statistics from the probationary firefighter school.

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

SUMMARY OF LEGISLATION:

Proposed Intro. No. 579-A would require the Fire Department of the City of New York (FDNY) to report the number of females and minorities it hires as firefighters, and the number of female and minority firefighters applicants who progress through every phase of the firefighter hiring process. The firefighter hiring process begins with a written examination, which is issued approximately every five years. This bill would require reporting on every phase of the firefighter hiring process from the most recent written examination in 2012, disaggregated by gender and race or ethnicity. It would also require the FDNY to issue an updated version of such report on a yearly basis.

This bill would also require the FDNY to report on its recruiting activities, including its recruiting expenditures, a list of the recruiting events in which it participates, and a list of the preparatory materials it prepares for firefighter applicants.

EFFECTIVE DATE: This local law would take effect sixty days after it becomes 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: There will be no impact on revenues as a result of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Fire Department
New York City Council Finance Division

ESTIMATE PREPARED BY: Steve Riester, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director, New York City Council Finance Division
Rebecca Chasan, Assistant Counsel, New York City Council Finance Division
Tanisha Edwards, Chief Counsel, New York City Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council on December 8, 2014 as Intro. No. 579 and referred to the Committee on Fire and Criminal Justice Services. The Committee on Fire and Criminal Justice Services, jointly with the Committee on Contracts and the Committee on Women's Issues, held a hearing on Intro. No. 579 on December 10, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 579-A, will be voted on by the Committee on Fire and Criminal Justice

May 14, 2015

1666

Services on May 12, 2015. Upon successful vote by the Committee, Proposed Intro. No. 579-A will be submitted to the full Council for a vote on May 14, 2015.

DATE PREPARED: May 8, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 579-A:)

Int. No. 579-A

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

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the racial and gender makeup of applicants for firefighter civil service examinations, and admission and graduation statistics from the probationary firefighter school.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-130 to read as follows:

§ 15-130 Applicants for firefighter civil service examinations and admission and graduation statistics from the probationary firefighter school. a. The department, in consultation with the department of citywide administrative services, shall submit to the council and post on the department's website, on or before the effective date of the local law that added this section, a report containing the following information:

1. The total number of applicants for the 2012 open-competitive firefighter civil service examination and promotion to firefighter civil service examination, and the number of applicants who:

- (a) Took the computer-based portion of such examination;*
- (b) Achieved a passing score on the computer-based portion of such examination;*
- (c) Were invited to take the physical portion of such examination;*
- (d) Took or began to take the physical portion of such examination;*
- (e) Passed the physical portion of such examination;*
- (f) Were invited to participate in the department's 1.5 mile pre-appointment run testing or substitute cardio-pulmonary testing;*

(g) *Were not offered appointment to the probationary firefighter school based on the results of the pre-appointment 1.5 mile run or substitute cardio-pulmonary testing;*

(h) *Were offered appointment to each probationary firefighter school class that commenced prior to the effective date of the local law that added this section;*

(i) *Accepted appointment to each class identified in subparagraph (h) of this paragraph;*

(j) *Participated in the final 1.5 mile run or substitute cardio-pulmonary testing prior to graduating from the probationary firefighter school;*

(k) *Failed to graduate from the probationary firefighter school based on the results of the final 1.5 mile run or substitute cardio-pulmonary testing;*

(l) *Failed to graduate from each class identified in subparagraph (h) of this paragraph on the grounds that they could not adequately complete the functional skills training or any successor physical training or testing;*

(m) *Graduated from each class identified in subparagraph (h) of this paragraph; and*

(n) *Did not graduate from each class identified in subparagraph (h) of this paragraph.*

2. *The data provided pursuant to paragraph one of this subdivision shall be disaggregated by gender and by race or ethnicity.*

b. *On or before March 1 of each year, the department, in consultation with the department of citywide administrative services, shall submit to the council and post on the department's website a report containing the following information for the preceding calendar year:*

1. *The number of applicants for each open-competitive firefighter civil service examination and promotion to firefighter civil service examination administered on or after the effective date of the local law that added this section, and the number of applicants who:*

(a) *Took the computer-based portion of such examination;*

(b) *Achieved a passing score on the computer-based portion of such examination;*

(c) *Were invited to take the physical portion of such examination;*

(d) *Took or began to take the physical portion of such examination;*

(e) *Passed the physical portion of such examination;*

(f) *Were invited to participate in the department's 1.5 mile pre-appointment run testing or substitute cardio-pulmonary testing;*

(g) *Were not offered appointment to the probationary firefighter school based on the results of the pre-appointment 1.5 mile run or substitute cardio-pulmonary testing;*

(h) *Were offered appointment to each probationary firefighter school class that commenced after the effective date of the local law that added this section;*

(i) *Accepted appointment to each probationary firefighter school class identified in subparagraph (h) of this paragraph;*

(j) Participated in the final 1.5 mile run or substitute cardio-pulmonary testing prior to graduating from the probationary firefighter school;

(k) Failed to graduate from the probationary firefighter school based on the results of the final 1.5 mile run or substitute cardio-pulmonary testing;

(l) Failed to graduate from each class identified in subparagraph (h) of this paragraph on the grounds that they could not adequately complete the functional skills training or any successor physical training or testing;

(m) Graduated from each class identified in subparagraph (h) of this paragraph; and

(n) Did not graduate from each class identified in subparagraph (h) of this paragraph.

2. The data provided pursuant to paragraph one of this subdivision shall be reported in total and disaggregated by gender and by race or ethnicity.

c. The following information shall be provided on March 1 of each year for the preceding calendar year:

1. The department's expenditures on recruiting candidates for the open-competitive firefighter civil service examination and promotion to firefighter civil service examination;

2. A list of the recruiting events in which the department has participated for the open-competitive firefighter civil service examination; and

3. A list of the preparatory materials for firefighter applicants the department has prepared to help candidates for the open-competitive firefighter civil service examination and promotion to firefighter civil service examination.

§ 2. This local law takes effect 60 days after it becomes law.

ELIZABETH S. CROWLEY, *Chairperson*; MATHIEU EUGENE, FERNANDO CABRERA, RORY I. LANCMAN, PAUL A. VALLONE. Committee on Fire and Criminal Justice Services, May 12, 2015. Other Council Members Attending: Rosenthal.

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. 761

Report of the Committee on Health in favor of approving and adopting 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.

The Committee on Health, to which the annexed proposed local law was referred on April 28, 2015 (Minutes, page 1506), respectfully

REPORTS:**I. INTRODUCTION**

On May 13, 2015 the Committee on Health will hold a hearing on Int. No. 772 which would make technical changes to local laws 6 and 8 for the year 2015 related to pet shops and Int. No. 761, a bill which would make technical changes to local laws 5 and 7 for the year 2015 related to pet shops. These bills were first heard preconsidered by the Committee on April 21, 2015. Representatives of various animal welfare organizations, service providers, and the commercial pet industry provided testimony at that hearing.

II. ANALYSIS OF LEGISLATION**INT. NO. 761, 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**

Bill section one would amend subdivisions b through f of section 17-371 of the Administrative Code (the Code), as added by local law 5 for the year 2015, as described herein.

The bill would eliminate the definition of “breeder” in subdivision b and reletter the remaining definitions accordingly.

Newly relettered subdivision e would be amended to refer to a definition of animal rescue group to be found in section 17-802 of the Code, rather than referring to section 17-1701.

Bill section 2 would amend subparagraph a of paragraph 5 of subdivision d of section 17-373 to clarify that a pet shop, in connection with an application for a Department of Health and Mental Hygiene (DOHMH) permit, shall include in its certification, in addition to other information, the United States Department of Agriculture (USDA) license number of every source from which it obtained a dog or cat during the relevant period.

Bill section 3 would amend subdivision c of section 17-380 of the Code, as added by Local Law 5 for the year 2015, to refer to a definition of “animal rescue group” that would be found in section 17-802 of the Code, rather than the definition currently found in section 17-1701.

Bill section 4 would amend subdivision b of section 17-802 of the Code to change the provision from a definition of the terms “Animal rescue group or ‘non-profit rescue group’ to a definition only of the term “animal rescue group.” As amended, “animal rescue group” would mean a duly incorporated not-for-profit organization 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.

Bill section 5 would amend subdivision f of section 17-804 of the Code, as added by local law 7 for the year 2015, by replacing the term “non-profit rescue group” with the term “animal rescue group.”

Bill section 6 would amend subdivision d of section 17-814 of the Code, as added by local law 7 for the year 2015, by replacing the term “non-profit rescue” with the term “animal rescue group.”

Bill section 7 would amend sections 17-1701, 17-1702, and 17-1703 of the Code as added by local law 5 for the year 2015, as follows.

Subdivision b of section 17-1701 of the Code which defines the term “animal shelter” would be amended to eliminate the current definition and to redefine it as having the same meaning as such term would be defined in section 17-802 of the Code.

Subdivision c of section 17-1701 of the Code, which provides a definition for the term “animal rescue group or non-profit rescue group” would be amended to repeal the words “ or “or non-profit rescue group”, and to redefine “animal rescue group” to have the same meaning as such term would be defined in section 17-802.

Subdivision d of section 17-1701 of the Code would be eliminated and the remaining subdivisions would be reordered and renumbered accordingly.

Subdivision e of section 17-1701 of the Code would be amended to remove the definition of the term “broker” and to replace it with a definition for the term “class A license.” “Class A license” would mean a class 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.

Subdivision i of section 17-1701 would be amended to add a new definition for the term “finally determined.” “Finally determined” would mean 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.

The definition of “person” would now be lettered as subdivision j of such section. Subdivision j (“pet shop” definition) would be relettered as subdivision k of section 17-1701.

Section 17-1702, currently titled “prohibited sales” would be retitled “sales.”

Subdivision a of section 17-1702 would be amended to require any pet shop that displays, offers for sale, delivers, barter, auctions, gives away transfers or sells any dog or cat to obtain such animal from a source that, as of the date such pet shop receives such animal:

1. holds a valid and active class A license that has not been suspended at any time during the past five years, as such information is available from the USDA; and
2. has not received any of the following in connection with such license, as such information is available from the USDA: (a) a “direct” non-compliant item citation on any USDA inspection report at any time during the past three years; (b) a citation for failure to provide inspectors

- access to property or records on either of the two most recent USDA inspection reports; (c) three or more distinct non-compliant item citations, other than citations for failure to provide inspectors access to property or records, on the most recent USDA inspection report; or (d) one or more repeat non-compliant item citations on the most recent USDA inspection report; (e) a finally determined order to cease and desist, issued by an administrative law judge, at any time during the prior five years; or (f) a finally determined order to pay a civil penalty at any time during the prior five years; and
3. provides to such pet shop a sworn affidavit attesting that such source had not been convicted of a violation of the minimum standards of animal care provided for in section 401 of the Agriculture and Markets Law at any time within five years of delivering such animal or animals into the custody of such pet shop; and
 4. provides a sworn affidavit attesting that prior to delivering such animal or animals into the custody of such pet shop, such source had never been convicted of an animal abuse crime.

Subdivision b of section 17-1702 would be amended to provide that notwithstanding subdivision a of the same section, it would be unlawful for a pet shop to sell a dog or cat knowingly obtained from a class B dealer.

Subdivision c of section 17-1702 would be relettered subdivision d and amended to replace the term “non-profit rescue group” with the term “animal rescue group.”

Subdivision a of section 17-1703 would be amended to repeal language in paragraphs 1 and 3 related to the possibility of a dealer not being anything other than the holder of a USDA class A license. The remaining paragraphs in subdivision a are renumbered accordingly and otherwise only contain minor technical edits.

Bill section 8 would amend subdivision a of section 17-1704 of the Code, as added by local law 5 for the year 2015, by reducing from ten to five the number of years for which a pet shop would be required to keep and maintain records and documentation related to each dog or cat it acquires.

Bill section 9 would amend paragraph 2 of subdivision b of section 17-1704 as added by local law 5 for the year 2015, by repealing language related to the possibility of a pet shop obtaining a cat or dog from someone other than the breeder.

Bill section 10 would amend paragraph 8 of subdivision b of section 17-1704 of the Code as added by local law 5 for the year 2015 by requiring a pet shop to maintain a record of any statement provided to the store by the source (rather than “a shelter, rescue, or other source”), from which it obtained the animal, stating that such animal has been implanted with a microchip.

Bill section 11 would amend section 17-1706 of the Code as added by local law 5 for the year 2015 by replacing the term “non-profit rescue group” with the term “animal rescue group.”

Bill section 12 would amend subdivision c of section 17-1706 of the Code as added by local law 5 for the year 2015 by replacing the term “non-profit rescue group” with the term “animal rescue group.”

Bill section 13 would provide that if any part of this local law is declared unconstitutional by any court of competent jurisdiction, such part shall be deemed severable, and shall not affect the validity of the remaining portions of this local law, which shall remain in full force and effect.

Bill section 14 would provide that this local law shall take effect on June 1, 2015, provided however, that section 17-373 of Title 17 of the Administrative Code, as amended by section 2 of this local law, and section 17-380 of Title 17 of the Administrative Code, as amended by section 3 of this local law, shall take effect on January 1, 2016, except that the Commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective dates.

**INT. NO. 772, 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**

Bill section one would amend section 17-815 of the Administrative Code (“the Code”), as added by local law 8 for the year 2015, as follows.

Subdivision a of section 17-815 of the Code would be amended to prohibit a pet shop or animal rescue group from releasing a dog or cat to a purchaser or adopter unless such animal has been implanted with a microchip as a permanent identification. Bill section 7 would also repeal the requirement that such microchip be implanted by a licensed veterinarian.

Subdivision b of section 17-815 would be amended to replace the term “non-profit rescue group” with the term “animal rescue group.”

Subdivision c of section 17-815 would be amended to replace the term “non-profit rescue” with the term “animal rescue group.”

Bill section 2 would amend subdivision c of section 17-1601 of the Code as amended by local law 6 for the year 2015, to provide a new definition of the term “animal rescue group.” Such term would be defined as having the same meaning as such term would be defined in section 17-802.

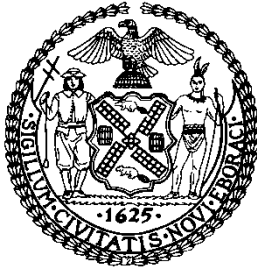
Bill section 3 would amend subdivision c of section 17-1605 of the Code as added by local law 6 for the year 2015 to replace the term “animal rescue” with the term “animal rescue group.”

Bill section 4 would provide that if any part of this local law is declared unconstitutional by any court of competent jurisdiction, such part shall be deemed severable, and shall not affect the validity of the remaining portions of this local law, which shall remain in full force and effect.

Bill section 5 would provide that this local law shall take effect on June 1, 2015, except that the Commissioner shall take such measures as are necessary for the

implementation of this local law, including the promulgation of rules, prior to such effective dates.

(The following is the text of the Fiscal Impact Statement for Int. No. 761:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
INTRO. NO.: 761**

**COMMITTEE:
Health**

TITLE: 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.

SPONSORS: Council Members Crowley, Johnson, Dromm, Vallone, Dickens and Rose

SUMMARY OF LEGISLATION:

Intro. No. 761 would make technical changes to Local Laws 5 and 7 of 2015 related to pet shops. Local Law 5 of 2015 established the regulation of pet shops, while Local Law 7 of 2015 amended the Animal Shelters and Sterilization Act (ASSA) to prohibit the sale of any dog or cat in any pet store unless such animal has been spayed or neutered.

The notable technical changes that would be made by Intro. No. 761 include:

- Requiring that the United States Department of Agriculture (USDA) license number be included in certifications made by pet shops;
- Adding a definition of “finally determined” that applies to information contained in USDA inspection reports;
- Clarifying the distinction between for-profit pet sellers that refer to themselves as rescues and not-for-profit rescues and shelters; and
- Other technical clarifications related to licenses and their respective class for animal dealers and breeders.

May 14, 2015

1674

EFFECTIVE DATE: This local law would take effect on June 1, 2015, except that if it would become law subsequent to such date, this local law would 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, would 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.

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: It is anticipated that there will be no impact on expenses as a result of this legislation as the only changes to the existing law are minor technical amendments.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

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

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

LEGISLATIVE HISTORY: This legislation was heard as a Preconsidered Intro. by the Committee on Health on April 21, 2015 and laid over. Intro 761 was introduced to the full Council on April 28, 2015 and referred to the Committee on Health. Intro. No. 761 will be voted on by the Committee on Health on May 13, 2015 and upon successful vote by the Committee, Intro. No. 761 will be submitted to the full Council for a vote on May 14, 2015.

DATE PREPARED: June 18, 2015

(For text of Int No. 772 and its Fiscal Impact Statement, please see the Report of the Committee on Health for Int No. 772 printed below in these Minutes)

Accordingly, this Committee recommends the adoption of Int Nos. 761 and 772.

(The following is the text of Int. No. 761:)

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

May 14, 2015

1682

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.

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, ROSIE MENDEZ, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, May 13, 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 Int. No. 772

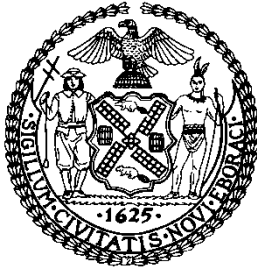
Report of the Committee on Health in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to technical changes to certain pet shop requirements, as added by local laws 6 and 8 for the year 2015.

The Committee on Health, to which the annexed proposed local law was referred on April 28, 2015 (Minutes, page 1530), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 761 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 772:



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
INTRO. NO.: 772

COMMITTEE:
Health

TITLE: 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.

SPONSORS: Council Members Johnson, Crowley, Dromm and Vallone

SUMMARY OF LEGISLATION:

Intro. No. 772 would make technical changes to Local Laws 6 and 8 of 2015 related to pet shops. Local Law 6 of 2015 changed the definition of pet shop in the Animal Abuse Registration Act (AARA) to include pet shops that sell cats and dogs, while Local Law 8 of 2015 amended the Animal Shelters and Sterilization Act (ASSA) to prohibit the release of any dog or cat by a pet store, animal shelter, or animal rescue unless such animal has been implanted with a microchip.

The notable technical changes that would be made by Intro. No. 772 include:

- Removing language that could have been read to require the implantation of more than one microchip in a pet animal;
- Removing the requirement that microchips be implanted by a licensed veterinarian; and
- Other technical changes.

EFFECTIVE DATE: This local law would take effect on June 1, 2015, except that the Commissioner would take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective dates.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

FISCAL IMPACT STATEMENT:

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY16
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$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: It is anticipated that there will be no impact on expenses as a result of this legislation as the only changes to the existing law are minor technical amendments.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

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

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

LEGISLATIVE HISTORY: This legislation was heard as a Preconsidered Intro. by the Committee on Health on April 21, 2015 and laid over. Intro 772 was introduced to the full Council on April 28, 2015 and referred to the Committee on Health. Intro. No. 772 will be voted on by the Committee on Health on May 13, 2015 and upon successful vote by the Committee, Intro. No. 772 will be submitted to the full Council for a vote on May 14, 2015.

DATE PREPARED: June 18, 2015

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 772:)

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.

COREY D. JOHNSON, *Chairperson*; MARIA del CARMEN ARROYO, ROSIE MENDEZ, MATHIEU EUGENE, PETER A. KOO, JAMES G. VAN BRAMER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr.; Committee on Health, May 13, 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 Housing and Buildings

Report for Int. No. 222-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 amending the obligations of owners to provide notice to their tenants for service interruptions.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 26, 2014 (Minutes, page 870), respectfully

REPORTS:

Introduction

On May 11, 2015, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing to consider Proposed Int. No. 222-A.

The Committee previously considered Proposed Int. No. 222-A on October 29, 2014 and received testimony from the Department of Housing Preservation and Development (HPD), members of the real estate industry, legal services providers, and other interested members of the public.

Int. No. 222

Currently, in New York City, HPD rules require owners of multiple dwellings to provide tenants with notice at least one week before entering the tenant's apartment to make repairs.¹ However, owners may make repairs resulting in temporary interruptions in building services, affecting all tenants, without informing tenants. Proposed Int. No. 222-A would require landlords to provide building occupants with notice prior to performing work which would cause an interruption in building services expected to last for at least two hours. The notice would have to be posted in a prominent place in the building, state the type of work being performed, and the estimated start and end date of the service interruption. When work is performed on an emergency basis, and results in a service interruption which lasts for two or more hours, notice shall be posted as soon as practicable after the commencement of such interruption.

Section one of Proposed Int. No. 222-A would add a new subdivision e to section 27-2005 of the Administrative Code of the City of New York (the Code). Section 27-2005 outlines the duties of owners of residential property. Paragraph i of new subdivision e would require building owners to provide all legal occupants with at least 24 hours' notice before making repairs or performing other work which would cause an interruption, expected to last for two or more hours, of any heat, hot water, cold water, gas or electricity services. This subdivision would require that the notice be posted in a prominent place, in English, Spanish and such other languages as HPD may require by rule, and to be updated as needed. It would also require the notice to include the type of work being performed and the estimated start and end dates of the service interruption and to remain posted until the interruption ends. Where the owner expects the interruption to last for less than two hours or where the interruption is due to emergency work, as defined by HPD, advance notice would not be required, provided that, where such interruption actually lasts for two or more hours, notice would be required to be posted as soon as practicable after the commencement of such interruption.

Paragraph ii of new subdivision e would exempt repairs or work performed by HPD from the notice requirement.

Section two of this legislation amends section 28-304.10 of the Code and adds new sections 28-304.10.1 and 28-304.10.2. Section 28-304.10 requires owners to provide tenants with 10 days' notice when an elevator is to be out of service for

alteration work. Proposed Int. No. 222-A would move such requirement to new section 28-304.10.1.

Proposed Int. No. 222-A would amend section 28-304.10 to require that notices posted when an elevator is to be out of service identify the type of work to be performed and the expected start and end dates for such outage. It would also require such notices to be provided in English, Spanish and such other languages as DOB may provide by rule.

New section 28-304.10.2 would require occupants to be notified of any other elevator service outages, expected to last for two or more hours, at least twenty four hours before the start of the work. Where the owner expects the elevator service interruption to last for less than two hours, or where the interruption is due to emergency work, advance notice would not be required, provided that where such interruption actually lasts for two or more hours, notice would be required to be posted as soon as practicable after the commencement of such interruption.

Section three of this legislation contains the enactment clause and provides that this local law take effect 120 days after its enactment, except that HPD and DOB may take measures necessary for its implementation (e.g. promulgate rules) before the effective date.

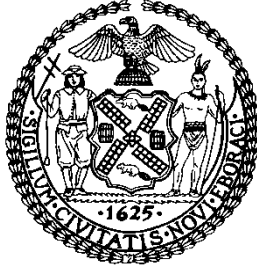
Changes to Proposed Int. No. 222-A

In addition to various technical edits, Proposed Int. No. 222-A has been amended in the following manner:

- The bill now clarifies that advance notice is not required where a service interruption is expected to last for less than two hours or where the interruption is due to emergency repairs or work, provided that where such interruption lasts for two or more hours, notice shall be posted as soon as practicable after the commencement of such interruption.
- The timing for the notice has been shortened from seventy-two hours' notice to twenty four hours' notice and in order to trigger the notice requirement, an interruption must now last for two or more hours.

¹ 28 RCNY 25-101.

(The following is the text of the Fiscal Impact Statement for Int. No. 222-A:)



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 222-A

**COMMITTEE:
Housing and
Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the obligations of owners to provide notice to their tenants for service interruptions

SPONSOR(S): Council Members Mendez, the Public Advocate (Ms. James), Barron, Chin, Gibson, Johnson, Koslowitz, Rosenthal, Rodriguez, Van Bramer, King, Williams and Dromm (by request of the Manhattan Borough President)

SUMMARY OF LEGISLATION: The proposed legislation would require owners of multiple dwellings to provide tenants with 24 hour notice prior to making repairs, or performing other work, that will cause an interruption of any heat, hot water, cold water, gas or electricity service expected to last for two or more hours.

The notice would have to be posted in a prominent place in the building, state the type of work being performed, and the estimated start and end date of the service interruption. When work performed on an emergency basis results in a service interruption which lasts for two or more hours, notice shall be posted as soon as practicable after the commencement of such interruption. The legislation requires that all notices be posted in English, Spanish and such other languages as the Department of Housing Preservation and Development (HPD) and the Department of Buildings (DOB) may provide by rule.

In addition, the legislation would require 24 hour notification when an elevator is out of service for two or more hours due to minor alterations, emergency and ordinary repairs.

EFFECTIVE DATE: This legislation would take effect 120 days after its enactment, except that the Commissioner of HPD and the Commissioner of the DOB may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 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 HPD and DOB will use existing resources to implement this local law and multiple dwelling owners will bear the costs of posting the notices.

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
Nathan Toth, Deputy Director, City Council Finance Division
Tanisha Edwards, Chief Counsel, City Council Finance

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 26, 2014 as Intro. 222 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on October 29, 2014 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 222-A will be considered by the Committee on May 11, 2015. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on May 14, 2015.

DATE PREPARED: May 8, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 222-A:)

Int. No. 222-A

By Council Members Mendez, the Public Advocate (Ms. James), Barron, Chin, Gibson, Johnson, Koslowitz, Rosenthal, Rodriguez, Van Bramer, King, Williams, Dromm and Kallos (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to amending the obligations of owners to provide notice to their tenants for service interruptions

Be it enacted by the Council as follows:

Section 1. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. 1. The owner of a multiple dwelling shall provide lawful occupants of such multiple dwelling with notice prior to making repairs, or performing other work, that will cause an interruption of any heat, hot water, cold water, gas or electricity service expected to last for two or more hours. The department shall by rule prescribe the form, timing and placement of the notice, provided that the notice shall be publicly posted in a prominent place within the multiple dwelling at least twenty-four hours before the interruption of such service is expected to commence and shall remain posted until such interruption ends. Where the owner expects that an interruption of any heat, hot water, cold water, gas or electricity service will last for less than two hours or where such interruption is due to emergency repairs or work, as defined by department rule, advance notice need not be posted, provided that where such interruption lasts for two or more hours, notice shall be posted as soon as practicable after the commencement of such interruption. Such notice shall identify the service to be interrupted, the type of work to be performed, the expected start and end dates of the service interruption. The notice shall be updated as needed. Such notice shall be posted in English, Spanish and such other languages as the department may provide by rule.

2. Repairs made pursuant to section 27-2125 of this code shall be exempt from the provisions of this subdivision.

§ 2. Section 28-304.10 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended to read as follows:

§ 28-304.10 Occupant notification for elevator work. In occupancy groups [R1] R-1 and [R2] R-2, when an elevator is to be out of service [for alteration work], a notice identifying the type of work to be performed and the expected start and end dates for such outage shall be provided in English, Spanish, and such other languages as the department may provide by rule, in accordance with sections 28-304.10.1 and 28-304.10.2.

§ 28-304.10.1 Occupant notification for alteration work. When an elevator is to be out of service for alteration work, notice shall be given to the residential

occupants no fewer than 10 business days before the start of the work, except in case of emergency repairs. This notification requirement does not apply to minor alterations and ordinary repairs.

§ 28-304.10.2 Occupant notification for other elevator service outages. When all elevators servicing a building or any section of a building are expected to be out of service for two or more hours, notice shall be posted at least twenty-four hours before the start of the work. When all elevators servicing a building or any section of a building are expected to be out of service for less than two hours, or are out of service as the result of emergency work, notice is not required to be posted, except that where such outage lasts for two or more hours, notice shall be posted as soon as practicable after the commencement of such service outage.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development and the commissioner of buildings shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, KAREN KOSLOWITZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, May 11, 2015. *Other Council Members Attending: Johnson and Crowley.*

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

Report for Int. No. 592-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 the preservation of certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on December 17, 2014 (Minutes, page 4535), respectfully

REPORTS:

Introduction

On May 11, 2015, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, held a hearing to consider Int. No. 592-A.

The Committee previously considered Int. No. 592-A on April 1, 2015 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. 592-A

Int. No. 592-A would require a study of the effects of hotel conversions on the City's economy, including its effects on employment. For a period of two years, while the study is conducted and its results considered, the legislation would limit the ability of owners of large hotels in Manhattan to convert hotel space to other uses. The bill would allow owners to apply to the Board of Standards and Appeals for a waiver of the conversion limit by showing the board that their hotel was unable to earn a reasonable financial return. This legislation also provides an exemption for recently purchased hotels where the new owner can show the board that he or she bought with the intent to convert the hotel.

Section one of Int. No. 592-A outlines the Council's legislative intent and findings.

Section two of Int. No. 592-A would add a new Chapter 7, entitled "Conversion of Hotel Space," to Title 25 of the Code. New section 25-701, entitled "Definitions," would set forth applicable definitions.

New section 25-702 is entitled "Hotel conversions." Subdivision a of new section 25-702 would generally bar owners of covered lots with 150 or more sleeping units from converting more than 20% of such units to any other use. Subdivision b of new section 25-702 would bar the issuing of permits for work which would be in violation of subdivision a of new section 25-702.

New section 25-703 is entitled "Waiver; board of standards and appeals." Subdivision a of new section 25-703 would allow the Board of Standards and Appeals (the Board) to review applications for waivers from the requirements of new section 25-702.

Subdivision b of new section 25-703 would allow covered owners to apply to the Board for a waiver from the provisions of new section 25-702.

Subdivision c of new section 25-703 would require the Board to conduct one or more public hearing on each application for a waiver.

Subdivision d of new section 25-703 would allow the Board to assess whether the waiver is necessary for the owner to earn a reasonable rate of return and to take into account practical difficulties or unnecessary hardships that may result from not issuing a waiver. In evaluating the ability of the applicant to earn a reasonable return, this subdivision would allow the Board to consider the financial state of the existing space, including but not limited to applicable revenue, income, expenses, profit, revenue per available room, average daily room rate, or occupancy levels. This subdivision would bar the Board from considering returns expected from converting the primary hotel space to a different use, except when determining the extent of the waiver that would allow the applicant to earn a reasonable financial return.

Subdivision e would allow the Board to grant a waiver only to the extent necessary to afford relief.

Subdivision f would require the Board to consider and act upon applications for waivers without undue delay.

Section three of Int. No. 592-A is entitled "Hotel industry report." New subdivision a of section three would require the Administration to complete a report analyzing the impact of the hotel industry on the economy of the city. Paragraph 1 of new subdivision a would require such report to include an analysis of recent and projected conversions of hotel space to other uses, and the impact of such conversions on the city's economy and the potential economic, land use and other impacts of restrictions on such conversions. Paragraph 2 of new subdivision a would require such report to include recommendations for the preservation and enhancement of the hotel industry and of tourism.

Subdivision b would require the Administration, in preparing such report, to consult with stakeholders.

Section four of this legislation contains the enactment clause and provides that this local law take effect immediately after its enactment and expires two years thereafter.

Changes to Int. No. 592-A

In addition to various technical edits, Int. No. 592-A has been amended in the following manner:

- The bill excludes from coverage conversions of primary hotel space where the space was purchased within the 2 years before this legislation was enacted and the purchaser demonstrated an interest in converting the primary hotel space at the time of purchase.
- The bill excludes from coverage conversion of primary hotel space to space operated on a transient basis under a timesharing agreement.
- Waivers will now be handled by the existing Board of Standards and Appeals.
- The bill now requires the Administration to complete a hotel industry report.
- The bill now expires two years after enactment.

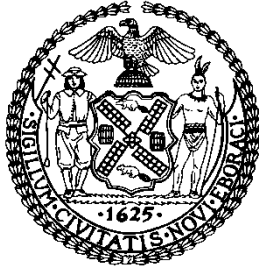
Update

On Monday, May 11, 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. 592-A:)

1695

May 14, 2015



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 592-A

**COMMITTEE:
Housing and
Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the preservation of hotels certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments.

SPONSOR(S): Council Members Johnson, Chin, Torres, Reynoso, Richards, Levine, Miller, Van Bramer, Kallos, Rodriguez, Dromm, Lander, Ferreras, Lancman, Rose, Constantinides, Deutsch, Espinal, Eugene, Gentile, Gibson, King, Levin, Maisel, Cumbo, Rosenthal, Mendez, Menchaca, Cohen, Treyger, Arroyo, Cabrera and Koslowitz

SUMMARY OF LEGISLATION: The proposed legislation would impose limited, short-term restrictions on the conversion of larger hotels in Manhattan to other uses to facilitate the preparation and consideration of a comprehensive report to be completed. These restrictions would permit the maintenance of the City's inventory of hotels pending the development and implementation of the recommendations of such report.

Under the legislation, the Department of Buildings would be prohibited from issuing a work permit to any Manhattan hotel with 150 rooms for work in connection with converting more than 20 percent of the floor area utilized for sleeping units into non-hotel uses. An owner of such hotel could apply for a waiver from the Board of Standards and Appeals. Prior to issuing any waiver, the Board must hold at least one public hearing on the application. In assessing the application, the Board must consider whether denying the permit would permit a reasonable rate of financial return, including consideration of the financial state of the existing hotel space, and any practical difficulties or unnecessary hardship that may result from the denial of the permit. Any waiver granted by the Board must be to the minimum extent necessary to afford relief.

In addition, within six months of enactment, this legislation would require one or more City agencies designated by the Mayor to conduct a hotel industry report outlining the short-term and long-term economic effects of hotel conversions on the City, including its effects on employment. The report would also include recommendations for the preservation of hotels, including zoning amendments, regulatory actions and financial incentives to enhance the hotel industry. The report

May 14, 2015

1696

would include input from relevant stakeholders, including hotel industry representatives, elected officials, community groups, and others.

EFFECTIVE DATE: This local law would take effect immediately, and would expire and be deemed repealed two years after its effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES AND EXPENDITURES: It is estimated that this legislation would not have an impact on revenues or expenditures. This is true despite the fact that a hotel conversion, if and when one does occur, is likely to have some impact on revenues or expenditures (be it negative or positive). However, the highly irregular and unpredictable nature of conversions mean that for planning purposes of the City, the fiscal impact of this bill is effectively zero.

The incidence of converting hotels into other uses is not a regular occurrence. Indeed, in the 11 year period from 2003 to 2014, there were only 14 conversions of hotels into condos in the City, though pace was not regular and conversions only occurred in two out of three years.

The impact of a conversion on taxes paid to the City depends on the use into which the building converts. While the City will see a loss of hotel tax revenue from a conversion, this loss may or may not be made up by adjustments to the property taxes and the possible collection of the commercial rent tax. Even if the post-conversion value of the property is higher, the legal quirks of the property tax system can result in artificially lowered assessments and taxes; this is particularly true of assessments of condos. So a conversion may result in a positive or negative impact in revenues for the City.

The irregular nature of hotel conversions mean that has been no discernable pattern impacting City finances. Furthermore, the proposed legislation does not outright ban conversions, but does allow a number of instances where conversions may still occur, which only further serves to make conversions an unpredictable event. The unpredictable nature of hotel conversions and the lack of any specific conversions that would be undone by this bill mean that the fiscal impact of any conversion is not a part of the revenue estimates in the financial plan used by the City. Therefore this bill would have no impact on the estimates in the financial plan, and therefore has no fiscal impact.

Additionally, it is estimated that this legislation would not have an impact on revenues or expenditures because the Board of Standards and Appeals would use existing resources to review applications for waivers and to hold public hearings.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

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

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

Raymond Majewski, Deputy Director/Chief
Economist, City Council Finance Division
Tanisha Edwards, Chief Counsel, City Council
Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 17, 2014 as Intro. 592 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on April 1, 2015 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 592-A, will be considered by the Committee on May 11, 2015. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 14, 2015.

DATE PREPARED: May 8, 2015

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 592-A:)

Int. No. 592-A

By Council Members Johnson, Chin, Torres, Reynoso, Richards, Levine, Miller, Van Bramer, Kallos, Rodriguez, Dromm, Lander, Ferreras, Lancman, Rose, Constantinides, Deutsch, Espinal, Eugene, Gentile, Gibson, King, Levin, Maisel, Cumbo, Rosenthal, Mendez, Menchaca, Cohen, Treyger, Arroyo, Cabrera, Koslowitz and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to the preservation of certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. a. The council finds and declares that:

1. As one of the world's premier travel destinations, the city depends on a diverse group of visitors for its economic health and wellbeing, and spending by such visitors, which generates over \$3.7 billion in taxes annually, provides a crucial source of revenue for the city and supports 360,000 jobs.

2. Larger hotels, which often provide additional services to guests, are a vital component of the city's hospitality industry. These hotels are a critical source of quality jobs for city residents and are essential for attracting business and convention travelers and affluent visitors. Several such hotels have converted to residential condominiums in recent years, resulting in, among other impacts, a significant loss of quality jobs. Because of this recent conversion history and current market conditions, the council is concerned that more such hotels will convert to residential condominiums or other non-hotel uses in the near future; in fact, the owners of several such hotels in Manhattan have already announced their intention to undertake conversion of at least some of their hotel rooms to residential apartments.

4. Once undertaken, such conversions are potentially irreversible, and the loss of even a small number of such hotels, coupled with the inability to reliably predict that the jobs and tourism-related revenues and economic activity generated by these hotels will be replaced in their particular communities, poses a significant risk to the city's economy, its tourism, its market for quality jobs and the quality of life for city residents and visitors. It is unclear whether the impact of such losses may be counteracted through development of smaller hotels.

5. Determining the full extent of such risks, and the appropriate responses thereto, requires further study.

b. The council finds that it is necessary and appropriate to place limited, short-term restrictions on the conversion of larger hotels in Manhattan to other uses to facilitate the preparation and consideration of a comprehensive report to be completed by appropriate city offices or agencies, and to maintain the city's inventory of these critical hotels pending the development and implementation of the recommendations of such report.

§ 2. Title 25 of the administrative code of the city of New York is amended by adding a new chapter 7 to read as follows:

*CHAPTER 7
CONVERSION OF HOTEL SPACE*

§ 25-701 Definitions.

§ 25-702 Hotel conversions.

§ 25-703 Waiver; board of standards and appeals.

§ 25-701 Definitions. As used in this chapter:

Accessory hotel space. The term "accessory hotel space" means any space within a hotel other than primary hotel space. Accessory hotel space includes, but is not limited to, retail space, lobby areas, reception areas, administrative offices,

storage areas, laundries, food and beverage facilities and banquet and conference facilities.

Board. The term “board” means the board of standards and appeals.

Covered hotel conversion. The term “covered hotel conversion” means a conversion of any amount of primary hotel space, or covered timeshare space, on a covered lot to space used for purposes other than primary hotel space, or covered timeshare space, where applications for approval of construction documents relating to such conversion have been filed with the department of buildings on or after the effective date of the local law that added this chapter. Covered hotel conversion does not include a conversion of primary hotel space on a covered lot to space used under a timesharing plan. Covered hotel conversion does not include a conversion of primary hotel space where (A) the covered lot containing such primary hotel space was subject to an agreement for the purchase and sale of such lot entered into within 24 months preceding the effective date of the local law that added this chapter and (B) the purchaser exhibited a demonstrated interest in converting the covered lot from primary hotel space at the time of the purchase.

Covered lot. The term “covered lot” means a zoning lot that, at any time on or after the effective date of the local law that added this chapter, contains primary hotel space or covered timeshare space with 150 or more sleeping units in aggregate.

Covered timeshare space. The term “covered timeshare space” means space subject to a timesharing plan where such space was converted from primary hotel space on or after the effective date of the local law that added this chapter.

Cumulative hotel conversion factor. The term “cumulative hotel conversion factor” means, for a zoning lot, the sum of the hotel conversion factors for each covered hotel conversion occurring on a covered lot.

Floor area. The term “floor area” means floor area as defined in section 12-10 of the New York city zoning resolution.

Hotel. The term “hotel” means a transient hotel as defined in section 12-10 of the New York city zoning resolution that is located in the borough of Manhattan.

Hotel conversion factor. The term “hotel conversion factor” means, for a covered hotel conversion, the greater of zero or the number obtained by subtracting the post-conversion area from the pre-conversion area, divided by the pre-conversion area, multiplied by 100.

Pre-conversion area. The term “pre-conversion area” means, for a covered hotel conversion, the floor area contained within primary hotel space or covered timeshare space on a covered lot immediately before such conversion.

Post-conversion area. The term “post-conversion area” means, for a covered hotel conversion, the floor area contained within primary hotel space or covered timeshare space on a covered lot immediately after such conversion.

Primary hotel space. The term “primary hotel space” means space within a hotel where such space consists of living or sleeping accommodations that are used or designed to be used primarily for transient occupancy. Primary hotel space does not include accessory hotel space.

Timesharing plan. The term “timesharing plan” means any arrangement, excluding exchange programs as such phrase is used in part 24 of subchapter B of

chapter II of title 13 of the New York code of rules and regulations, the primary purpose of which is to provide each of three or more purchasers with the right to use and occupy a unit or units for a period of time which is less than 30 consecutive days at any particular location, and which continues for a period of more than three years, or which, for nominal consideration, may be renewed to continue for a period of more than three years.

§ 25-702 Hotel conversions. Except as provided in section 25-703:

a. No covered lot may have a cumulative hotel conversion factor of greater than 20.

b. No permit from the department of buildings may be issued for work in connection with a covered hotel conversion at a covered lot unless the owner of primary hotel space or covered timeshare space on such covered lot demonstrates to the satisfaction of the commissioner of buildings that such conversion would not increase the cumulative hotel conversion factor for such lot to greater than 20, or provides evidence of a waiver granted pursuant to section 25-703.

§ 25-703 Waiver; board of standards and appeals. a. The board shall review applications for waivers pursuant to this section.

b. An owner of primary hotel space or covered timeshare space on a covered lot may apply to the board for a waiver of the provisions of section 25-702 in order to carry out a covered hotel conversion that would increase the cumulative hotel conversion factor for the zoning lot containing such hotel space to greater than 20.

c. The board shall conduct one or more public hearings on each application for a waiver under this section.

d. In determining whether to issue a waiver under this section allowing the cumulative hotel conversion factor for the lot where such primary hotel space or covered timeshare space is situated to exceed 20, the board shall assess whether the application of section 25-702 permits a reasonable rate of return, while also taking into account practical difficulties or unnecessary hardship in the way of strict application of such section, so that the spirit of the law shall be observed, the public safety and welfare secured and substantial justice done. In evaluating the ability of the applicant to earn a reasonable financial return, the board shall consider the financial state of the existing primary hotel space or covered timeshare space, including but not limited to revenue, income, expenses, profit, revenue per available room, average daily room rate, occupancy levels, any information presented at the public hearing on the application and any other information deemed relevant by the board; provided that the board shall not consider returns expected from converting such primary hotel space or covered timeshare space to a use other than primary hotel space or covered timeshare space except when determining the extent of the waiver that would allow the applicant to earn a reasonable financial return.

e. The board may grant a waiver pursuant to this section only to the minimum extent necessary to afford relief, in accordance with the intent and purposes of this chapter. In granting such a waiver, the board shall make an express finding that it is the minimum waiver necessary to afford relief.

f. Applications for waivers under this section and subsequent related submissions that the board determines are complete and sufficiently responsive to

permit board consideration of the criteria set forth in subdivision d of this section shall be considered and acted upon without undue delay.

§ 3. Hotel industry report. a. Not later than six months after the enactment of this local law, one or more offices or agencies designated by the mayor shall complete a report analyzing the cumulative impact of the hotel industry and particular sectors thereof, including hotels as defined in section 25-701 of the administrative code of the city of New York, on the economy of the city. Such report shall include, but need not be limited to:

1. An analysis of recent and projected conversions of primary hotel space, as such term is defined in section 25-701 of the administrative code of the city of New York, and other hotel space to other uses, and the short-term and long-term impacts of such conversions on the city's economy, including tourism and the availability of quality jobs for city residents, and the potential economic, land use and other impacts of restrictions on such conversions; and

2. Recommendations for the preservation and enhancement of the hotel industry and particular sectors thereof, including hotels as defined in section 25-701 of the administrative code of the city of New York, and of tourism more broadly, including, but not limited to, recommendations relating to legislation, zoning text or map amendments, regulatory actions and financial or other incentives; provided that such recommendations shall not seek to prohibit any conversion of primary hotel space or covered timeshare space exempted by the definition of "covered hotel conversion" in section 25-701 of the administrative code of the city of New York.

b. In preparing such report, the designated offices or agencies shall consult with stakeholders, including representatives of the hotel industry, elected officials, community groups, labor, real estate investors and the real estate industry, and others, and may hold public hearings to obtain comments and testimony.

§ 4. This local law takes effect immediately, and expires and is deemed repealed two years after its effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, KAREN KOSLOWITZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, ERIC A. ULRICH; Committee on Housing and Buildings, May 11, 2015. *Other Council Members Attending: Johnson and Crowley.*

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).

May 14, 2015

1702

Reports of the Committee on Land Use

Report for L.U. No. 197

Report of the Committee on Land Use in favor of approving Application No. N 150127 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community Districts 5 and 6, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on March 31, 2015 (Minutes, page 1016), respectfully

REPORTS:

SUBJECT

MANHATTAN CBs 5 and 6

N 150127 ZRM

City Planning Commission decision approving an application submitted by the Department of City Planning 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 VIII, Chapter 1 (Special Midtown District).

INTENT

This zoning text amendment, in conjunction with the related city map change, would facilitate the establishment and regulation of the Vanderbilt Corridor within the Special Midtown District, in Community Districts 5 and 6, Borough of Manhattan.

PUBLIC HEARING

DATE: April 13, 2015

Witnesses in Favor: Thirty-seven

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: May 7, 2015

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

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

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

COMMITTEE ACTION

DATE: May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 2015.

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

Report for L.U. No. 198

Report of the Committee on Land Use in favor of approving Application No. C 140440 MMM submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of Vanderbilt Avenue between East 42nd Street and East 43rd Street, including authorization for any acquisition or disposition of real property related thereto, Community Districts 5, Council District 4. 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).

May 14, 2015

1704

The Committee on Land Use, to which the annexed Land Use item was referred on March 31, 2015 (Minutes, page 1016), respectfully

REPORTS:

SUBJECT

MANHATTAN CBs 5 and 6

C 140440 MMM

City Planning Commission decision approving an application submitted by The New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Vanderbilt Avenue between East 42nd Street and East 43rd Street;
- the establishment of Public Place above a lower limiting plane; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30244 dated October 17, 2014 and signed by the Borough President.

INTENT

This city map amendment, in conjunction with the related zoning text amendment, would facilitate the establishment and regulation of the Vanderbilt Corridor within the Special Midtown District, in Community Districts 5 and 6, Borough of Manhattan.

PUBLIC HEARING

DATE: April 13, 2015

Witnesses in Favor: Thirty-seven
Five

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: May 7, 2015

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

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

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

COMMITTEE ACTION

DATE: May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 2015.

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

Report for L.U. No. 199

Report of the Committee on Land Use in favor of approving Application No. C 150128 ZSM submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to proposed Section 81-635 of the Zoning Resolution to allow the transfer of floor area from property located at 110 East 42nd Street, a landmark building (Bowery Savings Bank Building) to property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue to facilitate the development of a commercial building, in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict) Community Districts 5 and 6, Council District 4. 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).

May 14, 2015

1706

The Committee on Land Use, to which the annexed Land Use item was referred on March 31, 2015 (Minutes, page 1016), respectfully

REPORTS:

SUBJECT

MANHATTAN CBs 5 and 6

C 150128 ZSM

City Planning Commission decision approving an application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-635 of the Zoning Resolution to allow the transfer of 114,050.25 square feet of floor area (2.63 FAR) from property located at 110 East 42nd Street (Block 1296, Lots 1001-1007) that is occupied by a landmark building (Bowery Savings Bank Building) to property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52) to facilitate the development of a commercial building, in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

INTENT

This special permit action, along with the other related actions, would facilitate the development of a commercial building on property bounded by East 42nd Street, Madison Avenue, East 43rd Street, and Vanderbilt Avenue in Community District 5, Borough of Manhattan.

PUBLIC HEARING

DATE: April 13, 2015

Witnesses in Favor: Thirty-seven

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: May 7, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION**DATE:** May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 2015.

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

Report for L.U. No. 200

Report of the Committee on Land Use in favor of approving Application No. C 150129 ZSM submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to proposed Section 81-641 of the Zoning Resolution to allow an increase in floor area to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue, in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Community Districts 5 and 6, Council District 4. 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 31, 2015 (Minutes, page 1017), respectfully

REPORTS:

May 14, 2015

1708

SUBJECT

MANHATTAN CBs 5 and 6

C 150129 ZSM

City Planning Commission decision approving an application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-641 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in Row A of the Table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) up to a maximum floor area as set forth in Row O of such Table to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

INTENT

This special permit action, along with the other related actions, would facilitate the development of a commercial building on property bounded by East 42nd Street, Madison Avenue, East 43rd Street, and Vanderbilt Avenue in Community District 5, Borough of Manhattan.

PUBLIC HEARING

DATE: April 13, 2015

Witnesses in Favor: Thirty-seven

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: May 7, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 2015.

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

Report for L.U. No. 201

Report of the Committee on Land Use in favor of approving Application No. C 150130(A) ZSM submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to proposed Section 81-642 of the Zoning Resolution to modify, in conjunction with the special permit pursuant to proposed Section 81-641 (Additional floor area for the provisional of public realm improvements), street wall requirements, height and setback requirements and the mandatory district plan elements of Retail Continuity along Designated Streets, Pedestrian Circulation Space, Major Building Entrances, Building lobby entrance requirements, and Curb cut restrictions and loading requirements to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict). Community Districts 5 and 6, Council District 4. 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 31, 2015 (Minutes, page 1017), respectfully

REPORTS:

SUBJECT

MANHATTAN CBs 5 and 6

C 150130 (A) ZSM

City Planning Commission decision approving an application submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of a special permit pursuant to Section 81-642 of the Zoning Resolution to modify, in conjunction with the special permit pursuant to Section 81-641 (Additional floor area for the provisional of public realm improvements):

1. the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-621 (Special street wall requirements);
2. the height and setback requirements of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation), and 81-622 (Special height and setback requirements); and
3. the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-45 (Pedestrian Circulation Space) and the requirements of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), 81-47 (Major Building Entrances), 81-623 (Building lobby entrance requirements), and 81-624 (Curb cut restrictions and loading requirements);

to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

INTENT

This special permit action, along with the other related actions, would facilitate the development of a commercial building on property bounded by East 42nd Street, Madison Avenue, East 43rd Street, and Vanderbilt Avenue in Community District 5, Borough of Manhattan.

PUBLIC HEARING

DATE: April 13, 2015

Witnesses in Favor: Thirty-seven

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: May 7, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 2015.

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

Report for L.U. No. 209

Report of the Committee on Land Use in favor of approving Application No. C 140404 ZSM submitted by 39 West 23rd Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to allow residential use and modify the bulk regulations in connection with the

May 14, 2015

1712

development of mixed use building with a 10-story segment and a 24-story segment on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street, within the Ladies' Mile Historic District, Borough of Manhattan, Community Board 5, 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 April 16, 2015 (Minutes, page 1309), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

C 140404 ZSM

City Planning Commission decision approving an application submitted by 39 West 23rd Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of Section 42-00 to allow residential uses (Use Group 2 uses) on portions of the ground floor, cellar and sub-cellar, and on the 2nd – 24th floors; and
2. the bulk regulations of Section 43-28 (Special Provisions for Through Lots), Section 43-313 (For zoning lots with multiple rear lot lines), and Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks);

for a proposed mixed use building with a 10-story segment and a 24-story segment, on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street (Block 825, Lots 20, 60 and 1001-1005), in an M1-6 District, within the Ladies' Mile Historic District.

INTENT

This special permit action, in conjunction with the related action, would facilitate the development of a residential building containing 43 dwelling units, including affordable units, with a 50-space automated accessory parking garage on a through block site in the Ladies' Mile Historic District in Community District 5, Borough of Manhattan.

PUBLIC HEARING**DATE:** April 23, 2015**Witnesses in Favor:** Sixteen**Witnesses Against:** Four**SUBCOMMITTEE RECOMMENDATION****DATE:** May 7, 2015

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

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

Against: *None***Abstain:** Williams**COMMITTEE ACTION****DATE:** May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 2015.

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

May 14, 2015

1714

Report for L.U. No. 210

Report of the Committee on Land Use in favor of approving Application No. C 140405 ZSM submitted by 39 West 23rd Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 and 13-451 of the Zoning Resolution to allow an automated accessory parking facility with a maximum capacity of 50 spaces on portions of the ground floor and sub cellar of a proposed mixed use building on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street, Borough of Manhattan, Community Board 5, 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 April 16, 2015 (Minutes, page 1309), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

C 140405 ZSM

City Planning Commission decision approving an application submitted by 39 West 23rd Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking facility with a maximum capacity of 50 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street (Block 825, Lots 20, 60 and 1001-1005) in an M1-6 District, within the Ladies' Mile Historic District.

INTENT

This special permit action, in conjunction with the related action, would facilitate the development of a residential building containing 43 dwelling units, including affordable units, with a 50-space automated accessory parking garage on a through block site in the Ladies' Mile Historic District in Community District 5, Borough of Manhattan.

PUBLIC HEARING

DATE: April 23, 2015

Witnesses in Favor: Sixteen

Witnesses Against: Four

SUBCOMMITTEE RECOMMENDATION

DATE: May 7, 2015

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

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

Against: *None*

Abstain: Williams

COMMITTEE ACTION

DATE: May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: Williams

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 2015.

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

Report for L.U. No. 211

Report of the Committee on Land Use in favor of approving Application No. N 150109 ZRK submitted by the Cherry Hill Gourmet Market pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning

May 14, 2015

1716

Resolution of the City of New York, concerning Article IX, Chapter 4 (Special Sheepshead Bay District), Borough of Brooklyn, Community Board 15, Council District 48.

The Committee on Land Use, to which the annexed Land Use item was referred on April 16, 2015 (Minutes, page 1309), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 15

N 150109 ZRK

City Planning Commission decision approving an application submitted by Cherry Hill Gourmet Market pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning use regulations in Article IX, Chapter 4 (Special Sheepshead Bay District).

INTENT

This amendment of the Zoning Resolution would allow the legalization of the Cherry Hill Gourmet food store, which is located in the Special Sheepshead Bay District.

PUBLIC HEARING

DATE: May 5, 2015

Witnesses in Favor: Sixteen

Witnesses Against: Four

SUBCOMMITTEE RECOMMENDATION

DATE: May 7, 2015

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

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

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 2015.

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

Report for L.U. No. 218

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

The Committee on Land Use, to which the annexed Land Use item was referred on April 28, 2015 (Minutes, page 1554) and was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

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

May 14, 2015

1718

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
222 East 13 th Street Manhattan	468/20	20155529 HAM	218	Supportive Housing Loan

INTENT

HPD requests that the Council:

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

PUBLIC HEARING

Date: May 5, 2015

Witnesses In Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: May 5, 2015

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

In Favor: Dickens, Rodriguez, Cohen, Treyger

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: May 7, 2015

The Committee recommends that the Council approve the attached resolution.

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

Against: *None*

Abstain: *None*

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

Res. No. 704

Resolution approving an Urban Development Action Area Project located at located at 222 East 13th Street (Block 468, Lot 20), Borough of Manhattan, and waiving the Urban Development Action Area designation requirement and the Uniform Land Use Review Procedure, pursuant to Article 16 of the General Municipal Law (L.U. No. 218; 20155529 HAM).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 13, 2015 its request dated April 6, 2015 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 222 East 13th Street (Block 468, Lot 20), Community District 3, Borough of Manhattan (the "Disposition Area"):

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

May 14, 2015

1720

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 5, 2015;

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

RESOLVED:

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

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

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

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

The Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on April 13, 2015, a copy of which is attached hereto and made part hereof.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, VINCENT M. IGNIZIO; Committee on Land Use, May 7, 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

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>
Douglas Morrison-Hoskins	2488 Adam Clayton Powell Jr. Blvd #1 New York, N.Y. 10030	9
Maura Mejia	766 Cauldwell Avenue #3A Bronx, N.Y. 10456	17
Audra Bagdziunas	82-26 164th Place Jamaica, N.Y. 11435	24
Akm Rahman	147-25 88th Avenue #2M Jamaica, N.Y. 11435	24
Suzanne Wright-Jones	98-10 218th Street Queens, N.Y. 11429	27
Rolando Vasquez	330 Bergen Street #1C Brooklyn, N.Y. 11217	33
Jerry Melville	70 Patchen Avenue #4C Brooklyn, N.Y. 11221	36
Maxwell Jaffe	508 Henry Street #4L Brooklyn, N.Y. 11231	39
Abigail Shuster	571 East New York Avenue #3B Brooklyn, N.Y. 11225	40
Sawana J. Rozier	1371 Linden Blvd #7D Brooklyn, N.Y. 11212	42
Victoria Shargorodsky	2665 Homecrest Avenue #2C Brooklyn, N.Y. 11235	48
Ceila Y. Luzcando	32 Markham Lane #2B Staten Island, N.Y. 10310	49

May 14, 2015

1722

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Marion L. MacQuens	230 Central Park South #5A New York, N.Y. 10019	4
Robert W. Schaffer	3 Peter Cooper Road #11E New York, N.Y. 10010	4
Aida I. Martinez	1806 First Avenue #22H New York, N.Y. 10028	5
Karol Real	319 East 95th Street #11 New York, N.Y. 10128	5
Anita Sapirman	65 West 90th Street New York, N.Y. 10024	6
Walter L. Spencer	2110 First Avenue #1607 New York, N.Y. 10029	8
Michelle Johnson	177 West 151st Street #1B New York, N.Y. 10039	9
Anntoinette H. Peterson	320 Wadsworth Avenue Bsmt New York, N.Y. 10040	10
Antoine F. Davis	3921 Hill Avenue Bronx, N.Y. 10466	12
Iesha Turner	4120 Hutchinson River Parkway #23A Bronx, N.Y. 10475	12
Ruthan Williams	716 East 231st Street #1 Bronx, N.Y. 10466	12
Rosa L. Hernandez	1718 Matthews Avenue #2 Bronx, N.Y. 10462	13
Samuel Cortorreal	1456 Townsend Avenue #4D Bronx, N.Y. 10452	16
Carlos Melendez	500 East 165th Street #7N Bronx, N.Y. 10456	17
Latoya Sampson	1712 Longfellow Avenue #3B Bronx, N.Y. 10460	17
Annette Santiago	730 Elton Avenue Bronx, N.Y. 10455	17
Edward Aviles	156 Newman Avenue Bronx, N.Y. 10473	18
Millicent Martin	2017 Caesar Place #5 Bronx, N.Y. 10473	18
Joanne Tones	1669 Lafayette Avenue #A Bronx, N.Y. 10473	18

1723

May 14, 2015

Vera Ling Tu	35-32 157th Street Flushing, N.Y. 11354	19
Sarah J. Shea	146-11 Booth Memorial Avenue Flushing, N.Y. 11355	20
Oswald Joseph Bien-Aime	23-61 Jackson Mill Road Queens, N.Y. 11369	21
Vanda Azulai	199-04 Romeo Court Hollis, N.Y. 11423	23
Annette M. Hill	93-07 210th Place Queens, N.Y. 11428	23
Kelly McCord	61-10 173rd Street Queens, N.Y. 11365	24
Kofii Carter	35-35 21st Street #2D Queens, N.Y. 11106	26
Cindy Garcia	43-19 39th Place #21 Sunnyside, N.Y. 11104	26
Unjuma Rahana K. Hanif	34-43 Crescent Street #3T Queens, N.Y. 11106	26
Antoinette Witherspoon	41-11 12th Street #5D Queens, N.Y. 11101	26
Ladania M. Bailey	221-19 114th Road Queens, N.Y. 11411	27
Carol Bell	190-36 118th Road St. Albans, N.Y. 11412	27
Jean Frantz Noel	163-27 13 0th Avenue #2B Jamaica, N.Y. 11434	28
Frederick Allen Lewis II	23-28 Camp Road #2 Far Rockaway, N.Y. 11691	31
Madelyn Ortiz	8-25 78th Avenue Ridgewood, N.Y. 11385	32
Katherine Cruz	87 Seigel Street #1 Brooklyn, N.Y. 11206	34
Barbara Webber	54 Boerum Street #2J Brooklyn, N.Y. 11206	34
Karen Allen	237 Nassau Street #4C Brooklyn, N.Y. 11201	35
Brenai Campbell	16810 Bedford Avenue #3B Brooklyn, N.Y. 11225	35
Cedieu Gouin	836 Montgomery Street #A19 Brooklyn, N.Y. 11213	35
Charlena Lowery	309 Lafayette Avenue #17K	35

May 14, 2015	1724	
	Brooklyn, N.Y. 11238	
Clark J. Simmons	115 Ashland Place #2D	35
	Brooklyn, N.Y. 11201	
Debbie Williams	217 Washington Avenue	35
	Brooklyn, N.Y. 11205	
Margaret Felder	110 Van Buren Street	36
	Brooklyn, N.Y. 11221	
John M. Frederick II	1400 Bergen Street #8H	36
	Brooklyn, N.Y. 11213	
Eva Arteaga	56 Grant Avenue #1	36
	Brooklyn, N.Y. 11205	
Willie G. Mack	173 Van Siclen Avenue	37
	Brooklyn, N.Y. 11207	
Vincent F. Guzzi	423 57th Street #2C	38
	Brooklyn, N.Y. 11220	
Miriam Rivera	134 Dikeman Street #4R	38
	Brooklyn, N.Y. 11231	
James D. Noble	151 Dahill Road	39
	Brooklyn, N.Y. 11218	
Sofia Zoulis	62 Louisa Street	39
	Brooklyn, N.Y. 11218	
Stephanie D. Jones	155 East 43rd Street	41
	Brooklyn, N.Y. 11203	
Ruth Thomas	788 Hancock Street	41
	Brooklyn, N.Y. 11233	
Gasper Burgos	350 Sheffield Avenue #3K	42
	Brooklyn, N.Y. 11207	
John Foster Jr.	250 Wortman Avenue #8F	42
	Brooklyn, N.Y. 11207	
Irma Mojica	525 Crescent Street	42
	Brooklyn, N.Y. 11208	
Joseph R. Aievoli Jr.	1054 83rd Street	43
	Brooklyn, N.Y. 11228	
John Quaglione	8904 Shore Court	43
	Brooklyn, N.Y. 11209	
Mary Anne Zoleo	8701 Shore Road #324	43
	Brooklyn, N.Y. 11209	
Yitzchok Fishman	159 Parkville Avenue	44
	Brooklyn, N.Y. 11230	
Fran Oliva	2150 71st Street #3A	44
	Brooklyn, N.Y. 11204	

	1725	May 14, 2015
Suzanne G. Rose	11 Kansas Place Brooklyn, N.Y. 11234	46
Andrea J. Thompson	1123 East 53rd Street Brooklyn, N.Y. 11234	46
Marica Greenblatt	2765 West 5th Street #20E Brooklyn, N.Y. 11224	47
Joann Randazzo	1930 72nd Street Brooklyn, N.Y. 11204	47
Kelly Ilene Steier	1730 East 14th Street #3A Brooklyn, N.Y. 11229	48
Marina Tkachuk	2432 East 28th Street #2 Brooklyn, N.Y. 11235	48
Dane Buchanan	267 Myrtle Avenue Staten Island, N.Y. 10310	49
Dawn D. Daniels	75 North Burgher Avenue Staten Island, N.Y. 10310	49
Renee Parham	78 Pleasant Valley Avenue Staten Island, N.Y. 10304	49
Daniel Williams	85 Parkhill Court Staten Island, N.Y. 10304	49
Lisa DeGratto	28 Bogota Street Staten Island, N.Y. 10314	50
Dylene Schifando	360 Burgher Avenue Staten Island, N.Y. 10305	50
Harry Helfenbaum	64 Annadale Road Staten Island, N.Y. 10312	51
Barbara Tonrey	92 Token Street Staten Island, N.Y. 10312	51
Gina-Marie Zupo	29 Luke Court Staten Island, N.Y. 10306	51

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

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

- | | | |
|------|---------------------------------|--|
| (1) | Int 222-A - | Providing notice to tenants for service interruptions. |
| (2) | Int 240-A - | Catch basin cleanup and maintenance. |
| (3) | Int 579-A - | Racial and gender makeup of applicants for FDNY civil service exams, admission and graduation statistics. |
| (4) | Int 592-A - | Preservation of certain hotels, a moratorium and report relating to such preservation |
| (5) | Int 702-A - | Guide for building owners regarding aging in place. |
| (6) | Int 742-A - | Community engagement process in the percent for art law. |
| (7) | Int 761 - | Pet shop requirements (technical changes to Local Laws 5 and 7 of 2015). |
| (8) | Int 772 - | Pet shop requirements (technical changes to Local Laws 6 and 8 of 2015). |
| (9) | Res 666 - | Lower East Side BID. |
| (10) | Res 689 - | New and changed designations of certain organizations to receive funding (Transparency Resolution). |
| (11) | L.U. 216 & Res 699 - | 277 Gates Avenue, Brooklyn, Community District No. 3, Council District No. 36. |
| (12) | L.U. 217 & Res 700 - | Bensonhurst Housing, Brooklyn, Community District No. 11, Council District No. 44. |
| (13) | L.U. 218 & Res 704 - | App. 20155529 HAM , Urban Development Action Area, Manhattan, Community Board 3, Council District 9. |
| (14) | L.U. 220 & Res 701 - | 2629 Sedgwick Avenue, Bronx, Community District No. 7, Council District No. 14. |
| (15) | L.U. 221 & Res 702 - | 404 East 10 th Street, Manhattan, Community District No. 3, Council District No. 2. |

- (16) **L.U. 222 & Res 703 -** Aquinas Deacon Juan Santos,
Community District No. 6, Council
District No. 17.

(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, Ferreras, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Matteo, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Weprin, Williams, Ignizio, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **50**.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 592-A**:

Affirmative – Arroyo, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras, Gentile, Gibson, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vacca, Weprin, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **42**.

Negative – Dickens, Garodnick, Greenfield, Matteo, Mealy, Palma, Vallone and Ignizio, – **8**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 222-A, 240-A, 579-A, 592-A, 702-A, 742-A, 761, and 772.

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. 329-B

Report of the Committee on Veterans in favor of approving, as amended, a 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.

The Committee on Veterans, to which the annexed amended resolution was referred on June 26, 2014 (Minutes, page 2801), respectfully

REPORTS:

Introduction

On April 29, 2015, the Committee on Veterans, chaired by Council Member Eric Ulrich, will vote on Proposed Res. No. 329-B, a 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. The committee held its first hearing on this resolution on March 19, 2015, and it was amended following this hearing. Specifically, the resolution was amended to generally call on both the SUNY and CUNY Boards of Trustees to adopt standardized policies which would require schools to award credit to veterans based on military service. Representatives from the City University of New York (CUNY), veterans' organizations, and service providers offered testimony.

Background

Over the next few years, thousands of veterans are expected to transition out of the military and return to New York State. Many will look to attend one of New York's many public and private colleges and universities, as a college degree will enable them to better compete in the job market.

The national student veteran population is comprised of students from many different backgrounds. Approximately 73-80 percent of student veterans are male, while 21-27 percent are female.¹ As only 10-14 percent of military personnel are women, female student veterans are over represented in postsecondary education.² Furthermore, 47 percent of student veterans between the ages of 24 and 40 have children. Many veterans become the first members of their family to obtain a degree, as 62% of student veterans are first-generation students.³

Colleges and universities identify students who are service members and veterans through a number of different methods, including by receipt of state or federal military and veterans' education benefits, questions on the admissions application, and self-identification to the institution other than through the admissions application.⁴

The United States Department of Veterans Affairs (VA) administers several education programs designed to make education affordable, reward service, and help provide returning veterans with tools valuable in the job market. The majority of veterans utilize either the Post-9/11 GI Bill or the Montgomery GI Bill. The Post-9/11 GI Bill provides financial assistance for education and housing to individuals with at least 90 days of aggregate service on or after September 11, 2001, or individuals discharged with a service-connected disability after 30 days.⁵ The Montgomery GI Bill provides educational assistance to individuals who served on active duty in the Armed Forces. The Post-9/11 GI Bill led to a 42% increase in the number of veterans utilizing VA education benefits in Fiscal Year 2010, the first year in which the bill was fully implemented. It has since remained by far the most utilized education program, with 754,229 veterans across the country utilizing it out of the total 1,091,044 Veterans Affairs beneficiaries across the country. New York State ranked 9th in number of veterans utilizing these VA education programs in Fiscal Year 2013 with 35,202 beneficiaries, 26,244 of whom benefitted from the Post-9/11 GI Bill.⁶

Translating Military Experience into College Credit

Among all two and four-year postsecondary institutions, only 8% offer courses or sections of courses specifically for military service members and veterans.⁷ Thus, it is critical that these institutions allow the special skills and knowledge of veterans to translate into existing coursework. Many states have recognized that the rigorous training and experience that service members gain while serving in the military is comparable to the coursework they would receive while studying at a higher education institution. Several types of prior learning assessments (PLAs) are used by colleges and universities to determine the provision of college credit for competencies and knowledge that veterans acquire during military service.⁸ A study by the Council for Adult and Experiential Learning found that graduation rates were two and a half times higher for students with PLA credit, and that such students also received their degree in a shorter timeframe.⁹

The American Council on Education (ACE) collaborates with the United States Department of Defense (DoD) to review military training and experiences and recommends the appropriate college credit.¹⁰ ACE publishes these recommendations

on military transcripts, as well as in their continuously updated Military Guide, which includes all evaluated courses and occupations from 1954 to the present.¹¹ ACE credit recommendations are not mandatory, and institutions are advised to apply them within the framework of their own policies and practices.¹² They may be used to replace required courses, as optional courses within a major, as general electives, to meet basic degree requirements, and to waive prerequisite courses.¹³

According to the United States Department of Education, 76% of all postsecondary institutions awarded academic credit for military training in the 2012-2013 academic year (the last year for which such data is available).¹⁴ Public colleges and universities awarded credit at higher rates than private colleges and universities. While 90% of public four-year institutions awarded academic credit based on military training, 88% of private for-profit and 58% of private nonprofit four-year institutions awarded such credit.¹⁵ For two-year institutions, this figure was 93% for public colleges and 62% for private colleges.¹⁶

Currently, 26 states have enacted legislation encouraging recognition of the skills and knowledge veterans acquired in the military by converting it into college credit.¹⁷ Such legislation either requires the board of regents for every institution to adopt policies to achieve such an outcome, or requires commissions or boards (such as the state's higher education commission or board of education) to set guidelines for institutions to adopt.¹⁸

Current SUNY and CUNY Policy on Military Credits

There is no policy on military credits for all schools within the State University of New York (SUNY) system, although individual SUNY schools do provide credits for military service pursuant to ACE recommendations. There are currently four SUNY schools within the five boroughs: the College of Optometry (Manhattan), Maritime College (Bronx), Fashion Institute of Technology (FIT) (Manhattan), and SUNY Downstate Medical Center (Brooklyn). Of these schools, Maritime College has confirmed that they provide student veterans with credits based on military experience, while the College of Optometry and SUNY Downstate Medical Center have stated that they do not. As of April 24, 2015, FIT has not provided the Committee with information on whether it provides such credit.

The City University of New York (CUNY)'s policies specifically reference military transfer credits. In June 2014, the CUNY Board of Trustees adopted a new policy on military transfer credits, which provided for CUNY's adoption of ACE guidelines in evaluating transfer credit for military courses and experience, and it authorized schools to award up to forty-five credits (at senior colleges) and thirty-five credits (at community colleges) in specific subject matter area or general electives for the satisfactory completion of military service, experience and military training courses.¹⁹ Currently, this policy provides that the Director of Transfer Courses and Information in CUNY's central office is required to review military transcripts based on ACE guidelines and issue recommendations for course equivalences to individual colleges.²⁰ Any credits that are accepted by one CUNY school for an individual veteran must be accepted by any other CUNY school in the event of an intra-CUNY transfer.²¹ However, the determination to award transfer credits for military service is up to the individual college.²² While an explanation is required where the individual

school disagrees with the recommendation of the central office, the final determination is left with the particular school.²³

Analysis of Proposed Res. No. 329-B

Proposed Res. 329-B notes that the Department of Veterans Affairs (VA) estimates that New York City is home to roughly 200,000 veterans and that as the United States deescalates operations abroad and reduces the size of the active duty military, greater numbers of service members will return home to the New York metropolitan area over the next few years. The resolution states that many of these newly-returned veterans will utilize G.I. education benefits and enroll that local community colleges and four-year universities. Furthermore, according to the VA, the number of Iraq and Afghanistan veterans pursuing post-secondary educational opportunities has grown from 420,000 in 2001 to more than 1 million in 2013.

The resolution then discusses that veterans endure arduous and demanding training during their military careers and develop a wide range of skill sets. It further states that according to the National Conference of State Legislatures, 26 states have passed legislation directing public colleges and universities to adopt policies for recognizing military-acquired skills and learning. Proposed Res. 329-B notes that New York does not have a statewide standard mandating public colleges and universities to award academic credit to students who are veterans for their military experiences, training, and coursework, and that the State University of New York (SUNY) and City University of New York (CUNY) are public institutions of higher education.

Next, the resolution states that there are approximately 3,000 student veterans enrolled at CUNY schools and over 8,200 student veterans enrolled at SUNY schools in New York State.

The resolution then points out that in June 2014, the CUNY Board of Trustees adopted a policy on military transfer credits which authorizes schools to award credits in specific subject matter area or general electives for the satisfactory completion of military service, experience and military training courses. CUNY's policy as currently adopted leaves the determination of whether to award credit to each individual university or college.

The resolution states that SUNY does not currently have a standardized policy in place regarding the awarding of college credit to veterans based on military experience.

The resolution also states that student veterans grapple with daunting challenges including socialization, tuition costs, and other hurdles that can exacerbate the transition from a service member to a civilian.

Finally, Proposed Res. 329-B argues that standardizing SUNY and CUNY policy for all schools would provide student veterans with a wider range of options for schools to attend and receive college credit, and that adopting such legislation would ease the transition of veterans into campus life and rightfully acknowledge their military experiences and training with college credit.

The resolution thus calls 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.

¹United States Department of Veterans Affairs, *VA Campus Toolkit: Who Are Today's Student Veterans?*,

<http://www.mentalhealth.va.gov/studentveteran/studentvets.asp#sthash.8uBULIUG.FhMOZN3X.dpbs>

(last accessed March 10, 2015)

² *Id.*

³ *Id.*

⁴ United States Department of Education, Institute of Education Statistics, *Services and Support Programs for Military Service Members and Veterans at Post-Secondary Institutions 2012-2013 2*, available at <http://nces.ed.gov/pubs2014/2014017.pdf>.

⁵ United States Department of Veterans Affairs, National Center for Veterans Analysis and Statistics, *Education Program Beneficiaries* (January 2014), available at http://www.va.gov/vetdata/docs/QuickFacts/Education_Beneficiaries.pdf

⁶ United States Department of Veterans Affairs, National Center for Veterans Analysis and Statistics, *Department of Veterans Affairs Education Program Beneficiaries by Geography FY 2000 to FY 2013*, available at http://www.va.gov/vetdata/docs/Utilization/EducState_2013.xlsx

⁷ United States Department of Education, *supra* note 4, at 2.

⁸ Military.com, *Learning Assessments Save Time and Money*, <http://www.military.com/education/timesaving-programs/learning-assessments-save-time-and-money.html> (last accessed March 10, 2015).

⁹ Center for Adult & Experiential Learning, *Prior Learning Assessment*, <http://www.cael.org/what-we-do/prior-learning-assessment> (last accessed March 10, 2015)

¹⁰ American Council on Education, *College Credit for Military Service*, <http://www.acenet.edu/higher-education/topics/Pages/College-Credit-for-Military-Service.aspx> (last accessed March 10, 2015)

¹¹ American Council on Education, *Military Guide*, <http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx> (last accessed March 10, 2015)

¹² American Council on Education, *Military Guide: Frequently Asked Questions*, <http://www.acenet.edu/news-room/Pages/Military-Guide-Frequently-Asked-Questions.aspx> (last accessed March 10, 2015)

¹³ *Id.*

¹⁴ United States Department of Education, *supra* note 4 at 2.

¹⁵ *Id.* at 8.

¹⁶ *Id.* at 8.

¹⁷ National Conference of State Legislatures, *Veterans and College*, <http://www.ncsl.org/research/education/veterans-and-college.aspx> (last accessed March 10, 2015). These states are: Alabama, Alaska, California, Colorado, Florida, Hawaii, Idaho, Indiana, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

¹⁸ *Id.*

¹⁹ The City University of New York, *The City University of New York Academic Policy on Military Service*, available at http://policy.cuny.edu/manual_of_general_policy/article_i/policy_1.201/text/

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 329-B:)

Res. No. 329-B

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

By Council Members Maisel, Ulrich, Dickens, Gentile, Koo, Mendez, Rose, Lander, Van Bramer, Williams, Dromm, Cohen, Vallone and Arroyo.

Whereas, The Department of Veterans Affairs (VA) estimates that New York City is home to roughly 200,000 veterans; and

Whereas, As the United States (U.S.) deescalates operations abroad and reduces the size of the active duty military, greater numbers of service members will return home to the New York metropolitan area in the subsequent months and years; and

Whereas, Many of these newly-returned veterans will utilize G.I. education benefits and enroll at local community colleges and four-year universities; and

Whereas, According to the VA, the number of Iraq and Afghanistan veterans pursuing post-secondary education opportunities has grown from almost 420,000 in 2001 to more than 1 million in 2013; and

Whereas, Veterans endure arduous and demanding training throughout their military careers and develop a wide range of skill sets; and

Whereas, According to the National Conference of State Legislatures, 26 states have passed legislation directing public colleges and universities to adopt policies for recognizing military-acquired skills and learning; and

Whereas, Currently, New York does not have a statewide standard mandating public colleges and universities to award academic credit to students who are veterans for their military experiences, training and coursework; and

Whereas, The State University of New York (SUNY) and the City University of New York (CUNY) are public institutions of higher education; and

Whereas, There are approximately 3,000 student veterans enrolled at CUNY schools and over 8,200 student veterans enrolled at SUNY schools in New York State; and

Whereas, In June 2014, the CUNY Board of Trustees adopted a policy on military transfer credits which authorizes schools to award credits in specific subject matter area or general electives for the satisfactory completion of military service, experience and military training courses; and

Whereas, CUNY's policy as currently adopted leaves the determination of whether to award credit to each individual university or college; and

Whereas, SUNY does not currently have a standardized policy in place regarding the awarding of college credit to veterans based on military experience; and

May 14, 2015

1734

Whereas, Student veterans grapple with daunting challenges including socialization, tuition costs, and other hurdles that can exacerbate the transition from a service member to a civilian; and

Whereas, Standardizing SUNY and CUNY policy for all schools would provide student veterans with a wider range of options for schools to attend and receive college credit; and

Whereas, Adopting such legislation would ease the transition of veterans into campus life and rightfully acknowledge their military experiences and training with college credit; 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 requiring the SUNY and CUNY Boards of Trustees to adopt policies requiring system universities and colleges to award college credit based on military service.

ERIC A. ULRICH, *Chairperson*; FERNANDO CABRERA, ANDREW COHEN, ALAN N. MAISEL, PAUL A. VALLONE; Committee on Veterans; April 29, 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. 549

Report of the Committee on Environmental Protection in favor of approving a Resolution calling on Governor Andrew Cuomo to veto the application by Liberty Natural Gas, LLC to construct the Port Ambrose liquefied natural gas terminal off the coast of New York.

The Committee on Environmental Protection, to which the annexed resolution was referred on January 22, 2015 (Minutes, page 350), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Environmental Protection for Int No. 240-A printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 549:)

Res. No. 549

Resolution calling on Governor Andrew Cuomo to veto the application by Liberty Natural Gas, LLC to construct the Port Ambrose liquefied natural gas terminal off the coast of New York.

By Council Members Richards, Chin, Johnson, Mendez, Rosenthal, Lancman, Constantinides, Dromm, Koslowitz, Miller, Levine, Levin, Kallos, Lander, Cumbo, Treyger, Barron, Gentile, Van Bramer, Reynoso, Menchaca, Rodriguez, Espinal, Deutsch, Rose, Williams, Torres, Ferreras, Arroyo, Vallone, Garodnick and Ulrich.

Whereas, Liberty Natural Gas, LLC has proposed the construction of a deepwater port facility, called the Port Ambrose liquefied natural gas (LNG) terminal, which would be used to import liquefied natural gas; and

Whereas, The Port Ambrose LNG terminal would consist of a submerged buoy system located in federal waters, within the New York Bight, approximately 19 miles off the coast of New York City; and

Whereas, Liquefied natural gas would arrive at the Port Ambrose LNG terminal on vessels, which would connect to the submerged buoy system and transfer natural gas into a twenty-two mile long pipeline connecting to the existing Transco Lower New York Bay Lateral pipeline, serving New York City and Long Island; and

Whereas, The United States Maritime Administration is the lead regulatory agency determining whether to issue a Deepwater Port License to Liberty Natural Gas, LLC, which would permit construction of the Port Ambrose LNG terminal; and

Whereas, Governor Andrew Cuomo has the authority to veto the Port Ambrose LNG terminal proposal as governor of an “adjacent state,” pursuant to the Deepwater Port Act of 1974; and

Whereas, Several New York State Assembly Members, State Senators, local residents, community groups and environmental advocacy organizations oppose the Port Ambrose LNG terminal proposal and have called on Governor Andrew Cuomo to veto it; and

Whereas, There is evidence that the environmental quality and ecological habitat of the New York Bight have improved over the last several years, including a decrease in the number of floatables, improvements in dissolved oxygen concentrations, and the return of wildlife such as the humpback whale; and

Whereas, The construction and operation of the Port Ambrose LNG terminal could threaten and have adverse impacts on the environmental quality and ecological habitat of the New York Bight by requiring the dredging of miles of sea floor and by discharging chemically treated seawater into surrounding waters; and

Whereas, The Port Ambrose LNG terminal could increase New York City’s reliance on natural gas, which can emit methane when it is extracted, transported, stored and consumed; and

Whereas, According to the Intergovernmental Panel on Climate Change, over a twenty year timeframe, methane has a global warming potential that is as much as 86 times greater than that of carbon dioxide; and

May 14, 2015

1736

Whereas, LNG is a highly flammable fossil fuel, and if an extreme event such as a hurricane or terrorist attack were to damage the Port Ambrose LNG terminal, potential contamination and fire could impact nearby shipping lanes and coastal communities; and

Whereas, The Port Ambrose LNG terminal could interfere with the development of a more environmentally beneficial wind farm, which has been proposed in the same area; and

Whereas, The Bureau of Ocean Energy Management, an agency of the United States Department of Interior, in its scoping comments on the Port Ambrose LNG terminal application, stated that it is concerned that the proposal to construct a LNG port in the same area proposed for a large wind facility could result in serious conflicts—or at the minimum, complicating factors—that may impact the overall viability of one or both projects; and

Whereas, According to the 2014 Draft New York State Energy Plan, domestic production of natural gas is at its highest level in four decades and the need for substantial increased volumes of imported LNG has diminished for the near term; and

Whereas, In 2011, New Jersey Governor Chris Christie vetoed an application by Liberty Natural Gas, LLC to construct a LNG deepwater port 16 miles off the coast of New Jersey, stating that offshore LNG poses unacceptable risks to New Jersey's residents, natural resources, economy and security; now, therefore, be it

Resolved, That the Council of the City of New York calls on Governor Andrew Cuomo to veto the application by Liberty Natural Gas, LLC to construct the Port Ambrose LNG terminal off the coast of New York.

DONOVAN J. RICHARDS, *Chairperson*; STEPHEN T. LEVIN, COSTA G. CONSTANTINIDES, ERIC A. ULRICH; Committee on Environmental Protection; May 11, 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. 652

Report of the Committee on Transportation in favor of approving a Resolution calling upon the United States Congress to pass, and the President to sign, the GROW AMERICA Act.

The Committee on Transportation, to which the annexed resolution was referred on April 16, 2015 (Minutes, page 1294), respectfully

REPORTS:

INTRODUCTION

On May 13, 2015, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Res. No. 652, a resolution calling upon the United States Congress to pass, and the President to sign, the GROW AMERICA Act. This was the second hearing on this resolution. The first hearing was held on May 4, 2015 at which time the Committee received testimony from the Department of Transportation, the Metropolitan Transportation Authority, advocates, and stakeholders.

BACKGROUND

The current federal surface transportation authorization and funding law, known as the Moving Ahead for Progress in the 21st Century Act (“MAP-21”), was signed by President Barack Obama on July 6, 2012.¹ MAP-21 was the first long-term transportation law to be enacted since the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (“SAFETEA-LU”) was passed in 2005.² Originally a two-year authorization, after a series of short-term extensions, MAP-21 is currently scheduled to expire on May 31, 2015.³

The law provides \$52.5 billion a year in federal funding for surface transportation maintenance and construction projects including roads, highways, bridges, tunnels, mass transit, as well as bicycling and pedestrian projects.⁴ It eliminated or consolidated dozens of federal programs and made some changes to environmental review and tolling policies.⁵ Much of the federal spending authorized by MAP-21 is provided to state and local governments in the form of grants and is funded by the Highway Trust Fund (“HTF”).⁶ The HTF itself is divided into the Highway Account and the Mass Transit Account and derives revenues from the federal gasoline tax as well as various other taxes and fees.⁷ HTF spending has generally exceeded revenues over the past 10 years; Congress has typically made up the difference with transfers to the HTF from the Treasury’s general fund.⁸ A primary reason for expenditures outpacing revenues is lower gas tax revenues resulting from vehicles having become more fuel efficient and a slowing rate of driving among Americans, in addition to the fact that the federal gas tax has not been raised since 1993, failing to even keep pace with inflation.⁹

The GROW AMERICA Act, described in more detail below, is President Obama’s proposed new federal transportation funding bill. Among its many provisions, it would increase transit funding by 70 percent and would increase the role of local communities in transportation funding decisions.¹⁰ The four-year bill would increase expenditures by \$87 billion over MAP-21 levels, with increased spending to be paid for by a one-time infusion of funds resulting from “pro-growth business tax reform.”¹¹

Individuals and organizations from across the political spectrum have put forward many other proposals for fixing the federal transportation funding system. These include raising the gas tax, instituting a fee based on miles driven, creating a

temporary tax holiday for companies returning overseas profits to the United States, and even using savings generated by eliminating Saturday mail delivery.¹²

When it comes to federal transportation funding, the stakes for New York City are particularly high. The Metropolitan Transportation Authority's proposed \$32 billion five-year capital plan for maintaining, enhancing, and expanding the subway, bus, rail, bridge, and tunnel network that forms the essential backbone of the City and the surrounding region calls for \$14 billion worth of spending projects without identified funding sources.¹³ In addition to that daunting funding gap, the plan assumes \$6.7 billion worth of federal funding which could be imperiled without congressional action on a new transportation funding bill.¹⁴

The State and the City also rely on federal transportation funds to maintain the extensive road, bridge, and highway network under their jurisdiction. For instance, the City's Ten-Year Capital Strategy for Fiscal Years 2016-2025 includes at least \$1.8 billion in anticipated federal funds for Department of Transportation projects.¹⁵

ANALYSIS OF RES. NO. 652

Res. No. 652 would state that the current federal surface transportation funding law, the Moving Ahead for Progress in the 21st Century Act (MAP-21), as amended and extended by the Highway and Transportation Funding Act of 2014, expires on May 31, 2015. It would further state that President Barack Obama and U.S. Transportation Secretary Anthony Foxx have proposed a new transportation funding bill, the Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America (GROW AMERICA) Act.

The resolution would note that the GROW AMERICA Act would increase transportation funding by \$87 billion over four years and includes \$72 billion worth of investment in public transportation, representing an increase in average transit spending of nearly 70 percent above Fiscal Year 2014 enacted levels, a vital infusion of funds for a city like New York, which relies significantly on mass transit.

The resolution would go on to assert that in addition to providing for the maintenance, repair, and modernization of America's roads, bridges, and transit systems, the GROW AMERICA Act would create millions of new jobs, help America stay competitive in the global economy, and increase opportunity and access for millions of Americans, in addition to increasing safety across all modes of surface transportation and strengthening local decision-making regarding transportation funding, empowering local communities.

Finally the resolution would state that the GROW AMERICA Act would provide the investment necessary to maintain and expand the safe, efficient, and modern transportation and mass transit system that New York City needs in order to grow and thrive and it would call upon the United States Congress to pass, and the President to sign, the GROW AMERICA Act.

UPDATE

On May 13, 2015, the Committee on Transportation passed Res. No. 652 by a vote of thirteen in the affirmative, zero in the negative, and no abstentions.

¹ U.S. Department of Transportation, A Summary of Highway Provisions, <http://www.fhwa.dot.gov/map21/summaryinfo.cfm> (last accessed Apr. 30, 2015).

² *Id.*

³ Highway and Transportation Funding Act of 2014, Pub. L. No. 113-159, <http://www.gpo.gov/fdsys/pkg/PLAW-113publ159/html/PLAW-113publ159.htm/>.

⁴ Transportation for America, MAP-21, <http://www.t4america.org/maps-tools/map-21/> (last accessed Apr. 30, 2015).

⁵ *Id.*

⁶ Congressional Budget Office, *The Highway Trust Fund and the Treatment of Surface Transportation Programs in the Federal Budget* (Jun. 2014), available at <http://www.cbo.gov/sites/default/files/45416-TransportationScoring.pdf>.

⁷ *Id.*

⁸ *Id.*

⁹ Phillip Bump, *Why the Highway Trust Fund is running out of money, in 5 graphs*, WASHINGTON POST, Jul. 7, 2014, available at <http://www.washingtonpost.com/blogs/the-fix/wp/2014/07/07/why-the-highway-trust-fund-is-running-out-of-money-in-5-graphs/>.

¹⁰ U.S. Department of Transportation, The GROW AMERICA Act, <http://www.dot.gov/sites/dot.gov/files/docs/GROW-AMERICA-Overall-Fact-Sheet.pdf> (last accessed Apr. 30, 2015).

¹¹ U.S. Department of Transportation, GROW AMERICA Act: Providing Critical Growth for Surface Transportation in America, <http://www.dot.gov/sites/dot.gov/files/docs/Providing%20Critical%20Growth%20for%20Surface%20Transportation.pdf> (last accessed Apr. 30, 2015).

¹² Angie Schmitt, *Ranking the Sad Parade of Federal Transpo Funding Ideas From Worst to Best*, Streetsblog, Mar. 19, 2015, <http://usa.streetsblog.org/2015/03/19/ranking-the-sad-parade-of-federal-transpo-funding-ideas-from-worst-to-best/>.

¹³ Emma G. Fitzsimmons, *M.T.A. Official Warns Board That Fare and Toll Increases May Be Needed*, N.Y. TIMES, Apr. 27, 2015, available at <http://www.nytimes.com/2015/04/28/nyregion/mta-official-warns-board-that-fare-and-toll-increases-may-be-needed.html?ref=nyregion&r=0>.

¹⁴ Metropolitan Transportation Authority, *MTA Capital Program 2015-2019* (Sept. 2014), available at http://web.mta.info/capital/pdf/Board_2015-2019_Capital_Program.pdf.

¹⁵ N.Y.C. Council Finance Division, *Report on the Fiscal 2016 Preliminary Budget and the Fiscal 2015 Preliminary Mayor's Management Report - Department of Transportation* (Mar. 2015), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=3645944&GUID=68889E16-AC7B-4F77-A225-AA54E3F6D119>.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 652:)

Res. No. 652

Resolution calling upon the United States Congress to pass, and the President to sign, the GROW AMERICA Act.

By Council Members Rodriguez, Miller, Chin, Koo, Mendez, Rosenthal, Rose, Van Bramer, Maisel, Greenfield, Kallos and Levin.

Whereas, The current federal surface transportation funding law, the Moving Ahead for Progress in the 21st Century Act (MAP-21), as amended and extended by the Highway and Transportation Funding Act of 2014, expires on May 31, 2015; and

Whereas, President Barack Obama and U.S. Transportation Secretary Anthony Foxx have proposed a new transportation funding bill, the Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America (GROW AMERICA) Act; and

Whereas, The GROW AMERICA Act would increase transportation funding by \$87 billion over four years; and

Whereas, The proposal includes \$72 billion worth of investment in public transportation, representing an increase in average transit spending of nearly 70 percent above Fiscal Year 2014 enacted levels, a vital infusion of funds for a city like New York, which relies significantly on mass transit; and

Whereas, In addition to providing for the maintenance, repair, and modernization of America's roads, bridges, and transit systems, the GROW AMERICA Act would create millions of new jobs, help America stay competitive in the global economy, and increase opportunity and access for millions of Americans; and

Whereas, It would also increase safety across all modes of surface transportation and strengthen local decision-making regarding transportation funding, empowering local communities; and

Whereas, The GROW AMERICA Act would provide the investment necessary to maintain and expand the safe, efficient, and modern transportation and mass transit system that New York City needs in order to grow and thrive; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, the GROW AMERICA Act.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, MARK S. WEPRIN, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO; Committee on Transportation, May 13, 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

Res. No. 686

Resolution urging President Barack Obama to issue an Executive Order to the United States Treasury to put a woman on the twenty dollar bill by 2020, marking the 100th Anniversary of the 19th Amendment granting women the right to vote, and also calling upon the Secretary of the United States Treasury to support, and the Congress of the United States to pass S. 925 and H.R. 1910, the Woman on the Twenty Act, to replace Andrew Jackson on the twenty dollar bill with a woman who has played a prominent role in United States history.

By Council Members Chin, Crowley, Cumbo, Barron, Dickens, Mendez, Rosenthal, Rose, Palma, Gibson, Koslowitz, Arroyo, Ferreras, Cabrera, Johnson, Lander, Levin and Richards.

Whereas, S.925 and H.R. 1910 have been introduced by Senator Jeanne Shaheen of New Hampshire and Congressman Luis Guitierrez of Illinois, respectively; and

Whereas, This legislation would convene a panel of citizens to recommend a woman whose likeness would be featured on a new twenty dollar bill; and

Whereas, According to a press release from Senator Shaheen, “our paper currency is an important part of our everyday lives and reflects our values, traditions and history as Americans”; and

Whereas, Senator Shaheen goes on to note that “it’s long overdue for that reflection to include the contributions of women”; and

Whereas, As Congressman Guitierrez notes, “ Women led us out of slavery on the Underground Railroad, taught us what the phrase ‘all men are created equal’ really means by fighting for civil rights, and have led in all sectors in society”; and

Whereas, As Congressman Guitierrez further informs, “A woman’s place is in the boardroom, chairing the committee, in the laboratory, in the Oval Office, and yes, even on our currency”; and

Whereas, There are currently no women or people of color on United States currency; and

Whereas, The group Women on 20s has begun the W20 Campaign (W20), and they initiated an online ballot which has generated votes from more than 600,000 voters in two rounds for a number of inspiring women candidates to be portrayed on the twenty dollar bill; and

Whereas, The current result of the W20 Campaign’s online ballot is for the Treasury Department to put Eleanor Roosevelt, Harriet Tubman, Rosa Parks or the famous female Native American Chief Mankiller on a revised twenty dollar bill; and

May 14, 2015

1742

Whereas, W20 hopes to make the change by the year 2020, which marks the 100th anniversary of the passage of the 19th Amendment giving women the right to vote; and

Whereas, According to Senator Shaheen, the portraits on the seven main bill denominations have not changed in nearly a century and were chosen by a panel of citizens in the 1920's; now, therefore, be it resolved that

The City of New York urges President Barack Obama to issue an Executive Order to the United States Treasury to put a woman on the twenty dollar bill by 2020, marking the 100th Anniversary of the 19th Amendment granting women the right to vote, and also calling upon the Secretary of the United States Treasury to support, and the Congress of the United States to pass S. 925 and H.R. 1910, the Woman on the Twenty Act, to replace Andrew Jackson on the twenty dollar bill with a woman who has played a prominent role in United States history.

Referred to the Committee on Women's Issues.

Preconsidered Int. No. 784

By Council Members Crowley, Dromm, Chin, Cumbo, Espinal, Lander, Mendez and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an inmate bill of rights.

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. Inmate bill of rights. The department shall provide every inmate a document summarizing their rights. Such document shall include information regarding inmate rights under federal, state, and local laws, and the board of correction minimum standards, including but not limited to the following topics: non-discriminatory treatment, personal hygiene, recreation, religion, access to legal services, visitation, telephone calls and other correspondence, media access, due process in any disciplinary proceedings, medical care, safety from violence, and the grievance system. Such document shall contain a summary of such rights in plain and simple language. Such document shall also include a description of educational, vocational development, drug and alcohol treatment, counseling and other related services available to inmates. Such document shall be posted on the department's website. Such document shall be available in Spanish and any other language the department reasonably believes a substantial number of inmates speak as their primary language. Upon admission to any departmental facility, each inmate shall be given a copy of this document, a summary of which shall be read to each inmate within 24 hour of admission in their primary language.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services (preconsidered but laid over by the Committee on Fire and Criminal Justice Services).

Int. No. 785

By Council Members Dromm, Cumbo, Cabrera, Chin, Espinal, Mendez, Richards, Rose and Gentile.

A Local Law to amend the New York city charter, in relation to requiring the 311 call center to log complaints about locations without street addresses

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. No call or text received by 311 that would be entered into the 311 computer system if it included a specific address or other location contained within any address or location database utilized by the 311 shall fail to be so entered on account of such address or other location not being included in any such database. Where a call or text is received by 311 that does not include a specific address or other location contained within any address or location database utilized by 311, such call or text shall be treated for the purposes of entering it into the 311 computer system as if it did include such an address or specific location, except that the location shall be manually noted by the 311 representative in the notes section of any associated entry in the computer system. For the purposes of this subdivision, "311" shall mean that 311 citizen service center.

§ 2. This local law shall take effect 90 days after it shall have become law.

Referred to the Committee on Governmental Operations.

Res. No. 687

Resolution establishing January 12th annually as New York City Haitian Day, in recognition of the historic contributions of the Haitian diaspora to the City of New York.

By Council Members Eugene, Cumbo, Dickens, Espinal, Gibson, Koo and Mendez.

Whereas, Haitians have made great contributions to the City of New York throughout its 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

May 14, 2015

1744

Whereas, In the early 19th Century, Haitian philanthropist and freed slave, Pierre Toussaint, started an orphanage on Franklin Street in New York City for poor girls and boys, paying for their education and setting them up with jobs; and

Whereas, Toussaint also started a credit bureau, an employment agency and a refuge for priests and destitute travelers and became a resource for Haitian immigrants moving to New York City due to his ability to speak French and English; and

Whereas, Toussaint raised funds and donated much of his own money to build Old Saint Patrick's Cathedral on Mulberry Street in Manhattan, where he was the first lay person to be buried and for which he was eventually venerated by the Catholic Church in 1996 by Pope John Paul II; and

Whereas, Activist, civil rights leader and famed writer of Haitian descent, W.E.B. Du Bois became the editor of the magazine *The Crisis* in 1910 in New York City, aimed at exposing the widespread prejudice against persons of color, and which became a major publication critiquing segregation and advocating for civil rights, women's rights and labor rights; and

Whereas, New York City native and famed artist of Haitian descent, Jean-Michel Basquiat was a leader of the neo-expressionist movement in New York City, working with other major artists including Andy Warhol, with major exhibits at the Whitney Museum of American Art; and

Whereas, Brooklyn born architect of Haitian descent, Rodney Leon, has designed several buildings in New York City, including significant sites such as 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, Radio Soleil, a 24-hour radio station based in Brooklyn, New York, serves a wide portion of the Haitian-American community in the tri-state area; and

Whereas, According to the 2009 United States Census, there are over 140,000 persons of Haitian descent living in the City of New York today; now, therefore, be it

Resolved, That the Council of the City of New York establishes January 12th annually as New York City Haitian Day, in recognition of the historic contributions of Haitians to the City of New York.

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

Res. No. 688

Resolution calling upon the Secretary of the Department of Homeland Security to grant Temporary Protected Status designation to Nepal and eligible Nepalese nationals.

By Council Members Eugene. Chin, Constantinides, Cumbo, Koo, Mendez, Rose and Gentile.

Whereas, Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries; and

Whereas, The Secretary of the United States Department of Homeland Security (DHS) has the authority to provide TPS to immigrants living in the United States who are unable to safely return to their home country because of an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent their safe return; and

Whereas, The United States Citizenship and Immigration Services (USCIS), part of DHS, is responsible for administering the TPS program; and

Whereas, A country's TPS designation takes effect on the date of publication of the designation and may last between six and 18 months, with the possibility of an extension; and

Whereas, Once the Secretary of DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to TPS or to any other status they may have acquired while registered for TPS; and

Whereas, On April 25, 2015, Nepal experienced a devastating 7.8 magnitude earthquake which brought about 40 disastrous aftershocks and triggered avalanches on Mount Everest and in Langtang Valley damaged around 600,000 homes and destroyed 140,000, altogether, led to the deaths of more than 7,500 and injured more than twice as many; and

Whereas, The United Nations estimates 8 million people, nearly a third of Nepal's population, are affected by the earthquake across 39 of the country's 75 districts; and

Whereas, Due to the widespread devastation, damaged infrastructure and imminent Monsoon rains there are complications in rescue and recovery efforts, Nepal fully meets the criteria of a country entitled to TPS; and

Whereas, According to the 2010 United States Census Bureau, there are nearly 36,000 Nepalese living in the United States and New York City is home to one of the largest Nepalese populations in the nation with over 4,200 residents; and

Whereas, Nepalese, and eligible Nepalese nationals, granted TPS may obtain authorization to work in the United States, may be granted travel authorization, and are not removable from the United States; and

Whereas, Nepalese, and eligible Nepalese nationals, granted TPS who are living in New York City are eligible for in-state tuition rates at schools in the CUNY system; and

Whereas, Any immigrants granted TPS, including Nepalese, and eligible Nepalese nationals, however, are not considered to be permanently residing in the United States; and

Whereas, President Barack Obama has promised to send \$1 million in relief aid and a team of disaster response experts to Nepal as it recovers from the disastrous earthquake, and extending federal public benefits to Nepalese, and eligible Nepalese nationals, with TPS living in the United States would further demonstrate the United States' support for Nepal; and

Whereas, On April 27, 2015, In a further show of support, Representative Al Green introduced a bill, H.R. 2033, that would designate Nepal as a country whose

May 14, 2015

1746

nationals are eligible for TPS because of the extraordinary and temporary conditions that prevented Nepalese from returning safely to their homes; and now, therefore, be it,

Resolved, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to grant Temporary Protected Status designation to Nepal and eligible Nepalese nationals.

Referred to the Committee on Immigration

Preconsidered Res. No. 689

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, 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 2015 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

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

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

Resolved, That the City Council approves the new designation and 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 NYC Cleanup Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Coalition of Theaters of Color 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 administering agency receiving funding pursuant to the Cultural Immigrant 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 Dropout Prevention and Intervention 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 funding pursuant to the NORC Supportive Service Program Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving youth discretionary funding 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 designation and changes in the designation of certain organizations receiving funding pursuant to the Dropout Prevention and Intervention Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 12.

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. 689 printed in these Minutes).

Int. No. 786

By Council Members Johnson, Arroyo, Chin, Constantinides, Dickens, Mendez, Rose, Levin and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to the retention of DNA profiles by the office of chief medical examiner

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-209 to read as follows:

§ 17-209 Retention of non-convicted offender DNA profiles prohibited. a. *Definitions. For the purposes of this section, the following terms shall mean:*

“DNA profile” means a set of DNA identification characteristics which may permit the DNA of one person to be distinguished from that of another person.

“Forensic DNA profile” means a DNA profile that is derived from biological evidence originating from and associated with the commission of a crime.

“Identified living person’s DNA profile” means the DNA profile of a person whose identity is known by law enforcement authorities or by the office of the chief medical examiner, including profiles developed from DNA extracted from materials abandoned by persons whose identity is known to law enforcement authorities.

“Keyboard search” means a search of a DNA profile against a database in which the profile that is searched is not uploaded to or maintained in the database. The phrase does not include a one-to-one comparison of two DNA profiles.

b. If the chief medical examiner develops or obtains an identified living person’s DNA profile, the chief medical examiner may not compare such DNA profile to DNA profiles contained in a computerized DNA index containing forensic DNA profiles or a similar database by keyboard search or similar method. If the chief medical examiner develops or obtains a forensic DNA profile, the chief medical examiner may not compare such DNA profile to a computerized DNA index containing identified living persons’ DNA profiles or a similar database by keyboard search or similar method. Additionally, the chief medical examiner may not:

1. Make a computerized DNA index containing forensic DNA profiles or a similar database available for comparison to an identified living person’s DNA profile; or

2. Make a computerized DNA index containing identified living persons’ DNA profiles or a similar database available for comparison to a forensic DNA profile.

c. Notwithstanding the provisions of this section, the chief medical examiner may:

1. Maintain an index of DNA profiles derived from evidence recovered from crime victims, crime scenes or accident scenes, or upload such profiles to state or national databases pursuant to article forty-nine-b of the New York state executive law, or any successor provision thereto; and

2. Maintain an index containing DNA profiles of missing persons or their family members, or of volunteers who have provided DNA samples for quality assurance purposes; provided, however, such index is maintained in compliance with state and federal law and such DNA profiles shall not be uploaded to any other DNA index system, nor shall such DNA profiles be disclosed outside the office of the chief medical examiner, without the consent of the person whose profile has been identified.

§ 2. This local law takes effect immediately upon enactment.

Referred to the Committee on Health.

Res. No. 690

Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation amending Section 1402-a of the New York State Tax Law to raise the minimum threshold for imposition of the “Mansion Tax” from \$1,000,000 to \$1,750,000 and to assess an additional one-half percent tax on all sales over \$5,000,000.

By Council Members Johnson, Chin, Mendez, Richards and Gentile.

Whereas, Section 1402-a of the New York State Tax Law, passed in 1989 and commonly referred to as the “Mansion Tax,” levies a one percent tax on residential properties that sell for \$1,000,000 or more; and

Whereas, The \$1,000,000 threshold has not changed since the law was approved in 1989; and

Whereas, The original law was intended to impose an additional tax on purchasers of luxury properties, however it currently is a burden on the purchaser of the average home in New York City; and

Whereas, A \$1,000,000 property in today’s market is no longer certainly equivalent to a luxury property; and

Whereas, According to Bureau of Labor Statistic’s Consumer Price Index Inflation Calculator, the purchasing power of \$1,000,000 in 1989 is different from the purchasing power of \$1,000,000 in 2014 and vice versa; and

Whereas, \$1,000,000 in 1989 is equivalent to \$1,904,443.55 in 2014, and conversely \$1,000,000 in 2014, adjusted for inflation, is equivalent to \$523,790 in 1989; and

Whereas, According to the Real Estate Board of New York’s (“REBNY”) Fourth Quarter Report on New York City Residential Sales, the average sales price of a home in New York City in the fourth quarter of 2014, which includes all condominiums, cooperatives, and one- to three-family dwellings, was \$841,000; and

Whereas, According to REBNY’s report, excluding one- to three-family dwellings which is the least commonly sold dwelling type in New York City, the average sales price of an apartment in New York City was \$1,001,000;

Whereas, It has become apparent that the Mansion Tax is out of touch with the current economic condition and no longer applies only to luxury residential real estate sales; and

Whereas, Because this additional tax burden is now being applied to the average New York City homebuyer, it is making it more financially difficult to purchase a home; and

Whereas, Additionally, some argue that the Mansion Tax’s \$1,000,000 threshold is causing the volume of sales around that threshold to decrease; and

Whereas, In “Transfer Taxes and the Real Estate Market,” a working paper published by Columbia University in 2014, the authors found that the Mansion Tax

May 14, 2015

1750

created a “notch” in the \$1,000,000 market and opined that as many as 2,800 sales of residential properties at or over \$1,000,000 did not take place between 2003 and 2011 because potential buyers wanted to avoid the Mansion Tax; and

Whereas, By keeping the tax at the \$1,000,000 threshold, prospective buyers of the average New York City apartment are missing out on the opportunity to buy a home; and

Whereas, Increasing the threshold to \$1,750,000 would reflect the economic changes of the past twenty-five years, more accurately reflect the current New York City real estate market, and align the law with its original intention; and

Whereas, In today’s real estate market, residential property sales of \$5,000,000 or more are generally considered super-luxury properties; and

Whereas, Assessing an additional one-half percent tax on these sales would also conform with the original intention of the legislation to impose an additional tax on the sales of high-value properties; and

Whereas, The additional one-half percent tax would also help offset the forgone revenue caused by the increase of the minimum threshold from \$1,000,000 to \$1,750,000; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation amending Section 1402-a of the New York State Tax Law to raise the minimum threshold for imposition of the “Mansion Tax” from \$1,000,000 to \$1,750,000 and to assess an additional one-half percent tax on all sales over \$5,000,000.

Referred to the Committee on Finance

Res. No. 691

Resolution calling upon Congress to pass and the states to ratify S.J. Res. 5/H.J. Res. 22 to amend the Constitution of the United States to give Congress and the states authority to regulate the raising and spending of money by candidates and others to influence elections.

By Council Members Kallos, Chin, Johnson, Lander and Mendez.

Whereas, Recent Supreme Court rulings have affirmed that the spending of money on politics is a form of free speech that is protected by the First Amendment to the United States Constitution; and

Whereas, These court rulings have allowed a rapid increase in the amount of spending on political races, with estimates putting the increase at more than 300% since the 2010 landmark ruling captioned *Citizens United v. Federal Election Commission* (“*Citizens United*”); and

Whereas, The *Citizens United* decision resulted in a rapid increase in so-called “dark money” in state and federal elections, with “dark money” being defined as money used to fund election-related spending that was donated by individuals and entities that are undisclosed to voters; and

Whereas, This “dark money” has entered politics in the form of organizations registered under section 501(c)(4) of the Internal Revenue Code (“501(c)(4) organizations”), which can accept contributions without being required to disclose their source; and

Whereas, 501(c)(4) organizations are required by law to be dedicated to furthering causes related to “social welfare,” but may pursue that goal through political activity if such activity is not the organization’s primary purpose; and

Whereas, 501(c)(4) organizations may disseminate advertisements, often called issue ads, which, in theory, are created for the purpose of public education rather than directly calling for the election or defeat of a candidate in an election, but which, in practice, are often thinly veiled campaign activity; and

Whereas, Donations to 501(c)(4) organizations that are spent on these so-called issue ads are not required to be reported to the Internal Revenue Service (“IRS”) because they are deemed to be used for public education; and

Whereas, The 15 highest spending 501(c)(4) organizations self-reported spending a total of \$173,081,458 on political campaigns during the 2012 federal election cycle; and

Whereas, Along with “dark money,” political action committees permitted to raise unlimited amounts of money from corporations, unions, and individuals, often called super PACs, have played a significant role in elections in recent years, although super PACs must report the identity of their donors; and

Whereas, Since the 2010 *Citizens United* decision, super PACs have spent over \$1 billion on political causes; and

Whereas, Even New York City, which has one of the strongest campaign finance regulatory regimes in the country for local elections, has seen increased involvement in the electoral process by outside groups, with approximately \$8 million spent on the mayoral race and approximately \$6.3 million spent on City Council races in the 2013 election; and

Whereas, Recent proposals in the United States Senate and House of Representatives would amend the United States Constitution to limit the amount of spending permitted in political elections; and

Whereas, S.J. Res. 5 and the identical H.J. Res 22 would authorize Congress and the states to regulate the raising and spending of money with respect to federal and state elections, respectively; and

Whereas, In so doing, S.J. Res. 5 and H.J. Res 22 would authorize Congress and the states to distinguish between natural persons and corporations or other artificial entities created by law; and

Whereas, The passage of these amendments, along with subsequent regulation of political fundraising and spending, would provide incentives for federal and state lawmakers to support and promote ideas coming from the general public, rather than only those who are likely to donate money to their campaigns, lobbyists, and special interest groups; and

Whereas, It is important to promote the equal treatment and involvement of all entities and individuals within the United States, not just those that have the financial resources to donate to campaigns or engage in other political spending; now, therefore, be it

May 14, 2015

1752

Resolved, That the Council of the City of New York calls upon Congress to pass and the states to ratify S.J. Res. 5/H.J. Res. 22 to amend the Constitution of the United States to give Congress and the states authority to regulate the raising and spending of money by candidates and others to influence elections.

Referred to the Committee on Governmental Operations.

Int. No. 787

By Council Members Lander, Reynoso, Menchaca, Rosenthal, Williams, Kallos, Levin, Levine, Chin, Arroyo, Cumbo, Johnson and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to the seizure of abandoned bicycles.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The New York City Council finds that removing genuinely abandoned bicycles affixed to public property serves a legitimate governmental objective. Accordingly, in order to authorize the City to remove actually abandoned bicycles, and prevent bicycles that have not been abandoned from being impounded, the Council finds that it is necessary to amend the Administrative Code in relation to the seizures of bicycles by explicitly authorizing the seizure of actually abandoned bicycles, creating a notice requirement in connection therewith, and establishing procedures for the retrieval of abandoned bicycles seized pursuant to this section.

§ 2. Subdivision a of section 16-122 of the administrative code of the city of New York is amended to read as follows:

a. Legislative intent. The need for this legislation is indicated by the ever increasing number of abandoned cars *and bicycles* in the city of New York. The purpose of this section is to punish those persons who abandon and/or remove component parts of motor vehicles in public streets, *and to provide for the seizure of abandoned bicycles*. It is not the intent to prohibit or preclude any person in lawful possession of a vehicle from making lawful repairs or removing any component part for the purpose of making lawful repairs or removing any component part for the purpose of making such lawful repairs to a motor vehicle on a public street. *It is not the intent to prohibit or preclude any person from temporarily leaving a bicycle unattended without it being deemed abandoned.*

§ 3. Subdivision i of section 16-122 of the administrative code of the city of New York is amended to read as follows:

i. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties [hereinabove] *herein* provided in [subdivision] *subdivisions h and l* of this section.

§ 4. Section 16-122 of the administrative code of the city of New York is amended by adding new subdivisions k, l, m, n, o and p to read as follows:

k. It shall be unlawful for any person or such person's agent or employee to abandon, or to suffer or permit to be abandoned, any bicycle, whether or not owned by such person, in any public place. The owner or operator of a bicycle shall be allowed a reasonable time, not less than thirty-six hours, within which to remove such abandoned bicycle from the public place.

l. Any person found to have violated any of the provisions of subdivision k of this section shall be liable for a civil penalty of not less than twenty-five dollars nor more than one hundred dollars.

m. Before a bicycle may be impounded pursuant to this section, the owner of such bicycle shall be given notice of the city's intent to impound the bicycle. The notice of intention to impound the bicycle shall be affixed to the bicycle and shall state the section of law violated, the date, time and location where the enforcement officer issued the notice of intent to impound. Where the operator of the bicycle to be impounded is known to the enforcement officer, the enforcement officer may give the notice of intention to impound and information to the operator explaining the procedures for obtaining release of the bicycle. The notice shall include a brief description of the bicycle, the location where the bicycle may be claimed, the applicable charges for removal and storage, and instructions on the steps necessary to request a hearing before the environmental control board. The notice shall also include a conspicuous notification to the operator and/or owner that he or she is required to contact the agency in possession of the bicycle to inform that agency if and when a hearing is scheduled on the matter. If, after thirty-six hours from the issuance of the notice of intention to impound, the bicycle is still at the same location, the city may impound the bicycle.

n. A bicycle impounded under this section shall be released to the owner or another person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the police department and proof of payment of any fine or civil penalty for the violation or, if a proceeding for the violation is pending in a court or before the environmental control board, upon the posting of a bond or other form of security acceptable to the police department in an amount which will assure the payment of such costs and any fine or penalty which may be imposed for the violation. The police department shall establish by rule the time within which bicycles which are not redeemed may be disposed of and the procedures for disposal.

o. The owner of a bicycle that has been impounded shall be given the opportunity for a hearing regarding the impoundment before the environmental control board within five business days of such impoundment. The environmental control board shall render a determination within three business days after the conclusion of such hearing. Where the board finds that there was no basis for the impoundment, the owner shall be entitled to immediate possession of the bicycle without charge or to the extent that any amount has been previously paid for the release of the bicycle, such amount shall be refunded.

p. Upon the impoundment of a bicycle, a reasonable attempt shall be made to give the owner of the bicycle written notice of the procedure for redemption of the

May 14, 2015

1754

bicycle and the procedure for requesting a post seizure hearing. Where the operator is not the owner thereof, notice provided to the operator shall be deemed to be notice to the owner. Where the defendant or respondent is less than eighteen years old, such notice shall also be mailed to the parent, guardian or, where relevant, employer of the respondent, if the name and address of such person is reasonably ascertainable.

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

Referred to the Committee on Transportation.

Int. No. 788

By Council Members Levine, King and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the rights and responsibilities of tenants and owners regarding the lawful collection of rents.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision b of section 26-1102 of the administrative code of New York, as added by local law 45 of 2014, is amended to read as follows:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, *the limitation on the collection of rents if the owner violates the dwelling's certificate of occupancy*, and housing discrimination;

§ 2. This local law shall take effect 120 days after enactment, except that the commissioner of the department of housing preservation and development may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 692

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.4762 and S.1291, which would extend labor protections to farm workers.

By Council Members Miller, Arroyo, Chin, Eugene, Johnson, Lander, Mendez, Gentile, Menchaca, Rodriguez and Kallos.

Whereas, According to the *New York State Department of Agriculture (NYSDA)*, agriculture is an important sector of the State economy; and

Whereas, According to the most recent information provided by the NYSDA, New York State is the nation's largest producer of cabbage, and a leading producer of apples, grapes, pears, strawberries and tart cherries; and

Whereas, It is estimated that between 60,000 to 100,000 people work as farm workers in New York State; and

Whereas, According to the *New York Times* the majority of the farm workers in the State are foreign born migrants; and

Whereas, According to the *New York State Department of Labor*, farm workers are entitled to a minimum wage of \$8.75 per hour; and

Whereas, However, farm workers are denied many of the benefits available to other workers such as overtime pay, disability insurance, unemployment benefits, and the right to collective bargaining; and

Whereas, Farm workers work long hours, up to 15 hours per day, and often are exposed to chemicals such as pesticides; and

Whereas, Legislation has been introduced in the State Legislature – A.4762 (by Assemblywoman Catherine Nolan) and S.1291 (by Senator Adriano Espaillat) – which would extend labor protections to farm workers; and

Whereas, Farm workers deserve the basic protections afforded to other workers in New York State; 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.4762 and S.1291, which would extend labor protections to farm workers.

Referred to the Committee on Civil Service and Labor.

Res. No. 693

Resolution calling upon Gerawan Farming to respect their workers, and implement the agreement ordered by the contract terms set by the mediator

By Council Members Miller and Johnson.

Whereas, Gerawan Farming, is one of the nation's largest grape and tree fruit producers, with roughly 5,000 employees, that sells its produce through its Prima® label; and

Whereas, In 1990, Gerawan farm workers voted to join the United Farm Workers of America (UFW) in a state-conducted secret-ballot election, which was a major organizing drive under Cesar Chavez's leadership; and

Whereas, In 2013, Gerawan workers invoked a California law allowing neutral state-appointed mediators to decide union contracts when employers refuse to sign them, and in late 2013, the state Agricultural Labor Relations Board (ALRB) ordered that the three-year contract was to take immediate effect; and

Whereas, Gerawan Farms refuses to implement the ALRB order; and

May 14, 2015

1756

Whereas, The plight of the workers at Gerawan Farms has been taken up by people across the country, including New York City; and

Whereas, A Farm Workers Luncheon was held in New York City on November 20th, 2014 by the New York State AFL-CIO and New York City Central Labor Council, along with union affiliates including the Office and Professional Employees International Union, United Federation of Teachers, 1199SEIU, 32BJ, Transport Workers Union Local 100, Communications Workers of America Local 1102, and UNITE HERE Local 100, among others to galvanize support for the Gerawan farm workers; and

Whereas, Workers resolutions urging Gerawan to obey and implement the UFW contract have been passed by: Berkeley City Council on October 6, 2014, Los Angeles City Council on October 22, 2014, Los Angeles Unified School District on February 10, 2015, San Francisco Board of Supervisors on March 31st, Oxnard School Board on April 15, and Oakland City Council on April 21, 2015; and

Whereas, According to media reports, in April 2015, Gerawan Farms has taken its case to California 5th District Court of Appeals, and is alleging that the mandatory mediation process is unconstitutional; and

Whereas, The latest legal action by Gerawan Farms is likely to further delay the resolution of this labor dispute; and

Whereas, Farm workers in California, like workers in New York State, deserve to have their labor respected; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Gerawan Farming to respect their workers, and implement the agreement ordered by the contract terms set by the mediator.

Referred to the Committee on Civil Service and Labor.

Int. No. 789

By The Public Advocate (Ms. James) and Council Members Koo and Menchaca.

A Local Law in relation to implementing a pilot project to reduce the number of crashes involving city owned motor vehicles.

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this section, the term “collision avoidance technology” means any system in vehicles intended to alert drivers of pedestrians, cyclists, or other vehicles, including but not limited to autonomous emergency braking, forward collision warning, and camera systems intended to warn drivers of oncoming pedestrians and cyclists.

b. Collision avoidance technology pilot program. The department of citywide administrative services shall implement a pilot program requiring the use of collision avoidance technology in vehicles owned by a city agency. No more than six months following the effective date of the local law that added this section, the department of citywide administrative services shall ensure that no less than 100 vehicles owned by

a city agency shall be utilizing collision avoidance technology. Such vehicles may include existing vehicles owned by city agencies that have been retrofitted with such technology or new vehicles purchased with such technology. The pilot program shall last for one year. No later than six months following the conclusion of the pilot program, the department of citywide administrative services shall submit a report to the mayor, public advocate, comptroller, and the speaker of the city council which shall include but not be limited to the cost of collision avoidance technology, the impact of such technology on the incidence of vehicle accidents, including a comparison to the incidence of vehicle accidents among city owned vehicles without such technology, and recommendations for expanding the use of any such technology.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 694

Resolution calling upon the United States Nuclear Regulatory Commission not to relicense Indian Point 2 and Indian Point 3, so that those reactors will cease operations, and calling upon New York State to work with affected workers, local officials, and environmental groups to develop and implement a socially, economically, and environmentally just transition plan to address the needs of displaced employees and local communities.

By Council Member Richards, Levin, Rosenthal, Johnson, Lander, Mendez, Rose, Kallos, Levine, Treyger, Dromm and Koslowitz.

Whereas, The Indian Point Energy Center is a facility that generates electricity through the use of two working nuclear reactors, known as Indian Point 2 and Indian Point 3, which date back to 1974 and 1976, respectively; and

Whereas, The original licenses for these two active reactors expire in 2013 and 2015, respectively, and Indian Point Energy Center's owner and operator, Entergy Corporation, is currently seeking a new 20-year license for both reactors from the United States Nuclear Regulatory Commission; and

Whereas, Indian Point 2 is currently operating with a license that has expired, but has been granted a provisional extension pending the resolution of its relicensing petition; and

Whereas, Indian Point is sited approximately 25 miles from New York City on the banks of the Hudson River in Buchanan, New York; and

Whereas, Most of New York City, Bridgeport and Stamford, Connecticut, Newark, New Jersey, Putnam, Orange, Westchester, Rockland, Suffolk and Nassau Counties in New York, and Bergen County, New Jersey, are within a 50-mile radius of this nuclear facility; and

Whereas, The Kensico Reservoir, a critical juncture of the New York City water supply system, is located approximately 17 miles from the Indian Point Energy Center; and

Whereas, Nearly 300,000 people live within a 10-mile radius of Indian Point Energy Center, and 20 million people live or work within a 50-mile radius of the facility; and

Whereas, It is widely regarded as impossible to evacuate such a large population from this area in the event of an emergency at the facility; and

Whereas, In 2008, scientists from Columbia University's Lamont-Doherty Earth Observatory published a study which concluded that Indian Point Energy Center is situated one mile from the intersection of two striking linear seismological features and that the facility is at a greater risk from earthquakes than previously believed; and

Whereas, In 2011, an earthquake and resulting tsunami caused a triple meltdown at the Fukushima Daiichi nuclear power facility in Japan, where radioactive contamination has been detected as far away as 140 miles from the plant, and the United States Department of State recommended that Americans not travel within a 50-mile radius of the plant, and that those residing within that area evacuate; and

Whereas, The 9/11 Commission Report found that a terrorist who piloted one of the planes that crashed into the World Trade Center had considered targeting a nuclear facility that he had seen during familiarization-flights near New York City, suggesting that the terrorist considered targeting Indian Point Energy Center; and

Whereas, The New York State Department of Environmental Conservation has found that radioactive waste storage facilities at Indian Point Energy Center are insufficiently protected and vulnerable to attack, including spent fuel pools packed to high density in unhardened buildings and dry-cask storage canisters exposed to the open air; and

Whereas, The potential for severe radioactive contamination of New York City from an incident or accident at Indian Point Energy Center poses unacceptable risks of widespread and serious harm to New York City residents, ranging from chronic diseases and cancer, to birth defects and infant mortality, to property losses and economic impacts that would be devastating to the city, state, nation and world; and

Whereas, The Hudson River Sloop Clearwater environmental advocacy organization has found that an accident at Indian Point Energy Center would have a disproportionate impact on environmental justice communities within the 10-mile emergency planning zone; and

Whereas, Low-income and vulnerable populations in New York City could face similar, disproportionate risks and impacts in the case of an accident at Indian Point Energy Center, due to their relative lack of access to transportation and information, and the longer term impacts of physical and economic displacement and radioactive contamination; and

Whereas, New York State, New York City and the downstate region have the potential to develop ample renewable energy resources to help replace the electricity generated by Indian Point; and

Whereas, In 2012, the New York State Assembly Committee on Energy and Committee on Corporations, Authorities and Commissions found that investments in New York's existing transmission system, energy efficiency, and projects that are

already in the planning process will supply more than enough electricity to allow Indian Point Energy Center to close without compromising the reliability of New York's power system and without overburdening ratepayers; and

Whereas, In 2012, the New York State Energy Planning Board reported that there are a variety of electricity transmission and generation projects that are in different stages of development that could provide enough power to adequately replace the power supplied by Indian Point Energy Center; and

Whereas, Attorney General Eric Schneiderman has challenged Indian Point Energy Center's practices related to high-level radioactive waste storage, earthquake preparedness and fire safety; and

Whereas, Governor Andrew Cuomo has long been an opponent of Indian Point Energy Center and has worked to prevent the facility's relicensing; now therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Nuclear Regulatory Commission not to relicense Indian Point 2 and Indian Point 3, so that those reactors will cease operations, and calls upon New York State to work with affected workers, local officials, and environmental groups to develop and implement a socially, economically, and environmentally just transition plan to address the needs of displaced employees and local communities.

Referred to the Committee on Environmental Protection.

Int. No. 790

By Council Member Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to extending the transfer tax exemption period for leases of taxicab licenses.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 11-1405 of the administrative code of the city of New York, as added by local law number 34 for the year 1980, is amended to read as follows:

b. The tax imposed by this chapter shall not apply to the transfer of a taxicab license or interest therein by means of a lease, license or other rental arrangement, where the term of such lease, license or other rental arrangement (including the maximum period for which it can be extended or renewed) does not exceed [six months] *seven years*.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Finance.

May 14, 2015

1760

Int. No. 791

By Council Members Rosenthal, Mendez, Chin, Gentile, Eugene, Cohen, Johnson, Rodriguez, Koslowitz, Torres, Cumbo, Lancman, Arroyo, King, Levine, Cabrera and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring Community Board referral of certificate of appropriateness applications and subsequent modifications.

Be it enacted by the Council as follows:

Section 1. Section 25-308 of chapter 3 of title 25 of the administrative code of the city of New York is amended as follows:

Procedure for determination of request for certificate of appropriateness. *a. The commission shall refer all filed applications for certificates of appropriateness, including all related materials, to all affected community boards. The commission shall hold a public hearing on each request for a certificate of appropriateness no less than forty-five days and no more than seventy-five days after referring the application to affected community boards. Except as otherwise provided in section 25-309 of this chapter or subdivision b of this section, the commission shall make its determination as to such request within ninety days after filing thereof.*

b. Any modification to an application for certificate of appropriateness made after the commission holds a public hearing as required under subdivision a of this section that would (1) change the footprint of the proposed improvement, (2) increase the height of the proposed improvement, or (3) significantly change the exterior design elements or materials, shall be referred to all of the affected community boards. The commission shall further notify the councilmember for the district in which the property is located of any such modification. The commission shall not take any action on any such application prior to forty-five days after the date of referring such modification. If an additional community board referral is required under this subdivision, the commission shall have forty-five days to make its determination in addition to the ninety days permitted by subdivision a of this section. This subdivision shall not apply to a request for a certificate of appropriateness authorizing demolition, alterations or reconstruction on ground of insufficient return under Section 25-309 of this chapter. This subdivision shall only require one review of modifications by affected community boards.

c. For all applications for certificates of appropriateness that are modified after the additional community board referral required under subdivision b of this section, the commission shall notify and provide a written determination of the final action on such application, including an explanation of modifications, to all affected community boards and the councilmember for the district in which the property is located.

§2. This local law shall take effect immediately.

Referred to the Committee on Land Use.

Res. No. 695

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A2529/S857, allowing 16 and 17 year-olds to pre-register to vote.

By Council Members Rosenthal, Kallos, Constantinides, Cumbo, Johnson, Richards, Rose, Gentile and Menchaca.

Whereas, The U.S. Census Bureau found that in 2010 only 46.6% of eligible New York voters between the ages of 16 and 24 were registered to vote; and

Whereas, New York State does not currently allow 16- and 17-year-olds to pre-register to vote; and

Whereas, Over one dozen states allow 16- and 17-year-olds to pre-register to vote; and

Whereas, Advocates argue that young adults who are engaged in the election process at an early age are more likely to stay engaged in the political process and continue to meet their civic duty to vote; and

Whereas, At the age of 16 many youth first interact with the Department of Motor Vehicles, making it an appropriate time and place for collecting information for voter pre-registration; and

Whereas, In New York City, school is still compulsory for 16- and 17-year olds, making school an appropriate venue for providing information on and encouraging pre-registration and registration; and

Whereas, Submission of voter registration or pre-registration forms would not interfere with the education of students, as it would not be a course requirement or graded assignment for students; and

Whereas, A2529/S857, legislation introduced in the New York State Assembly and Senate, respectively, during the 2015-2016 legislative session, would require local boards of education to adopt policies to promote student voter registration and pre-registration; and

Whereas, A2529/S857 would allow 16- and 17-year-olds to pre-register to vote; and

Whereas, A version of these bills from last session, A2042, passed the Assembly in 2013 and 2014, but its companion bill S1992 died in the Senate both years; 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, A2529/S857, allowing 16 and 17 year-olds to pre-register to vote.

Referred to the Committee on Governmental Operations

May 14, 2015

1762

Int. No. 792

By Council Members Ulrich, Arroyo, Cabrera, Chin, Constantinides, Cumbo, Dickens, Espinal, Eugene, Gibson, Johnson, Koslowitz, Mendez, Richards, Rose, Vallone, Gentile and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the human resources administration to provide rental assistance to disabled veterans

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-136 to read as follows:

§ 21 – 136 *Rental assistance for disabled veterans. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Approved rental amount. The term “approved rental amount” means a rent level which is at or below the current fair market rent amounts for the same type of unit as set for the metropolitan area by the United States department of housing and urban development pursuant to title 24 of the code of federal regulations, and all subsequent legal rent increases after initial approval of the qualified disabled veteran’s rent.

Earned income. The term “earned income” means income in cash or in kind earned by an individual through the receipt of wages, salary, commissions, or profit from activities in which such individual is self-employed or an employee.

Qualified disabled veteran. The term “qualified disabled veteran” means a veteran: (i) who receives either a veterans affairs pension from the United States department of veterans affairs, as established by chapter 15 of title 38 of the United States code and/or receives service connected disability benefits from the United States department of veterans affairs and has received a disability rating of 50 percent or higher as established by chapter 11 of title 38 of the United States code; (ii) whose income does not exceed 200 percent of the federal poverty level as established annually by the United States department of health and human services; and (iii) whose countable resources do not exceed the resource guidelines pursuant to section 131-n of the social services law.

Unearned income. The term “unearned income” means all regularly recurring income received during a month, other than earned income.

Veteran. The term “veteran” means a person who has served in the active military service of the United States and who has been released from such service other than by dishonorable discharge.

b. The department shall provide qualified disabled veterans with rental assistance. The rental assistance amount shall be the difference between the qualified disabled veteran’s actual rent and no more than 30 percent of his or her monthly earned and/or unearned income. The maximum rent towards which the rental assistance may be applied shall not exceed the approved rental amount.

§ 2. This local law takes effect 120 days after its enactment into law, provided

that the commissioner shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to such effective date.

Referred to the Committee on General Welfare.

Int. No. 793

By Council Members Ulrich, Lancman, Arroyo, Cabrera, Constantinides, Cumbo, Eugene, Johnson, Koslowitz, Mendez, Richards, Rose, Vallone, Gentile and Menchaca.

A Local Law in relation to creating a taskforce to study veterans in the criminal justice system

Be it enacted by the Council as follows:

Section 1. a. For purposes of this section, the term “veteran” means a person who has served in the active military of the United States or the reserves component, or who served in active military service of the United States as a member of the army national guard, air national guard, New York guard or New York naval militia, regardless of the type of such person’s discharge.

b. There is hereby established a task force to study the causes of entry into and the needs of veterans in the city’s criminal justice system, and to make recommendations as to how the city can limit the involvement of veterans in the criminal justice system and address the needs of those veterans who have been arrested or incarcerated.

c. Such task force shall consist of:

1. the director of the office of veterans affairs;
2. the coordinator of criminal justice;
3. the commissioner of the department of correction, or the designee thereof;
4. the commissioner of the department of probation, or the designee thereof;
5. the commissioner of the police department, or the designee thereof;
6. two members appointed by the mayor, provided that at least one such member shall be a veteran;
7. two members appointed by the speaker of the council, provided that at least one such member shall be a veteran and at least one such member shall be a member, employee or director of, or otherwise affiliated with, an organization engaged in providing legal representation to veterans.

d. The task force shall:

1. hold at least one meeting every four months;
2. issue a report which shall include, but not be limited to, the following:
 - (a) An analysis of the causes of entry by veterans into the criminal justice system;

(b) An analysis of trends of veteran involvement in the criminal justice system in the city;

(c) A discussion of the characteristics of arrested and incarcerated veterans, including gender, race, service era, and discharge status;

(d) A discussion of the needs of veterans in the criminal justice system, including housing, employment and health concerns;

(e) A discussion of existing public and private programs available to assist veterans with criminal justice issues, and an analysis of whether such programs are sufficient to meet the needs of veterans in the city;

(f) An analysis of the effectiveness of existing rehabilitation methods and programs, including, but not limited to, veterans treatment courts;

(g) A discussion of the challenges facing female and lesbian, gay, bisexual, and transgender veterans in the criminal justice system;

(h) Recommendations on how the city can address the needs of veterans in new york city to limit their involvement in the criminal justice system, how the city can assist veterans transitioning out of the criminal justice system, how the city can expand available legal assistance to veterans, and any other such recommendations as the task force deems appropriate.

3. make a good faith effort to procure from the state office of court administration, or any other agency or organization that may possess such information, and, to the extent made available, to include in the report required by paragraph 2 of this subdivision: (i) the number of veterans arrested in the city, disaggregated by type of offense; (ii) the number of veterans referred to a local department of veterans affairs office by the new york city criminal justice agency prior to arraignment; (iii) the number of veterans referred to a veterans treatment court program, disaggregated by borough; and (iv) the number of veterans who have successfully completed a veterans treatment court program, disaggregated by borough. Such information shall further be disaggregated by: (i) age, in years, disaggregated as follows: 18-25, 26-40, 41-60, 61-70, 70 or older; (ii) gender; (iii) race; and (iv) military discharge status.

e. The department of correction shall provide the task force with certain information, to the extent practicable, related to the population of veterans incarcerated in city jails for the prior year, and the task force shall include such information in the report required by subdivision d of this section. Such information shall include the total population of veterans who are inmates in the department's custody, disaggregated by (i) age, in years, disaggregated as follows: 18-25, 26-40, 41-60, 61-70, 70 or older; (ii) gender; (iii) race; (iv) the borough in which the inmate was arrested; and (v) military discharge status.

f. The report and accompanying recommendations required by subdivisions d and e of this section shall be provided to the mayor, council, director of the office of veterans affairs, and veterans advisory board, and shall be posted on the website of the coordinator of criminal justice no later than July 1, 2016.

g. The task force shall dissolve upon submission of the report required by this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Veterans.

Res. No. 696

Resolution calling on the New York City Economic Development Corporation to establish a centralized veterans-exclusive incubator in the City.

By Council Members Ulrich, Arroyo, Cabrera, Constantinides, Cumbo, Dickens, Johnson, Rose and Gentile.

Whereas, The Department of Veterans Affairs (VA) estimates that New York City is home to roughly 200,000 veterans; and

Whereas, As the United States (U.S.) de-escalates military operations abroad and reduces the size of the active duty military, greater numbers of service members will return home to New York City in the coming months and years; and

Whereas, Veterans have given years of their lives to serve our country that would have been otherwise spent establishing careers or starting businesses, putting them at a great disadvantage; and

Whereas, Veterans face many unique challenges as they transition back into civilian life and thus have needs that are significantly different from non-veteran incubator candidates; and

Whereas, The New York City Economic Development Corporation's (NYCEDC) mission is to encourage economic growth throughout the five boroughs of New York City by strengthening the City's competitive position and facilitating investments that build capacity, create jobs, generate economic opportunity and improve quality of life; and

Whereas, NYCEDC has fostered an incubator and co-working space network that provides low-cost space, business services, training, and networking opportunities to hundreds of startups and small businesses across a variety of sectors; and

Whereas, Veterans endure arduous and demanding training throughout their military careers and develop a wide range of skill sets that makes them an asset to the city's economy and; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Economic Development Corporation to establish a centralized veterans-exclusive incubator in the City.

Referred to the Committee on Economic Development.

May 14, 2015

1766

Res. No. 697

Resolution calling on Congress to pass and the President to sign the Servicemember Assistance for Lawful Understanding, Treatment and Education (SALUTE) Act of 2015.

By Council Members Ulrich, Arroyo, Chin, Koslowitz, Mendez and Gentile.

Whereas, The Servicemember Assistance for Lawful Understanding, Treatment and Education (SALUTE) Act would authorize the United States Attorney General to award grants for developing, implementing, or enhancing Veterans Treatment Courts or expanding operational mental health or drug courts to serve veterans to ensure that such courts effectively integrate substance abuse treatment, mental health treatment for Post-Traumatic Stress Disorder (PTSD) and other conditions, sanctions and incentives, and transitional services; and

Whereas, According to the United States Veterans Administration (VA), there are more than 200,000 veterans living in New York City; and

Whereas, According to studies by the Rand Institute, at least 20% of Iraq and Afghanistan veterans suffer from PTSD and/or depression; and

Whereas, According to the Rand Institute, 50% of those with PTSD do not seek treatment and only half of those get adequate treatment; and

Whereas, According to testimony before the New York City Council by the Office of the Queens County District Attorney, Veterans Treatment Courts are highly successful but would benefit greatly from the funding of paid mentors, rather than the volunteers currently utilized; and

Whereas, According to this testimony before the New York City Council by the Office of the Queens County District Attorney, funding for paid personnel to identify eligible candidates, conduct screening and perform clinical assessments would allow the court to expand its scope and help more veterans; and

Whereas, Bronx, Brooklyn and Queens Counties currently have established Veterans Treatment Courts and Richmond County is building a new courthouse to include one in the near future; and

Whereas, According to testimony before the New York City Council by Public Advocate Letitia James, funding is the major obstacle to establishing a Veterans Treatment Court in New York County; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass and the President to sign the Servicemember Assistance for Lawful Understanding, Treatment and Education (SALUTE) Act of 2015.

Referred to the Committee on Veterans.

Int. No. 794

By Council Members Williams, Cumbo, Koo, Koslowitz, Mendez, Rose, Gentile and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to assess safety risks at construction sites

Be it enacted by the Council as follows:

Section 1. Article 110 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-110.3 to read as follows:

§ 28-110.3 Task force on safety at construction sites. *There is hereby established a task force within the department to assess the effect of hazards posed to pedestrian and vehicular safety by construction activity and to make specific recommendations to the mayor and council for the alleviation of such negative consequences resulting from such construction activity. Such task force shall:*

1. Consist of the following individuals, or designees thereof:

1.1. The commissioner, who shall be the chairperson;

1.2. The chairperson of the city planning commission;

1.3. The commissioner of environmental protection;

1.4. The commissioner of health;

1.5. The commissioner of housing preservation and development;

1.6. The commissioner of transportation;

1.7. The fire commissioner;

1.8. The police commissioner; and

1.9. Such other members as the commissioner shall designate;

2. Hold at least one meeting every six months;

3. Advise the mayor and council on new and planned building construction projects that may result in disrupting the use of sidewalks and streets by pedestrians

May 14, 2015

1768

and motorists;

4. Study the safety record of construction companies that have been permitted to engage in construction activities within the last ten years and identify the instances where the activities of such construction companies have caused injury or harm to a pedestrian or motorist in the vicinity of a permitted construction site;

5. Study the condition of sidewalks and streets in the vicinity of construction activity, where such construction activity may disrupt the use of sidewalks and streets by pedestrians and motorists;

6. Identify the safety standards and practices used by construction companies that have been permitted to engage in construction activities within the last ten years, including whether such companies have consistently complied with site safety plan requirements pursuant to this article and chapter 33 of the New York city building code; and

7. By December 31 of each year, provide to the mayor and the council a report which shall include, but not be limited to, an evaluation of the sufficiency of the current regulatory framework in limiting safety hazards to pedestrians and motorists at construction sites, recommendations to improve pedestrian and motorist safety at construction sites, including proposed changes to laws, agency rules, agency enforcement practices and safety protocols of construction companies, a list of construction companies that have incurred repeated violations of chapter 33 of the New York city building code and a list of the locations where permitted construction activity has resulted in damage to city infrastructure, including sidewalks, streets, water mains and utility conduits, including the severity of such damage. Such report shall be made publicly available on the department's website within ten days after the release of such report.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 795

By Council Members Williams, Lander, Rodriguez, Reynoso, Menchaca, Rosenthal, Kallos, Levin, Levine, Miller, Chin, Arroyo, Johnson, Koo and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to clarifying bicycle access in office buildings.

Be it enacted by the Council as follows:

Section 1. Subdivision 2 of section 28-504.3 of the administrative code of the

city of New York is amended to read as follows:

2. A plan shall be completed on a form provided by the department of transportation and shall include, at a minimum: the location of entrances; route to freight elevators that accommodate bicycle access, *provided that all bicycles shall be allowed to be rolled over any surface and at all locations freight is allowed in the building and shall have the same route to travel as freight to the freight elevator to the extent practicable*; the route to a designated area for bicycle parking on an accessible level if such bicycle parking is made available, *provided that no such plans shall contain a requirement that building personnel be required to escort a person bringing in a bicycle where no escort is required for individuals transporting freight or otherwise using the freight elevator to make deliveries to such building*; and such other information as the department may require. The plan shall provide that bicycle access is available, [at a minimum,] *through the freight elevator* during the regular operating hours of the freight elevator, if such freight elevator is used for bicycle access in such building, *and through passenger elevators for bicycles being taken out of such building during the time that the freight elevator is shut down or not used for bicycle access in such building and where one or more passenger elevators is operational*. Bicycle access shall be granted to the requesting tenant or subtenant and its employees in accordance with such plan.

§2. Section 28-504.3 of the administrative code of the city of New York is amended to add a new subdivision four to read as follows:

4. *All plans filed subsequent to January 1, 2016 shall include the minimum requirements in subdivision 2 of this section upon filing; all plans filed prior to January 1, 2016 shall be amended to include the minimum requirements in subdivision 2 of this section as applicable and such amended plan shall be filed on or before July 1, 2016.*

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

Referred to the Committee on Housing and Buildings.

Res. No. 698

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to establish an Innocence Inquiry Commission to investigate credible post-conviction claims of innocence.

By Council Members Wills, Palma, Cabrera, Koslowitz, Espinal, Miller, Cornegy, Rodriguez, Williams, Mendez, Dickens, Barron, Rosenthal, Cumbo, Johnson, Rose and Menchaca.

Whereas, Since the advent of new DNA testing methods in the late 1980s, organizations around the world have formed to help innocent people overturn wrongful convictions; and

Whereas, According to the advocacy group the Innocence Project, 329 people in 37 states in the United States have been exonerated through post-conviction DNA testing since 1989, including 29 in New York State; and

May 14, 2015

1770

Whereas, The 329 people who regained freedom after their overturned convictions had been imprisoned an average of 14 years; and

Whereas, The Innocence Project has identified the most common causes of wrongful convictions as eyewitness misidentification, flawed forensics, false confessions, government misconduct, informants with questionable incentives, and inadequate defense; and

Whereas, While many independent, non-profit organizations have led the push to exonerate the innocent, state governments have also taken steps in recent years to address this injustice; and

Whereas, In 2009, New York Chief Judge Jonathan Lippman created the Justice Task Force to study the causes of wrongful convictions and to develop recommended reforms for the criminal justice system; and

Whereas, California, Connecticut, Illinois, Pennsylvania, and Wisconsin have also created similar commissions; and

Whereas, North Carolina has gone beyond other states, having created the Innocence Inquiry Commission in 2006, the first and still only state-created investigative commission set up to evaluate post-conviction claims of factual innocence; and

Whereas, Unlike a court of appeals, the Innocence Inquiry Commission is empowered to review new evidence such as DNA and updated testimony; and

Whereas, To date, North Carolina's Innocence Inquiry Commission has exonerated eight men; and

Whereas, Building on the foundation of the Justice Task Force created by Chief Judge Lippman, New York State should take the logical next step and establish an Innocence Inquiry Commission that is authorized to investigate claims and exonerate individuals based on proof of innocence; 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 establish an Innocence Inquiry Commission to investigate credible post-conviction claims of innocence.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 220

By Council Member Ferreras:

**2629 Sedgwick Avenue, Block 3237, Lot 108; Bronx, Community District No. 7,
Council District No. 14.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 221

By Council Member Ferreras:

404 East 10th Street, Block 379, Lot 11; Manhattan, Community District No. 3, Council District No. 2.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 222

By Council Member Ferreras:

Aquinas Deacon Juan Santos, Block 3118, Lots 42 and 44 and Block 3130, Lot 2; Bronx, Community District No. 6, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 223

By Council Member Greenfield:

Application No. N 090311 ZRM submitted by the 22-23 Corp. c/o Park It Management 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 8 (Special West Chelsea District), Borough of Manhattan, Community Board 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 224

By Council Member Greenfield:

Application No. 20155636 PNK pursuant to §1301(2)(f) of the New York City Charter concerning a proposed maritime lease between the New York City Department of Small Business Services and the New York City Economic Development Corporation for approximately 72 acres of City-owned land, known as the South Brooklyn Marine Terminal, located at 81 39th Street (Block 662, Lots 136 and parts of Lots 1, 130 and 155), Borough of Brooklyn, Community Board 7, Council District 38.

May 14, 2015

1772

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

L.U. No. 225

By Council Member Greenfield:

Application No. 20155570 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 123(4), 125, and 577 of the Private Housing Finance Law for a real property tax exemption, termination of the prior tax exemption and voluntary dissolution of the current owner for properties identified as Block 2713, Lot 2 and Block 2878, Lots 170 and 178, Borough of the Bronx, Community Boards 2 and 5, Council Districts 14 and 17.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 226

By Council Member Greenfield:

Application No. 20155631 HAX 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 2696, Lot 1 and Block 2699, Lot 48, Borough of the Bronx, Community Board 2, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 227

By Council Member Greenfield:

Application No. 20155632 HAX 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 3014, Lots 5 and 45, Borough of the Bronx, Community Board 3, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 228

By Council Member Greenfield:

Application No. 20155635 HAQ 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 15853, Lot 48, Borough of Queens, Community Board 14, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 229

By Council Member Greenfield:

Application No. 20155571 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 for an Urban Development Action Area Project for property located at 62 West Tremont Avenue, Borough of the Bronx, Community Board 5, Council District 14.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 230

By Council Member Greenfield:

Application No. 20155634 HAK 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 properties located at 2425 Mermaid Avenue, 2427 Mermaid Avenue, 3216 Mermaid Avenue, 2816 West 16th Street, 3566 Canal Avenue, Borough of Brooklyn, Community Board 13, Council District 47.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

May 14, 2015

1774

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

ANNOUNCEMENTS:

Monday, May 18, 2015

**NEW YORK CITY COUNCIL FISCAL YEAR 2016 EXECUTIVE BUDGET
HEARINGS
ALL HELD IN COUNCIL CHAMBERS – CITY HALL**

★ Note Deferred

Time	Agency Testifying	Finance Committee
10:00 – 12:00	Office of Management & Budget (The New York City Budget Structure and the 10 Year Capital Strategy)	Finance
★ 1:30 – 2:30	Finance	Finance
★ 1:30 – 2:00	Comptroller	Finance
12:30	Public	

Tuesday, May 19, 2015

Subcommittee on **ZONING & FRANCHISES**9:30 A.M.

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Human Resources Administration / Social Services	General Welfare
12:00 – 2:00	Administration for Children’s Services	General Welfare & Women’s Issues & Juvenile Justice
2:00 – 4:00	Homeless Services	General Welfare

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 20, 2015

★ Addition

Committee on **MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, SUBSTANCE ABUSE AND DISABILITY SERVICES**....**9:30 A.M.**

Res 282 - By Council Members Rosenthal, Vacca, Arroyo, Chin, Cohen, Constantinides, Dickens, Eugene, Ferreras, Gentile, Johnson, Mendez, Reynoso, Rodriguez, Rose, Vallone, Dromm and Koslowitz - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the income eligibility for the disability rent increase exemption program and the senior citizen homeowners' exemption program in equal proportion to the increase in income eligibility for the senior citizen rent increase exemption program included in the 2014-2015 Executive Budget.

Res 410 - By Council Members Williams, Rosenthal, Arroyo, Deutsch, Dickens, Eugene, Gentile, Gibson, Johnson, Koo, Levine and Koslowitz - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation amending the income eligibility requirements for the disabled homeowners' exemption program.

Committee Room – City Hall Andrew Cohen, Chairperson

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:00	Health and Hospitals Corporation	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
11:00 – 1:00	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
1:00 – 1:30	Office of Chief Medical Examiner	Health
1:30 – 3:30	Small Business Services/Economic Development Corporation	Economic Development & Small Business

Thursday, May 21, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:30	Police	Public Safety
12:30 – 2:00	District Attorney / Special Narcotics Prosecutor	Public Safety

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

Tuesday, May 26, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Sanitation	Sanitation & Solid Waste Management
12:00 – 1:30	Parks and Recreation	Parks & Recreation
1:30 – 3:30	Environmental Protection	Environmental Protection

Wednesday, May 27, 2015

Committee on **FINANCE****10:00 A.M.**

Int 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

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City HallJulissa Ferreras, Chairperson

★ Addition

Committee on **RULES, PRIVILEGES & ELECTIONS**.....**10:30 A.M.**

Agenda to be announced

Council Chambers – City Hall..... Brad Lander, Chairperson

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*

..... *Agenda – 1:30 p.m.*

May 14, 2015

1778

**AMENDED NOTICE
EXECUTIVE BUDGET 2016**

**NEW YORK CITY COUNCIL FISCAL YEAR 2016 EXECUTIVE
BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the **Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XLI & CD-XLII Programs for the Fiscal Year 2016** to be held in the Council Chambers, City Hall as follows:

Monday, May 18, 2015

★ Note Deferred

Time	Agency Testifying	Finance Committee
10:00 – 12:00	Office of Management & Budget (The New York City Budget Structure and the 10 Year Capital Strategy)	Finance
★ 1:30 – 2:30	Finance	Finance
★ 1:30 – 2:00	Comptroller	Finance
12:30	Public	

Tuesday, May 19, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Human Resources Administration / Social Services	General Welfare
12:00 – 2:00	<u>Administration for Children's Services</u>	General Welfare & Women's Issues & Juvenile Justice
2:00 – 4:00	Homeless Services	General Welfare

Wednesday, May 20, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:00	Health and Hospitals Corporation	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
11:00 – 1:00	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
1:00 – 1:30	Office of Chief Medical Examiner	Health
1:30 – 3:30	Small Business Services/Economic Development Corporation	Economic Development & Small Business

Thursday, May 21, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:30	Police	Public Safety
12:30 – 2:00	District Attorney / Special Narcotics Prosecutor	Public Safety

May 14, 2015

1780

Tuesday, May 26, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Sanitation	Sanitation & Solid Waste Management
12:00 – 1:30	Parks and Recreation	Parks & Recreation
1:30 – 3:30	Environmental Protection	Environmental Protection

Thursday, May 28, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:30	Education (Expense)	Education
1:00 – 3:00	Education (Capital)/School Construction Authority	Education

Friday, May 29, 2015

★ Note Deferred

★★ Note New Time

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ 10:30 – 11:30	Consumer Affairs	Consumer Affairs
11:30 – 1:00	Youth and Community Development	Youth Services & Community Development
★★ 1:00 – 2:30	City University of New York	Higher Education

Monday, June 1, 2015★ *Note Deferred*★★ *Note New Time*

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
11:00 – 12:00	Correction	Fire & Criminal Justice Svcs.
★ 12:00 – 12:30	Board of Correction	Fire & Criminal Justice Svcs.
★★ 12:00 – 1:30	Transportation	Transportation
★★ 1:30 – 2:30	MTA NYC Transit	Transportation
★★ 2:30 – 3:15	Taxi & Limousine Commission	Transportation

Tuesday, June 2, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:00	Citywide Administrative Services	Governmental Operations
11:00 – 11:45	Law Department	Governmental Operations
11:45 – 12:45	Board of Elections	Governmental Operations
12:45 – 1:15	Campaign Finance Board	Governmental Operations

May 14, 2015

1782

Thursday, June 4, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 – 11:00	Information and Technology and Telecommunication	Land Use & Technology
11:00 – 1:00	Aging	Aging & Subcommittee on Senior Centers
1:00 – 3:00	Housing Preservation & Development	Housing & Buildings
3:00 – 4:00	Buildings	Housing & Buildings

Monday, June 8, 2015

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 – 11:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Subcommittee on Libraries
11:30 – 1:00	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
1:00 – 3:00	NYCHA	Public Housing

Tuesday, June 9, 2015

★ Note Addition

Time	Agency Testifying	Finance Committee
10:00 – 12:00	Office of Management & Budget	Finance
★12:00 – 1:00	Finance	Finance
★1:00 – 1:30	Comptroller	Finance
1:30	Public	

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, May 27, 2015.

Editor's Local Law Note: 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. Int Nos. 211-A, 261-A, 271-A, 433-A, 555-A, 597-A, and 681, all adopted by the Council at the April 16, 2015 Stated Meeting, were signed into law by the Mayor on May 6, 2015 as, respectively, Local Law Nos. 36, 37, 38, 39, 40, 41, and 42 of 2015.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

May 14, 2015

1784