

## **THE COUNCIL**

---

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

*of*

Wednesday, September 30, 2015, 2:04 p.m.

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

### Council Members

Melissa Mark-Viverito, Speaker

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

Absent: Council Members Miller, Richards and Vacca.

Excused on Medical Leave: Council Members Dickens and Palma.

September 30, 2015

3440

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

*There are two vacancies in the Council pending the swearing-in of the respective winners of the Nov. 2015 General Elections to be held in the 23rd and 51st Districts.*

### INVOCATION

The Invocation was delivered by Imam Al-Hajj Talib Abdur-Rashid, The Mosque of Islamic Brotherhood, 130 West 113th Street, New York, N.Y. 10026.

Good afternoon  
and peace be unto you all. *Salaam-Alaikum*.  
A reading from the Quran, [speaking Arabic].  
And indeed having exhorted men  
related down in all of the books of divine wisdom  
that my righteous servants shall inherit the earth.  
Herein behold there is a message for people  
who truly worship God, and thus oh prophet  
we have not sent thee except as a mercy  
unto all of the worlds and their peoples. [speaking Arabic]  
All mighty God, Lord of the worlds,  
creator of the heavens and the earth and all in between.  
We come together this afternoon  
gathered in the spirit of our father Abraham  
who dwelled in the desert in a four-walled tent.  
Three walls of that tent were enclosed  
and one was opened to receive.  
Therefore, we of the Abrahamic traditions gather  
as Jews, Christians and Muslims  
along with people of various faiths  
in this great city of diverse faith traditions.  
We open the walls surrounding our hearts and minds  
to all human beings of good will,  
even as we strive to love our neighbors as ourselves.  
We seek the peace, the Salaam, the Shalom of our city.  
Guide us, our leaders and the inhabitants of our state

we pray with divine wisdom in our quest  
for mutual safety and security.  
Preserve us and our children from the worship  
of idols of the heart and diseases of the soul,  
from envy, jealousy, greed, and lust, lust for the neighbor.  
Grant us instead hearts centered on justice,  
human service, healing, and reconciliation.  
Unmute the tongue of those who would lead  
and magnify the voice of your humble servants,  
unafraid to speak truth to power  
and to act upon it in their private and public lives.  
Guide us to the path of truth,  
righteousness and justice, cleared for all of us,  
cleared for all of mankind by the prophets.  
For you all the all forgiving most merciful God.  
Amin and Amen.

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

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Mark-Viverito) asked for a moment of silence in memory of Yogi Berra, 90, who passed away on September 22, 2015 at the age of 90. He played, coached, and managed for both the New York Yankees and the New York Mets and was considered one of the best catchers and one of the best overall players in Major League Baseball history. The Speaker (Council Member Mark-Viverito) went on to acknowledge that Yogi Berra was a true icon for New York City and America as a whole.

#### **MESSAGES & PAPERS FROM THE MAYOR**

M-339

**Communication from the Mayor – Submitting the Mayor’s Management Report, Fiscal 2015, dated September 2015, pursuant to Section 12 of the New York City Charter.**

September 30, 2015

3442

LETTER FROM THE MAYOR

Dear New Yorkers:

Every year, the Mayor's Management Report (MMR) offers an opportunity for us to pause and reflect on our progress, serving as an annual report to the residents of New York City. The 2015 MMR marks the first full year of data from our administration. The report reflects our standard of civic openness, and the metrics presented here are the metrics we use to evaluate our own performance.

The MMR highlights the full breadth of what we do—through services routine and urgent, through programs vast and small—toward building one just and equitable city for all New Yorkers. It reveals in granular detail what is involved in the work of governing, and the efforts underway toward accomplishing the goals of this administration—with an inclusive, equitable approach to meeting the needs of all New Yorkers.

Sincerely,

Bill de Blasio  
Mayor

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-340

**Communication from the Bronx Borough President - Submitting the name of Orlando Marin to the Council for its advice and consent regarding his appointment to the City Planning Commission for a five year term that began on July 1, 2015 and expires on June 30, 2020, pursuant to Section 192 of the New York City Charter.**

August 25, 2015

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

Dear Speaker Viverito:

As per Section 192 of the New York City Charter, I am requesting the Council's advice and consent regarding Orlando Marin to serve as a member of the City Planning Commission for an appointment to a five year term that began on July 1, 2015 and expires on June 30, 2020. Based on his many years of experience in the field of project development and city planning, I believe Mr. Marin is uniquely qualified to serve on the Planning Commission.

Please call me or my General Counsel, Raymond Sanchez (347-410-1493), if questions arise. Thank you for your assistance in this matter.

Regards,

Ruben Diaz, Jr.

Referred to the Committee on Rules, Privileges and Elections.

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Mark-Viverito) noted that several staff members were departing from the Council: Deputy General Counsel Sung Mo Kim; Director of Scheduling Casey Sinnwell; and Deputy General Counsel Jason Otano, a U.S. Army Judge Advocate General Reservist, who will be temporarily leaving for active duty before returning to the Council. She thanked them and wished them all the best of luck in the future.

## **REPORTS OF THE STANDING COMMITTEES**

### **Report of the Committee on Civil Service and Labor**

Report for Int. No. 903

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of sanitation.**

The Committee on Civil Service and Labor, to which the annexed proposed local law was referred on September 17, 2015 (Minutes, page 3402), respectfully

## **REPORTS:**

### **INTRODUCTION**

On September 25, 2015, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller held a hearing and voted on Int. No. 903, a local law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of sanitation. The committee received testimony from the Department of Sanitation. The vote was 4 in the affirmative, 0 in the negative, with no abstentions.

### **STATUTORY BACKGROUND:**

Currently, section 12-126(b)(2)(i) of the Administrative Code of the City of New York provides health insurance benefits to a surviving spouse or domestic partner, and dependent children of police officers, firefighters, uniformed members of the correction or sanitation department, emergency medical technician, advanced emergency medical technician and employees whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician of the fire department of the city of New York while in performance of duty on or after September 11, 2001. Benefits are provided if the employee was killed as the natural and proximate result of an accident or injury sustained while in the performance of duty. The health insurance benefits are provided to a surviving spouse or domestic partner until he or she dies, and are provided to dependent children until age 19, or, if enrolled full-time as an undergraduate at an accredited degree-granting institution of higher education, until the completion of the educational program, or age 23, whichever occurs first.

The section also provides that the Mayor has the discretion to extend such benefits to surviving spouses, domestic partners and eligible dependent children of employees of the fleet services division of the Police Department who died in the line of duty on or after October 1, 1998 and before April 30, 1999; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division of the Department of Transportation who died on or after September 1, 2005 and before September 28, 2005; and the surviving spouses, domestic partners and children of employees of deceased employees of the Bureau of Wastewater Treatment of the Department of Environmental Protection who have died on or after January 8, 2009 and prior to January 10, 2009. The cause of death would still be required to be a natural and proximate result of an accident or injury sustained while in the performance of duty.

In addition, this section provides that any individual in active service covered by section 126(b)(2)(i) shall be deemed to have died in the line of duty if such death occurs while the individual was ordered to active duty, other than for training purposes, pursuant to Title 10 of the United States Code, with the United States armed forces.

### **APPLICATION OF LAW**

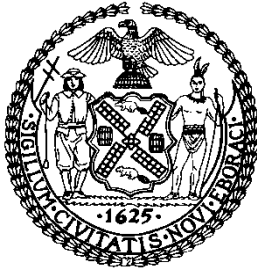
On July 29, 2015, Frank Musella, a sergeant in New York City Department of Sanitation, passed away while on duty in Staten Island. Mr. Musella had served with

the Department since 2006, and is survived by his wife, Alessandra Musella, and two sons, Frank Musella, Jr., and Anthony Musella.

The inclusion of Mr. Musella's family would not be within the purview of section 12-126(b)(2)(i) of the Code that grants authority to the Mayor to use his or her discretion to extend benefits to the spouses, domestic partners and eligible dependent children of employees of the specified agencies who died during the course of their employment.

This proposed legislation would extend health insurance coverage to Mr. Musella's widow and eligible children, thus helping to ease the financial burdens of his family and demonstrating the City's appreciation of this employee's dedicated service to the people of this City.

**(The following is the text of the Fiscal Impact Statement for Int. No. 903:)**



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

**FINANCE DIVISION**

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INTRO. NO.: 903**

**COMMITTEE:** Civil Service and Labor

---

**TITLE:** A LOCAL LAW to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of sanitation.

**SPONSOR(S):** Council Members Miller, Arroyo, Barron, Chin, Constantinides, Eugene, Gentile, Gibson, Johnson, Lander, Richards and Rose (by request of the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would authorize the Mayor to extend health insurance benefits to the surviving spouses, domestic partners, and children of employees of the Sanitation Enforcement Division of the Department of Sanitation who died as a natural and proximate result of an accident or injury sustained while in the performance of duty on or after July 28, 2015 and prior to July 30, 2015.

**EFFECTIVE DATE:** This local law would take effect immediately, and would be retroactive and deemed to have been in full force and effect on and after July 29, 2015.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	(\$16,000)	(\$19,000)	(\$19,000)
<b>Net</b>	(\$16,000)	(\$19,000)	(\$19,000)

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

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would have an effect on expenditures in the amount of \$16,000 in Fiscal 2016 and \$19,000 in Fiscal 2017. These expenditures represent the increased HIP premium payments that would result from the implementation of this legislation.

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

**SOURCE OF INFORMATION:** NYC Council Finance Division  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Paul Sturm, Supervising Financial Analyst,  
Finance Division

**ESTIMATE REVIEWED BY:** Raymond Majewski, Deputy Director/Chief  
Economist, Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division  
Rebecca Chasan, Assistant Counsel, Finance  
Division

**LEGISLATIVE HISTORY:** Intro. No. 903 was introduced to the Council on September 17, 2015 and referred to the Committee on Civil Service and Labor. This legislation will be considered by the Committee on Civil Service and Labor at a hearing on September 25, 2015 and upon successful vote by the Committee, Intro. No. 903 will be submitted to the full Council for a vote on September 30, 2015.

**DATE PREPARED:** September 24, 2015

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 903:)**



Int. No. 903

By Council Members Miller, Arroyo, Barron, Chin, Constantinides, Eugene, Gentile, Gibson, Johnson, Lander, Richards, Rose, Rosenthal, Kallos, Williams and Wills (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of sanitation.**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (i) of paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by local law number 8 for the year 2014, is amended to read as follows:

(i) Where the death of a member of the uniformed forces of the police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving

spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; [and] the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; *and the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen* as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.

§ 2. This local law shall take effect immediately, and shall be retroactive to and deemed to have been in full force and effect on and after July 29, 2015.

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, September 25, 2015. *Other Council Members Attending: Council Members Kallos and Koslowitz.*

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 Consumer Affairs**

Report for Int. No. 885-A

**Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the revocation, suspension, or refusal to renew a cigarette dealer license due to the sale of synthetic drugs or imitation synthetic drugs.**

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on September 17, 2015 (Minutes, page 3357), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

Today, the Committee on Consumer Affairs, chaired by Council Member Rafael Espinal, will vote on a bill that would add cigarette dealer license-related penalties for the manufacture and sale of synthetic cannabinoids and phenethylamines. This bill was previously heard at a joint hearing on September 21, 2015, conducted by the Committees on Public Safety; Health; Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services; and Consumer Affairs. The committees received testimony from the Departments of Health and Mental Hygiene (DOHMH), Consumer Affairs (DCA), and Homeless Services; the Mayor's Office of Criminal Justice; the New York City Police Department (NYPD); the New York City Sheriff's Office; and other interested parties.

## II. BACKGROUND

Synthetic cannabinoids—better known as synthetic marijuana, K2 or Spice—refers to a wide variety of herbal mixtures that have been sprayed with chemical additives that produce psychoactive effects.<sup>1</sup> Some users report experiences similar to those produced by marijuana—elevated mood, relaxation, and altered perception.<sup>2</sup> However, in some cases the effects are stronger and/or more dangerous than those of marijuana. For example some users have experienced extreme anxiety, paranoia, and hallucinations.<sup>3</sup> In fact, DOHMH issued an advisory on July 27, 2014 about fifteen cases of adverse reactions to synthetic cannabinoids.<sup>4</sup> The reactions included agitation, anxiety, nausea, vomiting, high blood pressure, tremors, seizures, hallucinations, paranoia, and violent behavior.<sup>5</sup> On April 17, 2015, DOHMH issued a press release warning New Yorkers of the unpredictable and dangerous effects synthetic cannabinoids cause because there were more than 120 emergency room visits between April 8<sup>th</sup> and April 15<sup>th</sup>.<sup>6</sup> There is no antidote presently available for synthetic cannabinoid intoxication.<sup>7</sup>

Nationally, synthetic cannabinoids are relatively popular among young people.<sup>8</sup> It is the second most popular type of drug among high school seniors.<sup>9</sup> However, in New York City the drug is widely used among homeless people.<sup>10</sup> Users in New York City reportedly often smoke openly on the street.<sup>11</sup> East Harlem, Central Harlem, Chelsea<sup>12</sup> and Central Brooklyn<sup>13</sup> are among the neighborhoods where increased emergency room visits related to synthetic cannabinoid use have been identified.

<sup>1</sup> National Institute on Drug Abuse, “K2/Spice,” *available at* <http://www.drugabuse.gov/drugs-abuse/k2spice-synthetic-marijuana>.

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

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

<sup>4</sup> New York City Department of Health and Mental Hygiene, “Increase in synthetic cannabinoid-related adverse events and emergency department visits, New York City,” 2014 Advisory #18, *available at* <https://a816-health30ssl.nyc.gov/sites/NYCHAN/Lists/AlertUpdateAdvisoryDocuments/Synthetic%20cannabinoids-HAN-advisory-7%2027%2014%2011AM.pdf>.

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

<sup>6</sup> New York City Department of Health and Mental Hygiene, “DOHMH Warns New Yorkers of Dangers of ‘Synthetic Marijuana’ After Increase in Emergency Department Visits,” Apr. 17, 2015, *available at* <http://www.nyc.gov/html/doh/html/pr2015/pr017-15.shtml>.

<sup>7</sup> New York City Department of Health and Mental Hygiene, “Increase in synthetic cannabinoid (marijuana)-related adverse events and emergency department visits, New York City,” 2015 Advisory #6, *available at* <http://www.nyc.gov/html/doh/downloads/pdf/ah/marijuana-alert.pdf>.

<sup>8</sup> *Supra*, note 1.

<sup>9</sup> *Id.*

<sup>10</sup> *Nicholas Casey*, “K2, a Potent Drug, Casts a Shadow Over an East Harlem Block,” *N.Y. Times*, Sept. 2, 2015, *available at* <http://www.nytimes.com/2015/09/03/nyregion/k2-a-potent-drug-casts-a-shadow-over-an-east-harlem-block.html>.

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

<sup>12</sup> *Supra*, note 6.

<sup>13</sup> *Supra*, note 7.

Synthetic cannabinoids have been readily available in “head shops,” local bodegas, and via the internet for years.<sup>14</sup> The wide-spread availability of synthetic cannabinoids at local retailers and corner stores tracks with a long-standing history of unlawful activity occurring from time to time in New York City bodegas. For example, in June of this year, owners and employees of a bodega in Harlem were indicted for a scam that stole \$2.7 million from the federal Supplemental Nutritional Assistance Program (SNAP) over five years.<sup>15</sup> Also this summer, the NYPD reported that during a year-long NYPD crackdown on illegal gambling and numbers-running operations in Brooklyn, a majority of the busts have occurred in bodegas.<sup>16</sup>

Illegal cigarettes are another smoke-able illicit product that is sometimes sold at bodegas. Cigarette retailers in New York City are required to be licensed by DCA and the commissioner may order the sealing of the premises of a business that is found to have engaged in unlicensed activity or committed numerous violations of applicable local law. New York State assesses higher taxes on cigarettes than states such as Virginia. Pursuant to New York State law, cigarettes purchased out of state may not be sold in New York. A report in 2014 indicated that inspections by the Department of Finance, however, found such out-of-state illegal cigarettes in 48% of the bodegas inspected around that time.<sup>17</sup> The sale of illegal cigarettes appears to be linked to the sale of synthetic cannabinoids. Testimony at the hearing on September 21 from representatives from the Sheriff’s Office indicated that there is a strong correlation between bodegas selling illegal, untaxed cigarettes and those selling synthetic drugs. Busts of synthetic cannabinoids in bodegas tend to reveal large supplies of illegal cigarettes, and vice versa.<sup>18</sup>

States have moved to respond to the threat of synthetic cannabinoids and other synthetic drugs. Since 2011, all 50 states have banned some synthetic drugs.<sup>19</sup> Legislation often targets specific ingredients used to create these drugs. However, to avoid prosecution, manufacturers have continually altered the chemical composition of these banned substances to create similar drugs not yet explicitly covered by law. Legislators have reacted with general bans prohibiting entire classes of substances or by using broad language to describe the overall chemical makeup. Thirty-four states—New York not among them—also use analogue laws, which prohibit drugs with chemical structures and effects substantially similar to those of already banned

<sup>14</sup> *Supra*, note 1.

<sup>15</sup> *Shayna Jacobs*, “Nine people stole \$2.7M through food stamps scam out of East Harlem grocery store: prosecutors,” *Daily News*, June 30, 2015, available at <http://www.nydailynews.com/new-york/nyc-crime/2-7m-stolen-east-harlem-food-stamps-scam-article-1.2277126>.

<sup>16</sup> James Faneli, “All Bets Are Off in Brooklyn as DA, Cops Bust Borough’s Illegal Gambling,” *DNAInfo*, July 15, 2013, available at <http://www.dnainfo.com/new-york/20130715/williamsburg/all-bets-are-off-brooklyn-as-da-cops-bust-boroughs-illegal-gambling>.

<sup>17</sup> Michael Wilson, “In New York, a Nose for Hidden Compartments and Cigarettes,” *N.Y. Times*, Oct. 17, 2014, available at <http://www.nytimes.com/2014/10/18/nyregion/in-new-york-a-nose-for-hidden-compartments-and-the-potential-for-smoke.html>

<sup>18</sup> Laura Bult, “Cops bust pair for allegedly selling K2 drug at Queens bodega,” *N.Y. Daily News*, Aug. 12, 2015, available at <http://www.nydailynews.com/new-york/nyc-crime/cops-bust-pair-allegedly-selling-k2-drug-queens-bodega-article-1.2322842>; Gustavo Solis, “Deli Manager Busted for Selling Fake Pot and Untaxed Cigs After Harlem Raid,” July 8, 2015, available at <http://www.dnainfo.com/new-york/20150708/central-harlem/deli-manager-busted-for-selling-fake-pot-untaxed-cigs-after-harlem-raid>.

<sup>19</sup> National Conference of State Legislatures, “Synthetic Drug Threats,” Jan. 13, 2015, available at <http://www.ncsl.org/research/civil-and-criminal-justice/synthetic-drug-threats.aspx>.

substances.<sup>20</sup> In addition, jurisdictions have successfully prosecuted retailers using public nuisance laws, as well as consumer protection laws against false advertising and mislabeling.<sup>21</sup>

In August of 2012, the New York State Department of Health (DOH) expanded the existing list of prohibited drugs and chemicals in the State Sanitary Code to include dozens of substances commonly used to make synthetic drugs. The same year, Attorney General Eric Schneiderman filed suit against 12 upstate retailers that sold synthetic drugs for violating New York State's labeling laws, which require consumer products' packaging to identify the manufacturer, the common product name, the net quantity of contents, and warnings for customary use, among other information.<sup>22</sup> Within three and a half months, Schneiderman obtained eight orders permanently banning synthetic drugs from the retailers and won a state Supreme Court ruling that resulted in a \$15,000 penalty.<sup>23</sup>

The alarming increase in synthetic marijuana-related emergency department visits in early 2015 has prompted further regulatory and legislative action. On the state level, DOH passed emergency measures in August of 2015 to ban two additional classes of compounds, covering potentially hundreds of chemicals.<sup>24</sup> The DOH regulations allow for an owner or an employee of an establishment selling synthetic drugs to be charged with possession of an illicit substance, with criminal penalties of up to \$500 in fines and up to 15 days in jail, and civil penalties of up to \$2,000 per violation. In the state legislature, there are currently at least seven bills pending to address this issue with varying approaches, including bills that ban analogue drugs, add synthetic marijuana to the definition of marijuana, and create a surrender program.

In New York City, at the request of Council Speaker Melissa Mark-Viverito, a multi-agency operation was created to inspect suspected sellers of synthetic marijuana. Led by the NYPD, the effort is joined by the New York City Sheriff's Office, DCA, and DOHMH. In early July of 2015, five retailers centered around 125<sup>th</sup> Street and Lexington Avenue in East Harlem were inspected, all of which had previously been served with an order to stop the sale of synthetic marijuana from DOHMH Commissioner Dr. Mary Bassett.<sup>25</sup> A total of nearly 8,000 bags of synthetic marijuana were recovered at two of the locations.<sup>26</sup> Several weeks later, a second

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Office of the New York Attorney General, "A.G. Schneiderman Wins Court Victory in Push to Ban Mislabeled Drugs from Head Shops," Oct. 25, 2012, *available at* <http://www.ag.ny.gov/press-release/ag-schneiderman-wins-court-victory-push-ban-mislabeled-drugs-head-shops>.

<sup>23</sup> *Id.*

<sup>24</sup> Office of the Governor of New York, "Governor Cuomo Announces Passage of Emergency Regulations Targeting the Sale of Synthetic Marijuana," Aug. 6, 2015, *available at* <https://www.governor.ny.gov/news/governor-cuomo-announces-passage-emergency-regulations-targeting-sale-synthetic-marijuana>.

<sup>25</sup> New York City Council, "At Speaker Mark-Viverito's Request, NYPD Leads Multi-Agency Inspections on 125<sup>th</sup> Street for Synthetic Cannabinoids," July 7, 2015, *available at* <http://council.nyc.gov/html/pr/070715nypd.shtml>.

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

inspection in the same area resulted in the confiscation of more than 2,000 bags of the substance.<sup>27</sup>

On September 16, 2015 NYPD, along with the United States Attorney's office and several other federal agencies, charged ten defendants involved in a massive K2 distribution ring. According to NYPD, the drug enterprise, operating in all five boroughs, allegedly involved the unlawful importation of at least 100 kilograms of K2, an amount sufficient to produce approximately 1,300 kilograms of dried product or approximately 260,000 retail packets. Coordinated with the announcement of these criminal charges, five processing facilities and warehouses used to store and distribute K2, and over 80 stores and bodegas around New York City were searched.

Despite some regulatory successes, additional enforcement measures are needed to prevent a continued rise of synthetic marijuana use and corresponding hospitalizations, as well as the continued evolution of these drugs in an attempt to remain one step ahead of regulatory efforts. City officials are examining a range of approaches, incorporating lessons learned from previous attempts to criminalize and prosecute drug sellers while addressing the complex network of social factors that drive increases in drug use.

### **III. ANALYSIS OF, AND CHANGES TO, PROPOSED INT. NO. 885-A**

Proposed Int. No. 885-A would add cigarette dealer license-related penalties to legislation being voted on in the Committee on Public Safety today, Int. No. 917-A, which would prohibit the knowing manufacture, sale, offer for sale, display for sale, distribution for sale, or possession with intent to sell of a variety of synthetic cannabinoids and phenethylamines, analogues of these substances, imitations of these substances, and substances represented as being these substances, and substances commonly known by street names for these substances, including synthetic marijuana, bath salts, and K-2.

The bill would add these synthetic drug violations to the list of violations that require suspension (for first violations) and revocation (for subsequent violations) of a violator's retail cigarette dealer license.

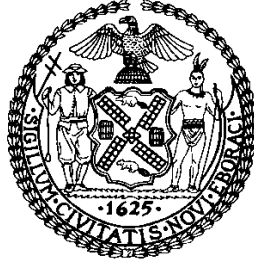
The bill would also allow the commissioner of DCA to refuse to renew a cigarette dealer license if the license holder has been convicted of a violation of the prohibitions created by the Int. No. 917-A.

Since it was heard on September 21, this bill was revised to clarify that mandatory revocations for a second offense apply to subsequent license holders at the same location unless the subsequent license holder demonstrates that they acquired the license or business through an arm's length transaction and that the sale was not completed to avoid the effect of violations on the premises. This provision is modeled on existing provisions requiring arm's length transactions to avoid repeat offender penalties for other cigarette license-related violations.

The bill would take effect 60 days after its passage into law.

<sup>27</sup> Emma Whitford, "City Seized 2,000 Bags of Synthetic Marijuana From Two Harlem Bodegas," *Gothamist*, July 27, 2015, available at [http://gothamist.com/2015/07/27/synthetic\\_weed\\_crackdown.php](http://gothamist.com/2015/07/27/synthetic_weed_crackdown.php).

(The following is the text of the Fiscal Impact Statement for Int. No. 885-A:)



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

**LATONIA MCKINNEY,  
DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 885-A  
COMMITTEE: Consumer Affairs**

---

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to the revocation, suspension, or refusal to renew a cigarette dealer license due to the sale of synthetic drugs or imitation synthetic drugs

**SPONSOR(S):** The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Cohen, Arroyo, Barron, Chin, Johnson, Koo, Mendez, Richards, Rose, Wills, and Crowley

**SUMMARY OF LEGISLATION:** The proposed legislation would mandate the suspension of a cigarette dealer license for any licensed cigarette dealer who violates the provisions of the proposed synthetic drug prohibition. It would create a mandatory revocation for a second or subsequent violation of such proposed prohibition if such violation occurred in the same place of business within a 3 year period unless 1) the license holder acquired the business or premises through an arm's length transaction; and 2) such transaction was not conducted for the purpose of avoiding the effect of violations on the premises. Further, this bill would allow the Department of Consumer Affairs commissioner to take such violations into account as they consider whether to grant future cigarette dealer licenses to such violator.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017



**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable.

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Aliya Ali, Senior Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director  
Tanisha Edwards, Chief Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on September 17, 2015 as Intro. No. 885 and was referred to the Committees on Consumer Affairs. A hearing was held by the Committee on Consumer Affairs, the Committee on Public Safety, the Committee on Health, and the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services on September 21, 2015 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 885-A, will be considered by the Committee on Consumer Affairs on September 25, 2015. Upon successful vote by the Committee, Proposed Intro. No. 885-A will be submitted to the full Council for a vote on September 30, 2015.

**DATE PREPARED:** September 22, 2015

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

**(The following is the text of Int. No. 885-A:)**

Int. No. 885-A

By The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Cohen, Arroyo, Barron, Chin, Johnson, Koo, Mendez, Richards, Rose, Wills, Crowley, Cumbo, Rosenthal, Greenfield, Kallos and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the revocation, suspension, or refusal to renew a cigarette dealer license due to the sale of synthetic drugs or imitation synthetic drugs**

*Be it enacted by the Council as follows:*

Section 1. Section 10-203 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

*h. Any person who engages in business as a retail dealer pursuant to section 20-202 of the code shall be subject to:*

*1. a mandatory suspension of his or her retail dealer license for a period of thirty days for a violation of this section; or*

*2. a mandatory revocation of his or her retail dealer license, or of any subsequent license holder, for a second or subsequent violation of this section occurring on a different day at the same place of business within a three-year period, unless the subsequent license holder provides the commissioner of the agency that has commenced the proceeding to recover a civil penalty pursuant to subdivision d of this section with adequate documentation demonstrating that such subsequent license holder acquired the premises or business through an arm's length transaction, as defined in paragraph 5 of subdivision d of section 20-202 of the code, and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises.*

§ 2. Paragraphs 2 and 3 of subdivision a of section 20-206 of the administrative code of the city of New York, paragraph 2 as added by local law number 2 for the year 2000 and paragraph 3 as amended by local law number 69 for the year 2009, are amended, and a new paragraph 4 is added to such subdivision, to read as follows:

2. not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rules promulgated thereunder or pursuant to chapter thirteen of title eleven of this code, or chapter forty of title eleven of this code relating to cigarette sales[.]; *or*

3. violated the provisions of section 17-714 of this code or any rules promulgated thereunder[.]; *or*

4. violated any provision of section 10-203 of this code or any rules promulgated thereunder.

§ 3. The commissioner of consumer affairs may promulgate rules as may be necessary for the purposes of carrying out the provisions of this local law.

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

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

RAFAEL L. ESPINAL, Jr., *Chairperson*; JULISSA FERRERAS-COPELAND, KAREN KOSLOWITZ, RORY I. LANCMAN; Committee on Consumer Affairs, September 25, 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 Finance**

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

Report for Res. No. 867

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on September 30, 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, 2015, the Council adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”).

Analysis. This Resolution, dated September 30, 2015, approves the new designation and changes in the designation of certain organizations receiving local

and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget and amends the description for the Description/Scope of Services of certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 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 and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, as well as amendments to the Description/Scope of Services of certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 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 2016 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 2016 Expense Budget, as described in Chart 2; sets forth the new designation and changes in the designation of funding pursuant to certain initiatives in the Fiscal 2016 Expense Budget, as described in Charts 3-28; and amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, as described in Chart 29.

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 2016 Expense Budget, dated June 26, 2015.

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 2016 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2016 Expense Budget. All of these changes will be effectuated upon a budget modification.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2016 Expense Budget. All of these changes will be effectuated upon a budget modification.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 5 sets forth the new designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative (HPI) in accordance with the Fiscal 2016 Expense Budget.

Chart 6 sets forth the new designation of a certain organization receiving funding pursuant to the NYC Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 8 sets forth the new designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 9 sets forth the new designation of certain organizations receiving funding pursuant to the NYC Support Our Seniors Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2016 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 12 sets forth the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 13 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Eviction and SRO Legal Services Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 14 sets forth the new designation of a certain organization receiving funding pursuant to the Smoke Detector Distribution Program Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 15 sets forth the new designation of certain organizations receiving funding pursuant to the Chamber on the Go (Small Business Mobile Outreach Unit) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 16 sets forth the new designation of a certain organization receiving funding pursuant to the Foreclosure Buyback Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 17 sets forth the new designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Supportive Service Enhancement Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 18 sets forth the new designation of certain organizations receiving funding pursuant to the Neighborhood Naturally Occurring Retirement Communities (NNORC) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 19 sets forth the new designation of certain organizations receiving funding pursuant to the Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 20 sets forth the new designation of certain organizations receiving funding pursuant to the Sports Training and Rolemodels for Success (STARS) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 21 sets forth the change in the designation, specifically the removal of funds, of the administering agency receiving funding pursuant to the Bail Fund Initiative in accordance with the Fiscal 2016 Expense Budget. This change will be effectuated upon a budget modification.

Chart 22 sets forth the new designation of certain organizations receiving funding pursuant to the Access Health NYC Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 23 sets forth the new designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance (IDUHA) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 24 sets forth the new designation of certain organizations receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal

2016 Expense Budget. One of these changes will be effectuated upon a budget modification.

Chart 25 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Mental Health/Therapeutic Services Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 26 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the MHy Services – Developmental Disability Clinics Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 27 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Anti-Gun Violence – Art as a Catalyst for Change Initiative in accordance with the Fiscal 2016 Expense Budget. This change will be effectuated upon a budget modification.

Chart 28 sets forth the new designation of certain organizations receiving funding pursuant to the Support for Victims of Human Trafficking Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 29 amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2016 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 2016 Expense Budget. 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. 867:)**

Res. No. 867

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

By Council Members Ferreras-Copeland and Rose.

**Whereas**, On June 26, 2015 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2016 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and aging 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 2016 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 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 2016 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 funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2016 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 Housing Preservation Initiative (HPI) in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 5; and be it further



**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the NYC Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Support Our Seniors Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Eviction and SRO Legal Services Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Smoke Detector Distribution Program Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Chamber on the Go (Small Business Mobile Outreach Unit) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Foreclosure Buyback Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Supportive Service Enhancement Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Naturally Occurring Retirement Communities (NNORC) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Sports Training and Rolemodels for Success (STARS) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation, specifically the removal of funds, of the administering agency receiving funding pursuant to the Bail Fund Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Access Health NYC Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance (IDUHA) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Mental Health/Therapeutic Services Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the MHy Services – Developmental Disability Clinics Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Anti-Gun Violence – Art as a Catalyst for Change Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Support for Victims of Human Trafficking Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 28; 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 aging discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 29.

**ATTACHMENT:**

CHART 1: Local Initiatives - Fiscal 2016

Member	Organization	ENR Number	Agency	Amount	Agcy #	UA	Fiscal Conducting/Performing Organization	Fiscal Conduct Eln
Lanctman	India Home, Inc. ***	20-5174791	DFTA	(\$10,000.00)	125	003		
Lanctman	Hilbert Jewish Center ***	11-1058613	DFTA	\$10,000.00	125	003		
Lanctman	New Gardens Hill Community Foundation, Inc.	51-0060792	DFTA	(\$5,000.00)	125	003		
Lanctman	St. Nicholas of Tolentine	11-1714878	DFTA	(\$5,000.00)	125	003		
Lanctman	India Home, Inc. ***	20-5174791	DFTA	\$10,000.00	125	003		
Lanctman	St. Nicholas of Tolentine	11-1714878	DFTA	(\$5,000.00)	125	003		
Epstein	ENY Foundation ***	11-2632404	ENY	(\$5,200.00)	057	005		
Epstein	Fire Department of New York ***	13-6400434	ENY	\$6,200.00	057	005		
Gardnick	Housing Conservation Coordinators, Inc. **	51-0141489	HPD	(\$5,000.00)	806	009		
Gardnick	Housing Conservation Coordinators, Inc. **	51-0141489	DSSHRA	\$5,000.00	069	103		
Johnson	Housing Conservation Coordinators, Inc. **	51-0141489	HPD	(\$15,000.00)	806	009		
Johnson	Housing Conservation Coordinators, Inc. **	51-0141489	DSSHRA	\$15,000.00	069	103		
Rosenthal	Housing Conservation Coordinators, Inc. **	51-0141489	HPD	(\$3,500.00)	806	009		
Rosenthal	Housing Conservation Coordinators, Inc. **	51-0141489	DSSHRA	\$3,500.00	069	103		
Speaker	Housing Conservation Coordinators, Inc. **	51-0141489	HPD	(\$115,000.00)	806	009		
Speaker	Housing Conservation Coordinators, Inc. **	51-0141489	DSSHRA	\$115,000.00	069	103		
Reynoso	Catholic Migration Services, Inc. **	11-2634818	HPD	(\$9,000.00)	806	009		
Reynoso	Catholic Migration Services, Inc. **	11-2634818	DYCD	\$9,000.00	280	005		
Conroy	Priest Area Community Council, Inc. **	11-2451752	HPD	(\$10,000.00)	806	009		
Conroy	Priest Area Community Council, Inc. **	11-2451752	DSSHRA	\$10,000.00	069	103		
Curbo	Priest Area Community Council, Inc. **	11-2451752	HPD	(\$10,200.00)	806	009		
Curbo	Priest Area Community Council, Inc. **	11-2451752	DSSHRA	\$10,200.00	069	103		
Constanlines	Varsity Boys and Girls Club of Queens, Inc. **	11-6014770	DCLA	(\$5,000.00)	126	003		
Constanlines	Varsity Boys and Girls Club of Queens, Inc. **	11-6014770	DYCD	\$5,000.00	280	312		
Constanlines	Varsity Boys and Girls Club of Queens, Inc. **	11-6014770	DCLA	(\$76,835.00)	126	003		
Constanlines	Varsity Boys and Girls Club of Queens, Inc. **	11-6014770	DYCD	\$76,835.00	280	312		
Dromm	Horticultural Society of New York, The **	13-0854930	DCLA	(\$15,000.00)	126	003		
Dromm	Horticultural Society of New York, The **	13-0854930	DYCD	\$15,000.00	280	005		
Dromm	Northern Woodside Coalition, Inc. **	11-3028912	DYCD	(\$3,500.00)	280	005		
Dromm	Northern Woodside Coalition, Inc. **	11-3028912	DCLA	\$3,500.00	126	003		
Kallis	Chilias Citizens, Inc.	13-3132603	DYCD	(\$16,750.00)	280	005		
Kallis	New York Center for Children, The	95-4507444	DYCD	\$5,000.00	280	312		
Kallis	Friends of the Upper East Side Historic Districts	13-3193351	DYCD	\$17,500.00	280	005		
Kallis	Friends of the Upper East Side Historic Districts **	13-3193351	DCLA	(\$10,000.00)	126	003		
Kallis	Friends of the Upper East Side Historic Districts **	13-3193351	DYCD	\$10,000.00	280	005		
Van Brumer	Support Displacement Association	28-275224	DSSBS	(\$24,782.00)	801	002		
Van Brumer	Wildcat Service Corporation	13-2725423	DSSBS	\$24,782.00	801	002		

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect.  
 \*\*\* Correction/Reversal of a change listed in a previous Transparency Resolution

CHART 1: Local Initiatives - Fiscal 2016 (Continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Arroyo	South Bronx Overall Economic Development Corporation	13-2736022	DYCD	(\$10,000.00)	260	005		
Arroyo	Willis Avenue Boxing Gym	27-1079541	DYCD	\$10,000.00	260	005	South Bronx Overall Economic Development Corporation	13-2736022 *
Eugene	South Brooklyn Community Emergency Response Team (CERT)**	87-0788660	DYCD	(\$5,000.00)	260	005		
Eugene	South Brooklyn Community Emergency Response Team (CERT)**	87-0788660	OEM	\$5,000.00	017	002		
Rosenthal	New York City Housing Authority - Amsterdam Additions	13-6400434	NYCHA	(\$2,000.00)	098	002		
Rosenthal	New York City Housing Authority - WSURA Site A	13-6400434	NYCHA	\$1,000.00	098	002		
Rosenthal	New York City Housing Authority - WSURA Site B	13-6400434	NYCHA	\$1,000.00	098	002		
Lander	Horticultural Society of New York, The **	13-0854930	DCLA	(\$5,000.00)	126	003		
Lander	Boro Park Jewish Community Council **	11-3475993	DFTA	\$5,000.00	125	003		
Lander	Horticultural Society of New York, The **	13-0854930	DCLA	(\$2,500.00)	126	003		
Lander	Department of Parks and Recreation **	13-6400434	DPR	(\$2,500.00)	846	006		
Lander	Older Adults Technology Services (OATS), Inc. **	55-0822599	DFTA	\$5,000.00	125	003		
Rosenthal	Community Works, Inc. **	13-3580813	DCLA	(\$3,500.00)	126	003		
Rosenthal	Community Works, Inc. **	13-3580813	DYCD	\$3,500.00	260	005		
Dickens	Community Works, Inc. **	13-3580813	DCLA	(\$5,000.00)	126	003		
Dickens	Community Works, Inc. **	13-3580813	DYCD	\$5,000.00	260	005		
Rose	Museum Of Maritime Navigation And Communication**	90-0730331	DCLA	(\$3,500.00)	126	003		
Rose	Museum Of Maritime Navigation And Communication**	90-0730331	DYCD	\$3,500.00	260	005		
Vacca	Wildcat Service Corporation**	13-2725423	DSSHRA	(\$5,000.00)	099	105		
Vacca	New York Academy of Medicine**	13-1656674	DFTA	\$5,000.00	125	003		
Levin	Foundation for Contemporary Arts, Inc.	13-1978163	DCLA	(\$3,500.00)	126	003	Brooklyn Arts Council, Inc.	23-7072915
Levin	Foundation for Contemporary Arts, Inc.	13-1978163	DCLA	\$3,500.00	126	003		

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

CHART 2: Aging Discretionary - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Lancman	India Home, Inc. ***	20-8747291	DFTA	(\$10,000.00)	125	003		
Lancman	Kew Gardens Hills Community Foundation, Inc. ***	51-0506762	DFTA	\$5,000.00	125	003		
Lancman	St. Nicholas of Tolentine ***	11-1714878	DFTA	\$5,000.00	125	003		

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect  
 \*\*\* Correction to a change listed in a previous Transparency Resolution

**CHART 3: Anti-Poverty Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Genelia	Bay Ridge Center, Inc. **	80-0559714	DFTA	(\$12,500.00)	125	003		
Genelia	Salvation Army, The **	13-5562351	DYCD	\$12,500.00	260	005		

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

**CHART 4: Cultural After School Adventure (CASA) - Fiscal 2016**

Member	Organization - School	EIN Number	Agency	Amount	Agy #	UJA *
CD28	Studio in a School Association, Inc. - Public School 040	13-3003112	DCLA	(\$20,000.00)	126	003
CD28	A Better Jamaica, Inc. - Public School 040	11-3804421	DCLA	\$20,000.00	126	003
Cohen	Studio in a School Association, Inc. - Public School 94	13-3003112	DCLA	(\$20,000.00)	126	003
Cohen	Bronx Art Ensemble - Public School 94	51-0186869	DCLA	\$20,000.00	126	003

\* Indicates pending completion of pre-qualification review.

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

CHART 5: Housing Preservation Initiative (HPI) - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
	Department of Housing Preservation and Development					
Chin	Department of Housing Preservation and Development	13-6400434	HPD	(\$2,340,000.00)	806	009 *
Mendez	Asian Americans for Equality	13-3187792	HPD	\$50,000.00	806	009
Garodnick	Good Old Lower East Side, Inc.	13-2915659	HPD	\$50,000.00	806	009
Rosenthal	Urban Justice Center	13-3442022	HPD	\$50,000.00	806	009
Levine	Urban Justice Center	13-3442022	HPD	\$50,000.00	806	009
Dickens	Northern Manhattan Improvement Corporation	13-2972415	HPD	\$60,000.00	806	009 *
Vacca	West Harlem Group Assistance	23-7169558	HPD	\$60,000.00	806	009 *
Cabrera	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	HPD	\$60,000.00	806	009 *
Torres	Crenulated Company LTD, The	14-1719016	HPD	\$70,000.00	806	009 *
Gibson	Beimont Arthur Avenue Local Development Organization	13-3020589	HPD	\$70,000.00	806	009 *
Arroyo	Crenulated Company LTD, The	14-1719016	HPD	\$70,000.00	806	009 *
Palma	Urban Justice Center	13-3442022	HPD	\$70,000.00	806	009
Miller	MHANY Management, Inc.	72-1303737	HPD	\$60,000.00	806	009
CD28	Neighborhood Housing Services of Jamaica, Inc.	23-7398279	HPD	\$70,000.00	806	009
Reynoso	Neighborhood Housing Services of Jamaica, Inc.	23-7398279	HPD	\$50,000.00	806	009
Combo	Southside United Housing Development Corp	11-2268359	HPD	\$60,000.00	806	009 *
Cornegy	Pratt Area Community Council, Inc.	11-2451752	HPD	\$60,000.00	806	009
Espinal	Bridge Street Development Corporation	11-3250772	HPD	\$70,000.00	806	009
Menchaca	Ridgewood Bushwick Senior Citizens Council, Inc.	11-2683663	HPD	\$50,000.00	806	009
Lander	Neighbors Helping Neighbors, Inc.	11-2453853	HPD	\$50,000.00	806	009
Mealy	Fifth Avenue Committee, Inc.	11-3059958	HPD	\$50,000.00	806	009 *
Barron	Housing and Family Services of Greater New York, Inc.	11-2475743	HPD	\$70,000.00	806	009
Williams	Neighborhood Housing Services of East Flatbush	13-3098397	HPD	\$70,000.00	806	009
Rodriguez	Neighborhood Housing Services of East Flatbush	13-3098397	HPD	\$70,000.00	806	009
Cohen	El Barrio's Operation Fightback, Inc.	13-3248777	HPD	\$60,000.00	806	009 *
King	Northern Manhattan Improvement Corporation	13-2972415	HPD	\$60,000.00	806	009 *
CD23	West Bronx Housing and Neighborhood Resource Center, Inc.	13-2941841	HPD	\$70,000.00	806	009 *
Dromm	Neighborhood Housing Services North Bronx	13-3098397	HPD	\$60,000.00	806	009
Ulrich	Catholic Migration Services, Inc.	11-2634818	HPD	\$50,000.00	806	009
Levin	Queens Community House, Inc.	11-2375583	HPD	\$50,000.00	806	009
Eugene	Chinaya Community Development Corporation	11-3560935	HPD	\$60,000.00	806	009 *
	Catholic Migration Services, Inc.	11-2634818	HPD	\$50,000.00	806	009
	Agudath Israel of America Community Services, Inc.	13-3975990	HPD	\$50,000.00	806	009
	St. Nick's Alliance Corporation	51-0192170	HPD	\$60,000.00	806	009 *
	Housing and Family Services of Greater New York, Inc.	11-2412584	HPD	\$60,000.00	806	009

\* Indicates pending completion of pre-qualification review.

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



**CHART 5: Housing Preservation Initiative (HPI) - Fiscal 2016 (Continued)**

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Greenfield	Agudath Israel of America Community Services, Inc.	13-3975090	HPD	\$50,000.00	806	009
Majsel	Neighborhood Housing Services of East Flatbush	13-3098397	HPD	\$50,000.00	806	009
Treyger	Jewish Community Council of Greater Coney Island, Inc.	11-2665181	HPD	\$50,000.00	806	009
Rose	Northfield Community LDC of Staten Island, Inc.	13-2974137	HPD	\$60,000.00	806	009 *
Johnson	Housing Conservation Coordinators, Inc.	51-0141489	HPD	\$60,000.00	806	009 *

\* Indicates pending completion of pre-qualification review.

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

**CHART 6: NYC Digital Inclusion and Literacy Initiative - Fiscal 2016**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	UJA *
Lander	Department of Youth and Community Development Npower, Inc. - PS 282	13-6400434 13-4145441	DYCD DYCD	(\$20,000.00) \$20,000.00	260 260	005 005 *

\* Indicates pending completion of pre-qualification review.

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

CHART 7: Parks Equity Initiative - Fiscal 2016

Member	Organization - Park	EIN Number	Agency	Amount	Agy #	UJA *
	Department of Parks and Recreation	13-6400434	DPR	(\$126,000.00)	846	006
Johnson	Clinton Housing Land Trust, Inc - Dewitt Clinton Park	47-1075321	DPR	\$12,000.00	846	006
Johnson	Friends of Downtown Parks NYC - Vesuvio Playground, Father Fagan Park, and Bleecker Street Playground	46-1974668	DPR	\$12,000.00	846	006
Comegy	Citizens Committee for New York City, Inc.	51-0171818	DPR	\$12,000.00	846	006
Comegy	Department of Parks and Recreation	13-6400434	DPR	\$12,000.00	846	006
Cabrera	New York Restoration Project	13-3959056	DPR	\$6,000.00	846	006
Cabrera	City Parks Foundation - St. James Park	13-3561657	DPR	\$6,000.00	846	006
Cabrera	Council on the Environment, Inc. - Devanney Triangle	13-2765465	DPR	\$6,000.00	846	006
Cabrera	Green Guerillas, Inc.	13-2903183	DPR	\$6,000.00	846	006
Levine	Fractured Atlas Productions, Inc. - West Harlem Piers Park	11-3451703	DPR	\$6,000.00	846	006
Eugene	New York Restoration Project - Parkside Plaza	13-3959056	DPR	\$6,000.00	846	006
Eugene	Council on the Environment, Inc. - Maple Street Community Garden	13-2765465	DPR	\$6,000.00	846	006
Eugene	Department of Parks and Recreation - Prospect Park Parade Ground	13-6400434	DPR	\$12,000.00	846	006
Nealy	City Parks Foundation - Saratoga Park	13-3561657	DPR	\$24,000.00	846	006
Dromm	City Parks Foundation	13-3561657	DPR	(\$24,000.00)	846	006
Dromm	Jackson Heights Beautification Group	11-2925587	DPR	\$24,000.00	846	006

\* Indicates pending completion of pre-qualification review.

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

CHART 8: Healthy Aging Initiative - Fiscal 2016

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	UJA *
	Department for the Aging	13-6400434	DFTA	(\$850,000.00)	125	003
Arroyo	Presbyterian Senior Services - Davidson Senior Center	13-1981482	DFTA	\$12,500.00	125	003
Arroyo	Neighborhood Self Help by Older Persons Project, Inc. - Leon Senior Center	13-3077047	DFTA	\$12,500.00	125	003
Barron	New York City Housing Authority - Breukelen Houses Tenant Association	13-6400434	DFTA	\$12,500.00	125	003
Barron	New York City Housing Authority - Cypress Hills Houses Tenant Association	13-6400434	DFTA	\$12,500.00	125	003
CD 23	Catholic Charities Neighborhood Services, Inc.	11-2047151	DFTA	\$12,500.00	125	003
CD 23	Samuel Field YM & YWHA, Inc.	11-3071518	DFTA	\$12,500.00	125	003
Chin	Department for the Aging - NORC Nursing Services - CD 1	13-6400434	DFTA	\$25,000.00	125	003
Cohen	Bedford Park Multi-Service Center for Senior Citizens, Inc.	13-2745303	DFTA	\$25,000.00	125	003
Constantinides	Catholic Charities Neighborhood Services, Inc. - Dellamonica-Steinway NSC	11-2047151	DFTA	\$12,500.00	125	003
Constantinides	HANAC, Inc.	11-2290832	DFTA	\$12,500.00	125	003
Corney	Young Men's Christian Association of Greater New York - Bedford Stuyvesant Active Older Adults	13-1624228	DFTA	\$25,000.00	125	003
Cumbo	Q Kingdom Ministries, Inc.	11-3201956	DFTA	\$15,000.00	125	003
Cumbo	Circuit Productions, Inc.	13-2881658	DFTA	\$10,000.00	125	003
Deutsch	Jewish Association for Services for the Aged (JASA) - JASA Senior Alliance	13-2620996	DFTA	\$12,500.00	125	003
Deutsch	Young Israel Senior Services, Inc.	13-4136312	DFTA	\$12,500.00	125	003
Dickens	Foot Center of New York, The	13-1655230	DFTA	\$12,500.00	125	003
Dickens	Central Harlem Senior Citizen Coalition, Inc.	13-2754783	DFTA	\$12,500.00	125	003
Dromm	Catholic Charities Neighborhood Services, Inc. - Catherine Sheridan Senior Center	11-2047151	DFTA	\$12,500.00	125	003
Dromm	India Home, Inc.	20-8747291	DFTA	\$12,500.00	125	003
Eugene	Fort Greene Council, Inc.	11-2300840	DFTA	\$12,500.00	125	003
Eugene	Dorchester Senior Citizens Center, Inc.	11-2305681	DFTA	\$12,500.00	125	003
Ferreas	Corona Congregational Church, Inc. - Florence E. Smith Neighborhood	11-1802903	DFTA	\$25,000.00	125	003
Gentile	American-Italian Cancer Foundation	13-3035711	DFTA	\$12,500.00	125	003
Gentile	Bay Ridge Center, Inc.	80-0569714	DFTA	\$12,500.00	125	003
Kailos	Stanley M. Isaacs Neighborhood Center, Inc.	13-2572034	DFTA	\$12,500.00	125	003
Kailos	Roosevelt Island Seniors Association	13-3047204	DFTA	\$12,500.00	125	003
King	Neighborhood Self Help by Older Persons Project, Inc. - St. Luke's	13-3077047	DFTA	\$25,000.00	125	003
Koo	Charles B. Wang Community Health Center, Inc. - Flushing	13-2739694	DFTA	\$25,000.00	125	003
Koslowitz	Queens Community House, Inc.	11-2375583	DFTA	\$12,500.00	125	003
Koslowitz	Young Israel of Forest Hills	11-2582218	DFTA	\$12,500.00	125	003
Lancman	Queens Community House, Inc.	11-2375583	DFTA	\$12,500.00	125	003
Lancman	Young Israel Of Queens Valley Senior League	13-3613262	DFTA	\$12,500.00	125	003
Levin	Polish and Slavic Center, Inc.	11-2285970	DFTA	\$12,500.00	125	003
Levin	Bergen Basin Community Development Corporation db/a Millennium Development	11-3199040	DFTA	\$12,500.00	125	003
Levine	Riverstone Senior Life Services, Inc.	13-3355074	DFTA	\$25,000.00	125	003

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

CHART 8: Healthy Aging Initiative - Fiscal 2016 (Continued)

Member	Organization - Program	EIN Number	Agency	Amount	Agcy #	UJA *
Maitteo	Jewish Community Center of Staten Island, Inc.	13-5562256	DFTA	\$25,000.00	125	003
Mealy	Wayside Out-Reach Development, Inc. (WORD) - Tilden Senior Center	11-3528680	DFTA	\$25,000.00	125	003
Mendez	Good Old Lower East Side, Inc.	13-2915659	DFTA	\$25,000.00	125	003
Miller	Merrill Park Civic Association of Springfield Gardens, Inc. - Robert Couche Senior Citizens Center	11-2304928	DFTA	\$12,500.00	125	003
Miller	Allen Community Senior Citizens Center, Inc.	11-2326244	DFTA	\$12,500.00	125	003
Reynoso	Ridgewood Bushwick Senior Citizens Council, Inc. - Roundtable Neighborhood Senior Center	11-2453853	DFTA	\$12,500.00	125	003
Reynoso	Jewish Association for Services for the Aged (JASA) - Cooper Park Houses	13-2620896	DFTA	\$12,500.00	125	003
Richards	Joseph P. Addabbo Family Health Center, Inc., The	061181226	DFTA	\$25,000.00	125	003
Rose	Community Agency for Senior Citizens, Inc.	13-3263537	DFTA	\$12,500.00	125	003
Rose	Jewish Community Center of Staten Island, Inc.	13-5562256	DFTA	\$12,500.00	125	003
Rosenthal	Lincoln Square Neighborhood Center, Inc.	13-1825918	DFTA	\$25,000.00	125	003
Torres	Union Community Health Center, Inc.	13-4074478	DFTA	\$25,000.00	125	003
Treyger	Jewish Association for Services for the Aged (JASA) - Scheuer House of Coney Island Senior Center	13-2620896	DFTA	\$12,500.00	125	003
Treyger	Jewish Association for Services for the Aged (JASA) - Warbasse Cares	13-2620896	DFTA	\$12,500.00	125	003
Vacca	Jewish Association for Services for the Aged (JASA) - Thriggs Neck Senior Center	13-2620896	DFTA	\$12,500.00	125	003
Vacca	North East Bronx Senior Citizens Center, Inc.	13-2759045	DFTA	\$12,500.00	125	003
Vallone	HANAC, Inc.	11-2290832	DFTA	\$12,500.00	125	003
Vallone	Selfhelp Community Services, Inc.	13-1624178	DFTA	\$12,500.00	125	003
Williams	Haitian Centers Council, Inc.	11-2648501	DFTA	\$12,500.00	125	003
Williams	Hip-Hop Dance Conservatory Foundation, The	20-4201403	DFTA	\$12,500.00	125	003
CD51	Staten Island Community Services Friendship Clubs, Inc. - Mount Loretto Neighborhood Senior Center	13-2778244	DFTA	\$12,500.00	125	003
CD51	Staten Island Community Services Friendship Clubs, Inc. - Great Kills Neighborhood Senior Center	13-2778244	DFTA	\$12,500.00	125	003

\* Indicates pending completion of pre-qualification review.

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

CHART 9: NYC Support Our Seniors Initiative - Fiscal 2016

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	UJA *
	Department for the Aging					
Arroyo	Darie Vosafros de Comer	13-6400434	DFTA	(\$931,120.00)	125	003
Barron	Fort Greene Council, Inc. - Teresa Moore Neighborhood Senior Center	13-2548177	DFTA	\$29,410.00	125	003
Barron	Wayside Out-Reach Development, Inc. (WORD) - Boulevard Houses Senior Center	11-2300840	DFTA	\$17,410.00	125	003
CD 23	Selfhelp Community Services, Inc.	11-3528680	DFTA	\$12,000.00	125	003
Chin	Archcare - Timebank	13-1624178	DFTA	\$29,410.00	125	003
Chin	Visiting Neighbors, Inc.	13-3896624	DFTA	\$14,705.00	125	003
Cohen	Jewish Association for Services for the Aged (JASA) - Van Cortlandt	23-7379098	DFTA	\$14,705.00	125	003
Cohen	Riverdale Senior Services, Inc.	13-2620896	DFTA	\$14,705.00	125	003
Constantinides	HANAC, Inc. - Douris Tower	23-7357997	DFTA	\$14,705.00	125	003
Constantinides	New York Academy of Medicine	11-2290832	DFTA	\$14,410.00	125	003
Cornegy	Bridge Street Development Corporation - Quincy Senior Residence	13-1656674	DFTA	\$15,000.00	125	003
Cornegy	Bedford Stuyvesant Gateway District Management Association	11-3250772	DFTA	\$14,705.00	125	003
Crowley	Selfhelp Community Services, Inc. - Maspeth Self Help Senior Center	27-0295829	DFTA	\$14,705.00	125	003
Deutsch	Jewish Community Council of Greater Coney Island, Inc.	13-1624178	DFTA	\$29,410.00	125	003
Dromm	Italian Senior Citizens Center, Inc. - Newtown Italian Senior Center	11-2665181	DFTA	\$29,410.00	125	003
Dromm	Sunnyside Community Services, Inc.	11-2308129	DFTA	\$14,705.00	125	003
Ferreras-Copeland	Selfhelp Community Services, Inc. - Virtual Senior Center for Homebound Older Adults	51-0189327	DFTA	\$14,705.00	125	003
Garodnick	Lenox Hill Neighborhood House, Inc.	13-1628178	DFTA	\$29,410.00	125	003
Garodnick	Search and Care, Inc.	23-7444790	DFTA	\$14,705.00	125	003
Gentile	NJA Community Services Network, Inc.	11-2687931	DFTA	\$29,410.00	125	003
Kallos	DOROT, Inc.	13-3264005	DFTA	\$14,705.00	125	003
Kallos	CityMeals on Wheels	13-3634381	DFTA	\$14,705.00	125	003
King	New York Academy of Medicine	13-1656674	DFTA	\$14,910.00	125	003
King	Older Adults Technology Services (OATS), Inc.	55-0862599	DFTA	\$14,500.00	125	003
Koo	Chinese-American Planning Council, Inc.	13-6202692	DFTA	\$19,410.00	125	003
Koo	Older Adults Technology Services (OATS), Inc.	55-0862599	DFTA	\$10,000.00	125	003
Koslowitz	Selfhelp Community Services, Inc. - Austin Street	13-1624178	DFTA	\$29,410.00	125	003
Lancman	Tomchei Shabbos	11-2693305	DFTA	\$14,705.00	125	003
Lancman	Queens Jewish Community Council, Inc.	23-7172152	DFTA	\$14,705.00	125	003
Levin	Spanish Speaking Elderly Council - RAICES - Gowanus Senior Center	11-2730462	DFTA	\$29,410.00	125	003
Levine	VISIONS/Services for the Blind and Visually Impaired	13-1624210	DFTA	\$10,000.00	125	003
Levine	Upper Manhattan Mental Health Center	13-3398470	DFTA	\$19,410.00	125	003
Matteo	Staten Island Community Services Friendship Clubs, Inc.	13-2778244	DFTA	\$14,705.00	125	003
Matteo	Meals on Wheels of Staten Island, Inc.	13-2894878	DFTA	\$14,705.00	125	003

\* Indicates pending completion of pre-qualification review.

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

CHART 9: NYC Support Our Seniors Initiative - Fiscal 2016 (Continued)

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	UJA *
Mealy	Wayside Out-Reach Development, Inc. (WORD) - Ararat Senior Center	11-3528680	DFTA	\$29,410.00	125	003 *
Mendez	University Settlement Society of New York, Inc. - Melizer Towers	13-5562374	DFTA	\$29,410.00	125	003
Miller	Alpha Phi Alpha Senior Citizens Center, Inc.	23-7436147	DFTA	\$14,705.00	125	003 *
Miller	Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DFTA	\$14,705.00	125	003
Reynoso	New York Academy of Medicine	13-1656674	DFTA	\$19,410.00	125	003
Richards	Older Adults Technology Services (OATS), Inc.	55-0882599	DFTA	\$29,410.00	125	003
Rose	Richmond Senior Services Inc.	13-6217080	DFTA	\$29,410.00	125	003 *
Rosenthal	Lincoln Square Neighborhood Center, Inc.	13-1825918	DFTA	\$19,410.00	125	003 *
Rosenthal	Hope for New York - Project Find - Hamilton Senior Center	13-3713484	DFTA	\$10,000.00	125	003 *
Torres	Presbyterian Senior Services, Inc.	13-1981482	DFTA	\$14,705.00	125	003 *
Torres	Older Adults Technology Services (OATS), Inc.	55-0882599	DFTA	\$14,705.00	125	003
Vacca	Bronx House, Inc.	13-1799935	DFTA	\$14,705.00	125	003 *
Vacca	North East Bronx Senior Citizens Center, Inc.	13-2759045	DFTA	\$14,705.00	125	003 *
Vallone	Services Now for Adult Persons (SNAP), Inc.	11-2591783	DFTA	\$10,000.00	125	003 *
Vallone	Samuel Field YM & YWHA, Inc.	11-3071518	DFTA	\$19,410.00	125	003
Williams	Young Israel Senior Services, Inc.	13-4136312	DFTA	\$14,705.00	125	003
Williams	Older Adults Technology Services (OATS), Inc.	55-0882599	DFTA	\$14,705.00	125	003
CD51	Jewish Community Center of Staten Island, Inc. - JCC South Shore Neighborhood Senior Center	13-5562256	DFTA	\$29,410.00	125	003

\* Indicates pending completion of pre-qualification review.

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

CHART 10: NYC Cleanup Initiative - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
King	Department of Sanitation	13-6400434	DSNY	(\$1,00)	827	102
King	Department of Sanitation	13-6400434	DSNY	\$1,00	827	109
Arroyo	Fedcap Rehabilitation Services, Inc.	13-2725423	DYCD	(\$51,960.00)	260	005
Arroyo	Fedcap Rehabilitation Services, Inc.	13-5645879	DYCD	\$51,960.00	260	005
Palma	Fedcap Rehabilitation Services, Inc.	13-2725423	DYCD	(\$70,000.00)	260	005
Palma	Fedcap Rehabilitation Services, Inc.	13-5645879	DYCD	\$70,000.00	260	005
Rose	Where to Turn	20-0404386	DYCD	(\$17,647.00)	260	005
Rose	Health for Youths	26-4612691	DYCD	\$17,647.00	260	005
Chin	Department of Youth and Community Development	13-6400434	DYCD	(\$880,868.00)	260	005
Chin	Alliance for Downtown New York	13-3791550	DYCD	\$7,500.00	260	005
Chin	Association of Community Employment Programs for the Homeless (ACE)	13-3846431	DYCD	\$35,000.00	260	005
Chin	Horicultural Society of New York, The	13-0854930	DYCD	\$15,000.00	260	005
Corney	Department of Sanitation **	13-6400434	DSNY	\$645.00	827	109
Corney	Doe Fund Inc., The	13-3412540	DYCD	\$55,781.00	260	005
Johnson	Horicultural Society of New York, The	13-0854930	DYCD	\$47,595.00	260	005
Johnson	Department of Sanitation **	13-6400434	DSNY	\$64,311.00	827	102
Johnson	Department of Sanitation **	13-6400434	DSNY	\$31,610.00	827	109
Kailos	Doe Fund Inc., The	13-3412540	DYCD	\$83,211.00	260	005
Mark-Viverito	Doe Fund Inc., The	13-3412540	DYCD	\$20,710.00	827	109
Mealy	Department of Sanitation **	13-6400434	DSNY	\$103,921.00	260	005
Mealy	Doe Fund Inc., The	13-3412540	DYCD	\$51,960.00	827	109
Menchaca	Association of Community Employment Programs for the Homeless (ACE)	13-3846431	DYCD	\$103,921.00	260	005
Mendez	Department of Sanitation **	13-6400434	DSNY	\$21,689.00	827	102
Mendez	Department of Sanitation **	13-6400434	DSNY	\$20,932.00	827	109
Mendez	Fedcap Rehabilitation Services, Inc.	13-5645879	DYCD	\$61,300.00	260	005
Van Bramer	Department of Sanitation **	13-6400434	DSNY	\$10,000.00	827	109
Van Bramer	Doe Fund Inc., The	13-3412540	DYCD	\$83,921.00	260	005

\* Indicates pending completion of pre-qualification review.

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



**CHART 11: Neighborhood Development Grant Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
	Department of Small Business Services	13-6400434	DSBS	(\$22,000.00)	801	002
Crowley	Ridgewood Local Development Corporation	11-2483351	DSBS	\$22,000.00	801	002
Mendez	Lower East Side District Management, Inc.	13-3683266	DSBS	(\$22,000.00)	801	002
Mendez	Fourth Arts Block, Inc.	043767933	DSBS	\$22,000.00	801	002

\* Indicates pending completion of pre-qualification review.

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

CHART 12: Cultural Immigrant Initiative - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
	Department of Cultural Affairs	13-6400434	DCLA	(\$2,000,000.00)	126	003
Arroyo	Bronx Documentary Center	45-2403312	DCLA	\$15,625.00	126	003
Arroyo	Musica de Camara, Inc.	13-3253232	DCLA	\$15,625.00	126	003
Arroyo	Spanish Theatre Repertory Company, Ltd.	13-2672755	DCLA	\$15,625.00	126	003
Arroyo	Spanish Dance Arts Company, Inc.	13-3286419	DCLA	\$15,625.00	126	003
Barron	Purelements: An Evolution in Dance	20-5332584	DCLA	\$46,875.00	126	003
Barron	ART'S East New York, Inc.	27-0869467	DCLA	\$15,625.00	126	003
CD 23	Alley Pond Environmental Center, Inc.	11-2405466	DCLA	\$31,250.00	126	003
CD 23	King Manor Association of Long Island, Inc.	11-2396324	DCLA	\$31,250.00	126	003
Chin	Society of the Educational Arts, Inc. (SEA) / Teatro SEA	11-3210593	DCLA	\$15,625.00	126	003
Chin	Museum of Food and Drink	20-3735162	DCLA	\$15,625.00	126	003
Chin	Hester Street Collaborative, Inc.	20-0774906	DCLA	\$15,625.00	126	003
Chin	Asian American Writers' Workshop	13-3677911	DCLA	\$15,625.00	126	003
Cohen	Bronx Opera Company	23-7170675	DCLA	\$31,250.00	126	003
Cohen	Rivertale Community Center, Inc.	13-2899410	DCLA	\$31,250.00	126	003
Corney	Society for the Preservation of Weeksville and Bedford-Stuyvesant History	23-7330454	DCLA	\$15,625.00	126	003
Corney	Museum of Contemporary African Diasporan Arts, Inc.	11-3526774	DCLA	\$15,625.00	126	003
Corney	Noel Pointer Foundation, Inc.	11-3271472	DCLA	\$15,625.00	126	003
Corney	K.S. J.A.M.M. Dance Troupe, Inc.	20-2352155	DCLA	\$15,625.00	126	003
Constantinides	Cypraco of America, Inc.	11-2644226	DCLA	\$15,625.00	126	003
Constantinides	Spanish Theatre Repertory Company, Ltd.	13-2672755	DCLA	\$15,625.00	126	003
Constantinides	Central Astoria Local Development Coalition, Inc.	11-2652331	DCLA	\$15,625.00	126	003
Constantinides	Midtown Management Group, Inc.	13-3192793	DCLA	\$15,625.00	126	003
Dickens	New Heritage Theatre Group, Inc.	13-2683678	DCLA	\$31,250.00	126	003
Dickens	Maysies Documentary Center	20-2545574	DCLA	\$15,625.00	126	003
Dickens	Afro Latin Jazz Alliance	45-3665976	DCLA	\$15,625.00	126	003
Eugene	Catholic Charities Community Services, Archdiocese of New York	13-5562185	DCLA	\$15,625.00	126	003
Eugene	Jewish Community Council of Greater Coney Island, Inc.	11-2665181	DCLA	\$15,625.00	126	003
Eugene	Make The Road New York	11-3344389	DCLA	\$15,625.00	126	003
Eugene	Sesame Flyers International, Inc.	11-2692485	DCLA	\$15,625.00	126	003
Garofnick	Spanish Dance Arts Company, Inc. (Flamenco Vivo Carlota Santana)	13-3266419	DCLA	\$31,250.00	126	003
Garofnick	Spanish Theatre Repertory Company, Inc.	13-2672755	DCLA	\$31,250.00	126	003
Garofnick	Federation of Italian American Organizations of Brooklyn, Ltd.	11-2507910	DCLA	\$31,250.00	126	003
Gentile	2020 Vision for Schools, Inc.	45-3023036	DCLA	\$31,250.00	126	003

\* Indicates pending completion of pre-qualification review.

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

CHART 12: Cultural Immigrant Initiative - Fiscal 2016 (Continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Gibson	Society of the Educational Arts, Inc. (SEA)	11-3210693	DCLA	\$15,625.00	126	003
Gibson	Highbridge Voices Corporation	13-4191062	DCLA	\$15,625.00	126	003
Gibson	FreshStart – Cultural Theatre Arts Productions, Inc.	86-1195829	DCLA	\$15,625.00	126	003
Gibson	Woodcrest Center for Human Development, Inc.	13-3184179	DCLA	\$15,625.00	126	003
Kailos	Friends of the Upper East Side Historic Districts	13-3193351	DCLA	\$15,625.00	126	003
Kailos	Historic Districts Council, Inc.	13-3399566	DCLA	\$15,625.00	126	003
Kailos	Roosevelt Island Youth Program, Inc.	13-3077348	DCLA	\$15,625.00	126	003
King	Midtown Management Group, Inc.	13-3192793	DCLA	\$15,625.00	126	003
Koo	Mind-Builders Creative Arts Center	13-2988157	DCLA	\$62,500.00	126	003
Koo	Asian American Arts Alliance	13-3480189	DCLA	\$15,625.00	126	003
Koo	Youth Orchestra, CYCNY	11-3377137	DCLA	\$31,250.00	126	003
Koo	Uncle Yao's Chorus, Inc.	20-8451114	DCLA	\$15,625.00	126	003
Koslowitz	Queens Jewish Community Council, Inc.	23-7172152	DCLA	\$31,250.00	126	003
Koslowitz	Queens Symphony Orchestra	11-2106191	DCLA	\$31,250.00	126	003
Lancman	Young Men's Christian Association of Greater New York	13-1624228	DCLA	\$15,625.00	126	003
Lancman	Queens Jewish Community Council, Inc.	23-7172152	DCLA	\$31,250.00	126	003
Lancman	A Better Jamaica, Inc.	11-3804421	DCLA	\$15,625.00	126	003
Levin	Brooklyn Ballet, Inc.	020569520	DCLA	\$15,625.00	126	003
Levin	New York Foundation for the Arts, Inc.	23-7129564	DCLA	\$15,625.00	126	003
Levin	JazzReach Performing Arts and Education Association	11-3179208	DCLA	\$15,625.00	126	003
Levin	Brooklyn Book Festival	46-5328190	DCLA	\$15,625.00	126	003
Levine	Spanish Theatre Repertory Company, Ltd.	13-2672755	DCLA	\$15,625.00	126	003
Levine	New York African Chorus Ensemble, Inc.	20-1090906	DCLA	\$15,625.00	126	003
Levine	Midtown Management Group, Inc.	13-3192793	DCLA	\$15,625.00	126	003
Levine	Mano a Mano Mexican Culture Without Borders	56-2545700	DCLA	\$15,625.00	126	003
Matteo	Sundog Theatre	45-0476946	DCLA	\$31,250.00	126	003
Matteo	Casa Belvedere, The Italian Cultural Foundation	26-4411729	DCLA	\$15,625.00	126	003
Matteo	Jacques Merchais Museum of Tibetan Art, Inc.	23-7280740	DCLA	\$15,625.00	126	003
Mealy	Central Brooklyn Jazz Consortium, Inc.	11-3548224	DCLA	\$15,625.00	126	003
Mealy	Tropicalfele, Inc.	45-2940435	DCLA	\$15,625.00	126	003
Mealy	Circuit Productions, Inc.	13-2881858	DCLA	\$15,625.00	126	003
Mealy	Reel Stories Teen Filmmaking, Inc.	20-0936377	DCLA	\$15,625.00	126	003
Miller	A Better Jamaica, Inc.	11-3804421	DCLA	\$15,625.00	126	003
Miller	Black Spectrum Theatre Company, Inc.	51-0135262	DCLA	\$15,625.00	126	003
Miller	Braata Productions, Inc.	27-3402327	DCLA	\$15,625.00	126	003
Miller	Caribbean American Repertory Theatre	11-2972441	DCLA	\$15,625.00	126	003

\* Indicates pending completion of pre-qualification review.

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

CHART 12: Cultural Immigrant Initiative - Fiscal 2016 (Continued)

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA *
Reynoso	UnionDocs, Inc.	86-1150496	DCLA	\$31,250.00	126	003 *
Reynoso	International Studio & Curatorial Program, Inc.	20-5052686	DCLA	\$31,250.00	126	003 *
Richards	Black Spectrum Theatre Company, Inc.	51-0135262	DCLA	\$31,250.00	126	003 *
Richards	African Poetry Theatre, Inc.	11-2515828	DCLA	\$15,625.00	126	003 *
Richards	Spanish Theatre Repertory Company, Ltd.	13-2672755	DCLA	\$15,625.00	126	003 *
Rose	Universal Temple of the Arts, Inc.	13-3335286	DCLA	\$31,250.00	126	003 *
Rose	IlluminArt Productions	42-1727647	DCLA	\$15,625.00	126	003 *
Rose	Friends of Alice Austen House, Inc.	13-3248928	DCLA	\$15,625.00	126	003 *
Torres	Bronx River Art Center	13-3261148	DCLA	\$31,250.00	126	003 *
Torres	Bronx Dance Theater	13-2999528	DCLA	\$31,250.00	126	003 *
Treyger	Art's House Schools, Inc.	87-0790739	DCLA	\$31,250.00	126	003 *
Treyger	Coney Island, USA	13-3215645	DCLA	\$15,625.00	126	003 *
Treyger	Federation of Italian American Organizations of Brooklyn, Ltd.	11-2507910	DCLA	\$15,625.00	126	003 *
Ulrich	Historic Districts Council, Inc.	13-3389666	DCLA	\$31,250.00	126	003 *
Vallone	Queens Symphony Orchestra	11-2106191	DCLA	\$31,250.00	126	003 *
Vallone	Midtown Management Group, Inc.	13-3192793	DCLA	\$31,250.00	126	003 *
Vallone	Conrad Poppenhusen Association	11-1633524	DCLA	\$15,625.00	126	003 *
Vallone	Alley Pond Environmental Center, Inc.	11-2405466	DCLA	\$15,625.00	126	003 *
Williams	New York Foundation For The Arts, Inc.	23-7129564	DCLA	\$31,250.00	126	003 *
Williams	Haiti Cultural Exchange, Inc.	34-2034041	DCLA	\$31,250.00	126	003 *
Crowley	New York Women in Film and Television	13-2963705	DCLA	\$15,625.00	126	003 *
Crowley	Queens Symphony Orchestra	11-2106191	DCLA	\$15,625.00	126	003 *
Crowley	Midtown Management Group, Inc.	13-3192793	DCLA	\$15,625.00	126	003 *
Crowley	Film Fleath Foundation, Inc.	13-4051235	DCLA	\$15,625.00	126	003 *
CD51	Staten Island Historical Society	13-1985514	DCLA	\$15,625.00	126	003 *
CD51	Sundog Theatre, Inc.	45-0476945	DCLA	\$46,875.00	126	003 *

\* Indicates pending completion of pre-qualification review.

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

**CHART 13: Anti-Eviction and SRO Legal Services Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Legal Services NYC	13-2800199	DSS/HRA	(\$219,000.00)	069	103
LSNY Bronx Corp.	16-1759590	DSS/HRA	\$219,000.00	069	103
LSNY Bronx Corp.	16-1759590	DSS/HRA	(\$758,000.00)	069	103
South Brooklyn Legal Services	13-2805605	DSS/HRA	\$758,000.00	069	103

\* Indicates pending completion of pre-qualification review.

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

**CHART 14: Smoke Detector Distribution Program Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
New York Fire Department	13-6400434	FDNY	(\$1,000,000.00)	057	005
FDNY Foundation	11-2632404	FDNY	\$1,000,000.00	057	005

\* Indicates pending completion of pre-qualification review.

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

**CHART 15: Chamber on the Go (Small Business Mobile Outreach Unit) Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Department of Small Business Services	13-6400434	DSBS		801	002
Brooklyn Alliance, Inc. (Brooklyn Chamber of Commerce)	11-2145956	DSBS	(\$548,855.00)	801	002
New Bronx Chamber of Commerce, The	37-1443165	DSBS	\$225,000.00	801	002
Manhattan Chamber of Commerce Foundation, Inc.	13-4016593	DSBS	\$60,750.00	801	002
Queens Chamber of Commerce dba Chamber of Commerce Borough of Queens	11-0559220	DSBS	\$77,833.00	801	002
Staten Island Chamber of Commerce Foundation, Inc.	13-4069282	DSBS	\$64,167.00	801	002
Department of Small Business Services	13-6400434	DSBS	\$41,105.00	801	002
			\$80,000.00	801	001

\* indicates pending completion of pre-qualification review.

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

**CHART 16: Foreclosure Buyback Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy. #	U/A *
Department of Housing Preservation and Development	13-6400434	HPD	(\$1,000,000.00)	806	009
Neighborhood Restore Housing Development Fund Corporation	11-3498425	HPD	\$1,000,000.00	806	009 *

\* Indicates pending completion of pre-qualification review.

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



**CHART 17: Naturally Occurring Retirement Communities (NORCs) Supportive Service Enhancement - Fiscal 2016**

Organization - Program	EIN Number	Agency	Amount	Agy. #	U/A *
Department for the Aging	13-6400434	DFTA	(\$529,000.00)	125	003
Grand Street Settlement, Inc. - NORC	13-5562230	DFTA	\$77,000.00	125	003
Jewish Association for Services for the Aged (JASA) - 1199 Plaza NORC	13-2620896	DFTA	\$75,000.00	125	003
Neighborhood Self Help by Older Persons Project, Inc. - Morrison Lafayette/Boylon Lafayette NORC	13-3077049	DFTA	\$25,000.00	125	003
BronxWorks, Inc. - Citizen Advice Bureau NORC	13-3254484	DFTA	\$25,000.00	125	003
Rochdale Village Social Services, Inc. - NORC	11-3397470	DFTA	\$77,000.00	125	003
Bergen Basin Community Development Corporation d/b/a Millennium Development	11-3199040	DFTA	\$250,000.00	125	003

\* indicates pending completion of pre-qualification review.

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

**CHART 18: Neighborhood Naturally Occurring Retirement Communities (NNORC) Initiative - Fiscal 2016**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
Department for the Aging	13-6400434	DFTA	(\$1,147,995.00)	125	003
Shorefront YM-YWHA of Brighton-Manhattan Beach, Inc. - Shorefront NNORC	11-3070228	DFTA	\$229,595.00	125	003
Edith and Carl Marks Jewish Community House of Bensonhurst - Good Neighbors NNORC	11-1633484	DFTA	\$104,000.00	125	003
SBH Community Service Network, Inc. (Sephardic Bikur Cholim) - Sephardic Bikur Holim Community Service Network NORC	23-7406410	DFTA	\$75,000.00	125	003 *
Visiting Nurse Services of New York Home Care, Inc. - Chinatown NNORC	13-1624211	DFTA	\$150,000.00	125	003 *
Isabella Geriatric Center, Inc. - El Corazon NORC	13-3623808	DFTA	\$79,400.00	125	003
Samuel Field YM & YWHA, Inc. - NORC Without Walls (WOW)	11-3071518	DFTA	\$25,000.00	125	003
Selfhelp Community Services, Inc. - Northridge/Brulene/Southridge NNORC	13-1624178	DFTA	\$41,000.00	125	003
Jacob A. Riis Neighborhood Settlement House, Inc. - Queensbridge NNORC	11-1729398	DFTA	\$131,000.00	125	003
Jamaica Service Program for Older Adults, Inc. (JSPOA) - NORC	51-0204121	DFTA	\$5,000.00	125	003
Bay Ridge Center, Inc.	80-0559714	DFTA	\$100,000.00	125	003
Jewish Association for Services for the Aged (JASA) - Roy Reuther	13-2620896	DFTA	\$100,000.00	125	003
Community Agency for Senior Citizens, Inc.	13-3263537	DFTA	\$100,000.00	125	003 *
Rochdale Village Social Services Inc. - NORC	11-3397470	DFTA	\$8,000.00	125	003 *

\* Indicates pending completion of pre-qualification review.

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

**CHART 19: Senior Centers for Immigrant Populations Initiative - Fiscal 2016**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A
Department for the Aging	13-6400434	DFTA	(\$813,840.00)	125	003
Bowery Residents Committee, Inc. - Neighborhood Senior Center	13-2736659	DFTA	\$6,835.00	125	003
Brooklyn Chinese-American Association, Inc. - 8th Avenue Senior Center	11-3065859	DFTA	\$75,000.00	125	003
Brooklyn Chinese-American Association, Inc. - Bensonhurst Senior Center	11-3065859	DFTA	\$75,000.00	125	003
Catholic Charities Neighborhood Services, Inc. - Hillcrest Neighborhood Senior Center	11-2047151	DFTA	\$10,080.00	125	003
Carter Burden Center for the Aging, Inc., The - Leonard Covello Senior Center	23-7129499	DFTA	\$25,000.00	125	003
Hamilton Madison House - City Hall Neighborhood Senior Center	13-5562412	DFTA	\$9,375.00	125	003
Council of Peoples Organization, Inc.	75-3046891	DFTA	\$75,000.00	125	003
Chinese-American Planning Council, Inc. - Brooklyn Branch	13-6202692	DFTA	\$75,000.00	125	003
Chinese-American Planning Council, Inc. - Open Door Neighborhood Senior Center	13-6202692	DFTA	\$16,255.00	125	003
Jamaica Muslim Center, Inc - Desi Senior Center	11-2642105	DFTA	\$75,000.00	125	003
Korean American Community Center of New York, Inc. - Korean American Senior Center of Flushing	11-3515647	DFTA	\$75,000.00	125	003
Homecrest Community Services, Inc.	11-3373115	DFTA	\$75,000.00	125	003
New York Foundation for Senior Citizens, Inc. - LaGuardia Good Health and Happiness Senior Center	13-2618568	DFTA	\$7,665.00	125	003
New York Foundation for Senior Citizens, Inc. - Mott Street Senior Center	13-2618568	DFTA	\$5,885.00	125	003
Jewish Community Council of Greater Coney Island, Inc. - Ocean Parkway Senior Center	11-2665181	DFTA	\$10,235.00	125	003
Crown Heights Jewish Community Council, Inc. - Shalom Neighborhood Senior Center	23-7390996	DFTA	\$13,950.00	125	003
New York University - Shore Hill Neighborhood Center	13-5562308	DFTA	\$6,845.00	125	003
Educational Alliance, Inc. - Stovrich Neighborhood Senior Center	13-5562210	DFTA	\$7,035.00	125	003
West Side Federation for Senior and Supportive Housing, Inc. - The Center at Red Oak Neighborhood Senior Center	13-2926433	DFTA	\$11,760.00	125	003
United Block Association - Mary McLeod Bethune Senior Center	13-2885400	DFTA	\$17,985.00	125	003
United Jewish Council of the East Side, Inc. - Lillian Wald Houses Senior Center	13-2735378	DFTA	\$31,765.00	125	003
United Senior Citizens of Sunset Park Inc	11-2358277	DFTA	\$14,890.00	125	003
University Settlement Society of New York, Inc. - Neighborhood Senior Center	13-5562374	DFTA	\$18,280.00	125	003
YWCA of Queens	13-1624103	DFTA	\$75,000.00	125	003

\* indicates pending completion of pre-qualification review.

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

**CHART 20: Sports Training and Rolemodels for Success (STARS) Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy. #	U/A
Department of Youth and Community Development	13-6400434	DYCD	(\$1,000,000.00)	260	312
Girls Write Now, Inc.	54-2115054	DYCD	\$100,000.00	260	312
Groundswell Community Mural Project, Inc.	11-3427213	DYCD	\$100,000.00	260	312
Lower East Side Girls Club, The	13-3942063	DYCD	\$100,000.00	260	312
PowerPlay NYC, Inc.	13-4045021	DYCD	\$500,000.00	260	312
Row New York	11-3632924	DYCD	\$100,000.00	260	312
Sadie Nash Leadership Project, Inc.	11-3633912	DYCD	\$100,000.00	260	312
Armory Foundation, The **	13-3680286	DYCD	\$100,000.00	260	312
Figure Skating in Harlem, Inc. **	13-3945168	DYCD	\$50,000.00	260	312
Girls for Gender Equity, Inc. **	04-3697166	DYCD	\$50,000.00	260	312

\* Indicates pending completion of pre-qualification review.

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

**CHART 21: Bail Fund Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Mayor's Office of Criminal Justice **	13-6400434	MOCJ	(\$200,000.00)	098	002

\* Indicates pending completion of pre-qualification review.

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

**CHART 22: Access Health NYC Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy. #	U/A
Department of Health and Mental Hygiene	13-6400434	DOHMH	(\$947,304.00)	816	117
Asian-American Coalition for Children and Families, Inc.	13-3682471	DOHMH	\$75,000.00	816	117
Community Service Society of New York	13-5562202	DOHMH	\$90,000.00	816	117
Federation of Protestant Welfare Agencies, Inc.	13-5562220	DOHMH	\$75,000.00	816	117
New York Immigration Coalition	13-3573409	DOHMH	\$75,000.00	816	117
Young Womens Christian Association of Queens	20-0351906	DOHMH	\$52,692.00	816	117
Latin Women in Action, Inc.	11-3093642	DOHMH	\$52,692.00	816	117
Bedford Stuyvesant Family Health Center, Inc.	11-2412205	DOHMH	\$52,692.00	816	117
NYU Lutheran Medical Center	11-1839567	DOHMH	\$52,692.00	816	117
Community Health Center of Richmond, Inc.	51-0867466	DOHMH	\$52,692.00	816	117
Bronx AIDS Services, Inc. (dba BOOM! Health)	13-3599121	DOHMH	\$52,692.00	816	117
Community Healthcare Network, Inc.	13-3083068	DOHMH	\$52,692.00	816	117
United Chinese Association of Brooklyn	37-1469112	DOHMH	\$52,692.00	816	117
HANAC, Inc.	11-2290832	DOHMH	\$52,692.00	816	117
Make the Road New York	11-3344389	DOHMH	\$52,692.00	816	117
Centro Alltagracia de Fe y Justicia	16-1765323	DOHMH	\$52,692.00	816	117
Voces Latinas Corporation	20-2312651	DOHMH	\$52,692.00	816	117

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

**CHART 23: Injection Drug Users Health Alliance (IDUHA) Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy. #	U/A
Department of Health and Mental Hygiene	33-1007278	DOHMH	(\$1,000,000.00)	816	112
After Hours Project, Inc.	33-1007278	DOHMH	\$65,469.00	816	112
AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$52,369.00	816	112
Bronx AIDS Services, Inc. (dba BOOM! Health)	13-3599121	DOHMH	\$60,191.00	816	112
Community Health Action of Staten Island (formerly SI AIDS Taskforce)	13-3556132	DOHMH	\$41,872.00	816	112
Herlem United Community AIDS Center, Inc.	13-3461695	DOHMH	\$65,457.00	816	112
Family Services Network of New York	11-2592651	DOHMH	\$44,541.00	816	112
Harm Reduction Coalition	94-3204958	DOHMH	\$43,257.00	816	112
Housing Works, Inc.	13-3584089	DOHMH	\$25,666.00	816	112
Lower East Side Harm Reduction Center, Inc.	13-3727641	DOHMH	\$69,207.00	816	112
New York Harm Reduction Educators, Inc.	13-3679499	DOHMH	\$92,934.00	816	112
Positive Health Project	13-3845305	DOHMH	\$61,469.00	816	112
Praxis Housing Initiatives, Inc.	13-3832223	DOHMH	\$28,815.00	816	112
Safe Horizon, Inc. - StreetWork	13-2946970	DOHMH	\$45,676.00	816	112
St. Ann's Corner of Harm Reduction, Inc.	13-3724008	DOHMH	\$77,448.00	816	112
Voices of Community Activists & Leaders (VOCAL-NY)	13-4094385	DOHMH	\$87,610.00	816	112
Washington Heights Corner Project	20-8672015	DOHMH	\$68,252.00	816	112
Public Health Solutions	13-5669201	DOHMH	\$69,767.00	816	112

\* Indicates pending completion of pre-qualification review.

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

**CHART 24: Immigrant Health Initiative - Fiscal 2016**

Organization - Program	EIN Number	Agency	Amount	Agy. #	U/A
Department of Health and Mental Hygiene	13-6400434	DOHMH	(\$1,500,000.00)	816	117
Health and Hospitals Corp - NYLAG Legal Health Program **	13-6400434	HHC	\$300,000.00	819	001
New York Lawyers for the Public Interest, Inc.	13-2860703	DOHMH	\$250,000.00	816	117
Academy of Medical and Public Health Services	27-2206293	DOHMH	\$50,000.00	816	117
Institute for Family Health, The - Bronx Health Reach	13-3273402	DOHMH	\$50,000.00	816	117
Grameen Primicare, Inc.	46-3181224	DOHMH	\$50,000.00	816	117
Urban Health Plan, Inc. - Plaza del Sol	23-7360305	DOHMH	\$50,000.00	816	117
Make the Road New York	11-3344389	DOHMH	\$50,000.00	816	117
Child Center of New York, Inc., The	11-1733454	DOHMH	\$50,000.00	816	117
Charles B. Wang Community Health Center, Inc.	13-2739894	DOHMH	\$75,000.00	816	117
Bellevue/NYU Program for Survivors of Torture	13-6400434	DOHMH	\$75,000.00	816	117
Sanctuary for Families, Inc.	13-3193119	DOHMH	\$75,000.00	816	117
Children's Health Fund, The - Terra Firm Clinic	13-3468427	DOHMH	\$75,000.00	816	117
African Services Committee, Inc.	13-3748744	DOHMH	\$50,000.00	816	117
New York and Presbyterian Hospitals Healthcare System, Inc. - Young Men's Clinic	13-3792361	DOHMH	\$50,000.00	816	117
Institute for Family Health, The	13-3273402	DOHMH	\$50,000.00	816	117
Memorial Sloan-Kettering Cancer Center	13-1924236	DOHMH	\$200,000.00	816	117

\* Indicates pending completion of pre-qualification review.

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



**CHART 25: Anti-Gun Violence - Mental Health/Therapeutic Services Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy. #	U/A *
Man Up!, Inc.	03-0553092	DOHMH	(\$35,000.00)	816	120
Net Another Child, Inc.	26-0894097	DOHMH	\$35,000.00	816	120 *

\* Indicates pending completion of pre-qualification review.

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

**CHART 26: MHy Services - Developmental Disability Clinics Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy. #	U/A *
Albert Einstein College of Medicine of Yeshiva University - CERC Clinic	13-1624225	DOHMH	(\$300,000.00)	816	121
Montefiore Medical Center/Albert Einstein College of Medicine - CERC Clinic	13-1740114	DOHMH	\$300,000.00	816	121

\* Indicates pending completion of pre-qualification review.

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

**CHART 27: Anti-Gun Violence - Art a Catalyst for Change Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy. #	U/A *
Department of Cultural Affairs **	13-6400434	DCLA	(\$72,000.00)	126	003
Hip-Hop Summit Youth Council, Inc. **	05-0542858	DYCD	\$72,000.00	260	312 *

\* Indicates pending completion of pre-qualification review.

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

**CHART 28: Support for Victims of Human Trafficking Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy. #	U/A
Mayor's Office of Criminal Justice	13-6400434	MOCJ	(\$750,000.00)	098	002
Community Healthcare Network, Inc.	13-3083068	MOCJ	\$175,000.00	098	002
Fund for the City of New York, Inc. - Center for Court Innovation	13-2612524	MOCJ	\$52,935.00	098	002
Garden of Hope, Inc.	20-0177587	MOCJ	\$97,065.00	098	002
Girls Educational and Mentoring Services, Inc.	13-4150972	MOCJ	\$125,000.00	098	002
Icahn School of Medicine at Mount Sinai	13-6171197	MOCJ	\$75,000.00	098	002
New York Asian Womens Center, Inc.	13-3286250	MOCJ	\$175,000.00	098	002
Restore NYC	20-2390142	MOCJ	\$50,000.00	098	002

\* Indicates pending completion of pre-qualification review.

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

CHART 29: Purpose of Funds Changes - Fiscal 2016

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Immigrant Opportunities Initiative		New York Legal Assistance Group, Inc.**	13-3505428	DSS/HRA	(\$50,000.00)	This allocation supports funding to assist immigrant adults gain access to information and resources and to strengthen their participation in the democratic process. Specifically, this initiative provides funding for English for Speakers of Other Languages (ESOL) classes, legal services for recent immigrants to assist with applications for citizenship or permanent residency, and various other immigrant related legal services.
Immigrant Opportunities Initiative		New York Legal Assistance Group, Inc.**	13-3505428	DSS/HRA	\$50,000.00	This funding is to be used by NYLAG to provide immigration clinics at the Council's Key to the City events.
Local	Speaker	Committee for Hispanic Children and Families, Inc., The	11-2822003	DYCD	(\$100,000.00)	Funding to continue providing civics classes and legal assistance, to support CHCF's Latino Family Policy Center, funding for CHCF's Early Care Education Institute and to support CHCF's After-School Youth Development Programs in the Bronx.
Local	Speaker	Committee for Hispanic Children and Families, Inc., The	11-2822003	DYCD	\$100,000.00	Funding to support CHCF's Latino Family Policy Center, CHCF's Early Care Education Institute and CHCF's After-School Youth Development Programs in the Bronx.
Local	Van Bramer	Sunnyside District Management Association	26-1278224	DSBS	(\$2,706.00)	Funds are requested to provide graffiti removal services in the 26th Council district. Funds will be used to hire and oversee a graffiti removal contractor.
Local	Van Bramer	Sunnyside District Management Association	26-1278224	DSBS	\$2,706.00	We seek funding to provide public programming in Sunnyside's two new public plazas - Lowery Plaza and Bliss Plaza. Funds will be used to produce and promote events and programs in these spaces including the purchase of equipment and supplies for public events. Funds may also be used for maintenance and beautification of properties.
Local	Van Bramer	Sunnyside District Management Association	26-1278225	DSBS	(\$5,000.00)	We seek funding to provide public programming in Sunnyside's two new public plazas - Lowery Plaza and Bliss Plaza. Funds will be used to produce and promote events and programs in these spaces including the purchase of equipment and supplies for public events.
Local	Van Bramer	Sunnyside District Management Association	26-1278226	DSBS	\$5,000.00	We seek funding to provide public programming in Sunnyside's two new public plazas - Lowery Plaza and Bliss Plaza. Funds will be used to produce and promote events and programs in these spaces including the purchase of equipment and supplies for public events. Funds may also be used for maintenance and beautification of properties.
Aging	Arroyo	Catholic Managed Long Term Care, Inc.	20-8180809	DFTA	(\$10,000.00)	To support salaries of the therapeutic recreation staff serving 120 nursing home residents and 59 assisted living residents.
Aging	Arroyo	Catholic Managed Long Term Care, Inc.	20-8180809	DFTA	\$10,000.00	Funding will support the meals, social services, social and recreational activities and transportation that the Program of All-Inclusive Care for the Elderly (PACE) provides to frail elders.
Local	Arroyo	Urban Justice Center	13-3442022	DSS/HRA	(\$15,000.00)	To provide legal services to low-income consumers in Council District 17 who are struggling with consumer debt.
Local	Arroyo	Urban Justice Center - Safety Net Project	13-3442022	DSS/HRA	\$15,000.00	To provide low and no income residents of District 17 with direct representation at fair hearings for public assistance, shelter allowance and food stamps as well as legal services related to eviction prevention and rental arrears.
Boro	SI Delegation	Staten Island Economic Development Corporation	13-3706442	DSBS	(\$5,000.00)	Funding will be used to research, design and launch a tourism website for the borough of Staten Island. It will highlight places of interest representing both for-profit and non-profit entities as well as dining options, lodging, shopping opportunities and historic districts and landmarks.
Boro	SI Delegation	Staten Island Economic Development Corporation	13-3706442	DSBS	\$5,000.00	Funds will be used for the Annual SIEDCO Business Conference, funding will help provide this free event to the Staten Island community including keynote speakers, free seminars and extensive networking opportunities.

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

September 30, 2015

3500

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, September 30, 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 Land Use**

Report for L.U. No. 284

**Report of the Committee on Land Use in favor of approving Application No. 20155773 HKM (N 150459 HKM), pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Corbin Building located at 11 John Street (Tax Map Block 79, Lot 15 in part) (Designation List 483/ LP No. 2569), Borough of Manhattan, Community Board 1, Council District 1, as an historic landmark.**

The Committee on Land Use to which the annexed Land Use item was referred on September 17, 2015 (Minutes, page 3425) and was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**MANHATTAN - CB 01                      20155773 HKM (N 150459 HKM)**

Designation by the Landmarks Preservation Commission [Designation List No. 483/LP-2569] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Corbin Building located at 11 John Street a.k.a. 1-13 John Street, 192 Broadway (Tax Map Block 79, Lot 15 in part, consisting of the land on which the building is situated), as an historic landmark.

#### **PUBLIC HEARING**

**DATE:** September 21, 2015

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 21, 2015

The Subcommittee recommends that the Land Use Committee affirm the designation.

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

**Against:** *None*

**Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** September 25, 2015

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Koo, Gentile, Garodnick, Mendez, Rodriguez, Levin, Williams, Wills, Richards, Cohen, Kallos, Torres, Treyger

**Against:** *None*

**Abstain:** *None*

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

Res. No. 871

**Resolution affirming the designation by the Landmarks Preservation Commission of the Corbin Building located at 11 John Street a.k.a. 1-13 John Street, 192 Broadway (Tax Map Block 79, Lot 15 in part, consisting of the land on which the building is situated), Borough of Manhattan, Designation List No. 483, LP-2569; L.U. No. 284; 20155773 HKM (N 150459 HKM).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on June 30, 2015 a copy of its designation dated June 23, 2015 (the "Designation"), of the Corbin Building located at 11 John Street a.k.a. 1-13 John Street, 192 Broadway, Community District 1, Borough of Manhattan, as a landmark and Tax Map Block 79,

September 30, 2015

3502

Lot 15 in part, consisting of the land on which the building is situated, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on August 31, 2015, its report on the Designation dated August 19, 2015 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on September 21, 2015; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

PETER A. KOO, *Acting Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, September 25, 2015. *Other Council Members Attending: Koslowitz.*

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. 285

**Report of the Committee on Land Use in favor of approving Application No. 20155774 HKM (N 150460 HKM), pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Stonewall Inn located at 51-53 Christopher Street (Tax Map Block 610, Lot 1 in part) (Designation List 483/ LP No. 2574), Borough of Manhattan, Community Board 2, Council District 3, as**

The Committee on Land Use to which the annexed Land Use item was referred on September 17, 2015 (Minutes, page 3426) and was coupled with the resolution shown below, respectfully



**REPORTS:****SUBJECT****MANHATTAN - CB 02****20155774 HKM (N 150460 HKM)**

Designation by the Landmarks Preservation Commission [Designation List No. 483/LP-2574] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Stonewall Inn located at 51-53 Christopher Street (Tax Map Block 610, Lot 1 in part, consisting of the land on which the buildings at 51-53 Christopher Street are situated), as an historic landmark.

**PUBLIC HEARING****DATE:** September 21, 2015**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 21, 2015

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:** Koo, Arroyo, Mendez, Levin, Barron, Kallos**Against:** *None***Abstain:** *None***COMMITTEE ACTION****DATE:** September 25, 2015

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Koo, Gentile, Garodnick, Mendez, Rodriguez, Levin, Williams, Wills, Richards, Cohen, Kallos, Torres, Treyger

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

September 30, 2015

3504

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

Res. No. 872

**Resolution affirming the designation by the Landmarks Preservation Commission of the Stonewall Inn located at 51-53 Christopher Street (Tax Map Block 610, Lot 1 in part, consisting of the land on which the buildings are situated), Borough of Manhattan, Designation List No. 483, LP-2574; L.U. No. 285; 20155774 HKM (N 150460 HKM).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on June 30, 2015 a copy of its designation dated June 23, 2015 (the "Designation"), of the Stonewall Inn located at 51-53 Christopher Street, Community District 2, Borough of Manhattan, as a landmark and Tax Map Block 610, Lot 1 in part, consisting of the land on which the buildings are situated, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on August 31, 2015, its report on the Designation dated August 19, 2015 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on September 21, 2015; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

PETER A. KOO, *Acting Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, September 25, 2015. *Other Council Members Attending: Koslowitz.*

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. 286

**Report of the Committee on Land Use in favor of approving Application No. 20155772 HKM (N 150458 HKM), pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Riverside-West End Historic District Extension II (Designation List 483/ LP No. 2464), Borough of Manhattan, Community Board 7, Council District 6, as an historic district.**

The Committee on Land Use to which the annexed Land Use item was referred on September 17, 2015 (Minutes, page 3426) and was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 07**

**20155772 HKM (N 150458 HKM)**

Designation by the Landmarks Preservation Commission [Designation List No. 483/LP-2464] pursuant to Section 3020 of the New York City Charter of the Riverside-West End Historic District Extension II, as an historic district.

**PUBLIC HEARING**

**DATE:** September 21, 2015

**Witnesses in Favor:** Fifteen

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** September 21, 2015

The Subcommittee recommends that the Land Use Committee affirm the designation.

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

**Against:** *None*

**Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** September 25, 2015

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Koo, Gentile, Garodnick, Mendez, Rodriguez, Levin, Williams, Wills, Richards, Cohen, Kallos, Torres, Treyger

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

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

Res. No. 873

**Resolution affirming the designation by the Landmarks Preservation Commission of the Riverside-West End Historic District Extension II, Borough of Manhattan, Designation List No. 483, LP-2464 (L.U. No. 286; 20155772 HKM; N 150458 HKM).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on June 30, 2015 a copy of its designation dated June 23, 2015 (the "Designation"), of the Riverside-West End Historic District Extension II, Community District 7, Borough of Manhattan.

**THE RIVERSIDE-WEST END HISTORIC DISTRICT EXTENSION II BOUNDARIES ARE AS FOLLOWS:**

SECTION 1 of the proposed Riverside-West End Historic District Extension II consists of the property bounded by a line beginning at the southeast corner of Riverside Drive and West 95th Street, extending northerly along the eastern curbline of Riverside Drive to a point on a line extending westerly from the northern property line of 230 Riverside Drive (aka 337 West 95th Street), easterly along said line and the northern property line of 230 Riverside Drive (aka 337 West 95th Street); southerly along the eastern property line of 230 Riverside Drive (aka 337 West 95th Street) to the northern curbline of West 95th Street; easterly along the northern curbline of West 95th Street to a point on a line extending southerly from the western property line of 317 West 95th Street (aka 317-319 West 95th Street); northerly along said line and the western property line of 317 West 95th Street (aka 317-319 West 95th Street); easterly along the northern property lines of 317 West 95th Street (aka 317-319 West 95th Street) and 311 West 95th Street (aka 311-315 West 95th

Street) to a point on the western property line of 735 West End Avenue (aka 721-735 West End Avenue; 301-309 West 95th Street; 300-308 West 96th Street), northerly along part of the western property line of 735 West End Avenue (aka 721-735 West End Avenue; 301-309 West 95th Street; 300-308 West 96th Street) to the southern curb line of West 96th Street, easterly along the southern curb line of West 96th Street to a point on a line extending southerly from the western property line of 301 West 96th Street (aka 737-739 West End Avenue), northerly along said line and the western property lines of 301 West 96th Street (aka 737-739 West End Avenue), 741 West End Avenue (aka 741-745 West End Avenue) and part of the western property line of 749 West End Avenue (aka 747-751 West End Avenue), westerly along the southern property lines of 308 West 97th Street (aka 306-308 West 97th Street) and 310 West 97th Street (aka 310-312 West 97th Street), northerly along part of the western property line of 310 West 97th Street (aka 310-312 West 97th Street), westerly, southerly, westerly, northerly, and westerly along the southern property lines of 316 West 97th Street and 244 Riverside Drive (aka 318-324 West 97th Street) to point of intersection with the eastern property line of 243 Riverside Drive (aka 240-243 Riverside Drive), southerly along the eastern property line of 243 Riverside Drive (aka 240-243 Riverside Drive) to the northern curblines of West 96th Street, westerly along the northern curblines of West 96th Street, northerly along the eastern curblines of Riverside Drive to a point on a line in the middle of West 105th Street, easterly along said line to a point on a line extending northerly from the eastern property line of 325 Riverside Drive (aka 325-327 Riverside Drive; 322-330 West 105th Street), southerly along said line and the eastern property line of 325 Riverside Drive (aka 325-327 Riverside Drive; 322-330 West 105th Street) and part of the eastern property line of 320 Riverside Drive (aka 320-323 Riverside Drive; 323-325 West 104th Street), easterly along part of the northern property line of 320 Riverside Drive (aka 320-323 Riverside Drive; 323-325 West 104th Street), the northern property lines of 321 through 309 West 104th Street (aka 305-313 West 104th Street), and part of the northern property line of 905 West End Avenue (aka 901-905 West End Avenue; 301-303 West 104th Street), northerly along the western property line of 915 West End Avenue (aka 911-919 West End Avenue; 300 West 105th Street) and continuing to a point on a line in the middle of West 105th Street, easterly along said line to a point on a line extending southerly from the western property line of 925 West End Avenue (aka 921-927 West End Avenue; 297-299 West 105th Street), northerly along said line and the western property line of 925 West End Avenue (aka 921-927 West End Avenue; 297-299 West 105th Street), westerly along part of the southern property line of 929 West End Avenue (aka 929-931 West End Avenue) and the southern property lines of 302 through 320 West 106th Street, northerly along the western property line of 320 West 106th Street to a point on a line in the middle of West 106th Street, westerly along said line to a point on a line extending southerly from the eastern curblines of Riverside Drive, northerly along said line and the eastern curblines of Riverside Drive to a point on a line extending westerly from the northern property line of 360 Riverside Drive (aka 331-339 West 108th Street), easterly along said line and the northern property line of 360 Riverside Drive (aka 331-339 West 108th Street), northerly along part of the western property line of 329 West 108th Street (aka 327-329 West 108th Street), easterly along the northern property lines of 329 West 108th Street (aka 327-329 West 108th

Street) through 317 West 108th Street, southerly along the eastern property lines of 317 West 108th Street through 303 West 107th Street and a line extending southerly to the southern curbline of West 107th Street, easterly along the southern curbline of West 107th Street, to the western curbline of West End Avenue; southerly along the western curbline of West End Avenue to the southwest corner of West 106th Street, easterly across West End Avenue and along the southern curbline of West 106th Street to the western curbline of Broadway; southerly along the western curbline of Broadway to the northern curbline of West 105th Street, westerly along the northern curbline of West 105th Street to a point on a line extending northerly from the eastern property line of 908 West End Avenue (aka 908-918 West End Avenue; 258-260 West 105th Street), southerly along said line and southerly, easterly, and southerly along part of the eastern property line of 908 West End Avenue (aka 908-918 West End Avenue; 258-260 West 105th Street), easterly along part of the northern property line of 900 West End Avenue (aka 900-906 West End Avenue; 251-259 West 104th Street) southerly along the eastern property line of 900 West End Avenue (aka 900-906 West End Avenue; 251-259 West 104th Street) and a line extending from the eastern property line of 900 West End Avenue (aka 900-906 West End Avenue; 251-259 West 104th Street) to the southern curb line of West 104th Street, easterly along the southern curb line of West 104th Street to a point on a line extending northerly from the eastern property line of 242 West 104th Street, southerly along said line and the eastern property line of 242 West 104th Street, westerly along part of the southern property line of 242 West 104th Street, southerly along the eastern property line of 239 West 103rd Street and a line extending from the eastern property line of 239 West 103rd Street to the northern curbline of West 103rd Street, westerly along the northern curbline of West 103rd Street to a point on a line extending northerly from the eastern property line of 242 West 103rd Street, southerly along said line and the eastern property line of 242 West 103rd Street, westerly along the southern property lines of 242 and 244 West 103rd Street (aka 244B West 103rd Street) and part of 250 West 103rd Street (aka 246-252 West 103rd Street), southerly along the eastern property line of 247 West 102nd Street and a line extending southerly from the eastern property line of 247 West 102nd Street to the southern curbline of West 102nd Street, easterly along the southern curb line of West 102nd Street to a point on a line extending northerly from the eastern property line of 244 West 102nd Street, southerly along said line and the eastern property line of 244 West 102nd Street; easterly along the northern property line of 241 West 101st Street (aka 241-243 West 101st Street), southerly along the eastern property line of 241 West 101st Street (aka 241-243 West 101st Street) to the northern curbline of West 101st Street, westerly along the northern curbline of West 101st Street to a point on a line extending northerly from the eastern property line of 232 West 101st Street, southerly along said line and the eastern property lines of 232 West 101st Street and 233 West 100th Street to the northern curbline of West 100th Street, westerly along the northern curbline of West 100th Street to a point on a line extending northerly from part of the eastern property line of 820 West End Avenue (aka 814-822 West End Avenue; 256-280 West 100th Street), southerly along said line and southerly, easterly, and southerly along the eastern property line of 820 West End Avenue (aka 814-822 West End Avenue; 256-280 West 100th Street), easterly along part of the northern property line of 808 West End Avenue (aka 806-810 West

End Avenue; 259-269 West 99th Street) and the northern property lines of 257 through 249 West 99th Street, southerly along the eastern property line of 249 West 99th Street and a line extending southerly from the eastern property line of 249 West 99th Street to the southern curblines of West 99th Street, easterly along the southern curblines of West 99th Street to a point on a line extending northerly from the eastern property line of 250 West 99th Street (aka 248-256 West 99th Street), southerly along said line and the eastern property lines of 250 West 99th Street and 251 West 98th Street (aka 247-253 West 98th Street) to the northern curblines of West 98th Street; westerly along the northern curblines of West 98th Street to a point on a line extending northerly from the eastern property line of 254 West 98th Street (aka 254-256 West 98th Street), southerly along said line and the eastern property line of 254 West 98th Street (aka 254-256 West 98th Street), easterly along part of the northern property line of 251 West 97th Street (aka 251-255 West 97th Street), southerly along the eastern property line of 251 West 97th Street (aka 251-255 West 97th Street) to the northern curblines of West 97th Street, westerly along the northern curblines of West 97th Street to a point on a line extending northerly from the eastern property line of 258 West 97th Street (aka 256-258 West 97th Street), southerly along said line and the eastern property line of 258 West 97th Street (aka 256-258 West 97th Street), westerly along part of the southern property line of 258 West 97th Street (aka 256-258 West 97th Street), southerly along the eastern property line of 740 West End Avenue (aka 740-750 West End Avenue; 251 West 96th Street) and a line extending southerly from the eastern property line of 740 West End Avenue (aka 740-750 West End Avenue; 251 West 96th Street) to the northern curblines of West 96th Street, westerly along the northern curblines of West 96th Street to a point on a line extending northerly from the eastern property line of 736 West End Avenue (aka 736-738 West End Avenue; 272 West 96th Street), southerly along said line and the eastern property lines of 736 West End Avenue (aka 736-738 West End Avenue; 272 West 96th Street) and 732 West End Avenue (aka 732-734 West End Avenue), easterly along part of the northern property line of 720 West End Avenue (aka 720-730 West End Avenue; 257-273 West 95th Street), southerly along part of the eastern property line of 720 West End Avenue (aka 720-730 West End Avenue; 257-273 West 95th Street), easterly along part of the northern property line of 720 West End Avenue (aka 720-730 West End Avenue; 257-273 West 95th Street) and the northern property line of 255 West 95th Street (aka 253-255 West 95th Street), southerly along the eastern property line of 255 West 95th Street (aka 253-255 West 95th Street) and a line extending southerly from the eastern property line of 255 West 95th Street (aka 253-255 West 95th Street) to the northern curblines of West 95th Street, westerly along the northern curblines of West 95th Street to a point on a line extending northerly from the eastern property line of Pomander Walk, southerly along said line and the eastern property line of Pomander Walk to the northern curblines of West 94th Street, westerly along the northern curblines of West 94th Street to a point on a line extending southerly from the eastern property line of 700 West End Avenue (aka 269 West 94th Street) to the southern curblines of West 94th Street, westerly along the southern curblines of West 94th Street to a point on a line extending northerly from the eastern property line of 306 West 94th Street, southerly along said line and the eastern property line of 306 West 94th Street, westerly along the southern property lines of 306 through 316 West 94th Street, northerly along the

western property line of 316 West 94th Street to the northern curbline of West 94th Street, westerly along the northern curbline of West 94th Street to a point on a line extending southerly from the western property line of 321 West 94th Street (aka 321-325 West 94th Street), northerly along said line and the western property line of 321 West 94th Street (aka 321-325 West 94th Street), westerly along part of the southern property line of 336 West 95th Street (aka 334-338 West 95th Street), northerly along the western property line of 336 West 95th Street (aka 334-338 West 95th Street) to the southern curbline of West 95th Street, and westerly along the southern curbline of West 95th Street to the point of beginning.

SECTION 2 of the proposed Riverside-West End Historic District Extension II consists of the property beginning on the southern curbline of West 92nd Street at a point on a line extending northerly from the eastern property line of 288 West 92nd Street (aka 288-290 West 92nd Street), southerly along said line and the eastern property line of 288 West 92nd Street (aka 288-290 West 92nd Street), westerly along the southern property line of 288 West 92nd Street (aka 288-290 West 92nd Street), southerly along part of the eastern property line of 292 West 92nd Street, westerly along the southern property lines of 292 and 294 West 92nd Street, northerly along part of the western property line of 294 West 92nd Street, westerly along the southerly property line of 296 West 92nd Street, northerly along the western property line of 296 West 92nd Street to the northern curbline of West 92nd Street, easterly along the northern curbline of West 92nd Street to a point on a line extending southerly from the western property line of 255 West 92nd Street, northerly along said line and the western property line of 255 West 92nd Street, easterly along the northern property line of 255 West 92nd Street and southerly along the eastern property line of 255 West 92nd Street and a line extending from the eastern property line of 255 West 92nd Street to the southern curbline of West 92nd Street, easterly along the southern curbline of West 92nd Street to the point of beginning.

SECTION 3 of the proposed Riverside-West End Historic District Extension II consists of the property bounded by a line beginning on the southern curbline of West 89th Street at a point on a line extending southerly from the eastern property line of 267 West 89th Street, northerly along said line and the eastern property line of 267 West 89th Street, westerly along the northern property line of 267 West 89th Street; southerly along the western property line of 267 West 89th Street and a line extending from the western property line of 267 West 89th Street to the southern curbline of West 89th Street, easterly along the southern curbline of West 89th Street to the point of beginning.

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on August 31, 2015 its report on the Designation dated August 19, 2015 (the "Report");



**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on September 21, 2015; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

PETER A. KOO, *Acting Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, September 25, 2015. *Other Council Members Attending: Koslowitz.*

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 Public Safety**

Report for Int. No. 730-A

**Report of the Committee on Public Safety 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 reports on school discipline and police department activity in schools.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on March 31, 2015 (Minutes, page 990), respectfully

**REPORTS:**

**INTRODUCTION**

Int. No. 730 was first heard by the Committee on April 14, 2015, at an oversight hearing entitled, "Exploring School Climate and School Discipline Codes," jointly held by the Committee on Public Safety, chaired by Council Member Vanessa

Gibson, the Committee on Education, Chaired by Council Member Daniel Dromm and the Subcommittee on Non-Public Schools chaired by Council Member Chaim Deutsch. The Committee on Public Safety will convene on Friday, September 25 to vote on the bill.

### **BACKGROUND**

In 1995, New York City Mayor Rudolph Giuliani appointed an investigatory commission to study school safety. In 1996, the Commission concluded that the New York City Board of Education's ("BOE," now the "Department of Education," or "DOE") Division of School Safety was poorly managed and did not effectively maintain school security.<sup>1</sup> In 1998, the BOE unanimously voted to transfer the responsibility of managing school security from its Division of School Safety to the New York City Police Department ("NYPD").<sup>2</sup> To govern the initial transfer of power, in 1998 the BOE and the Mayor executed a Memorandum of Understanding ("MOU") under which School Safety Agents ("SSA's") were transferred to the NYPD, which was charged with the responsibility of training, recruiting and managing such agents.<sup>3</sup> Under the jurisdiction of the NYPD, the SSA's retained the power of arrest and gained additional responsibilities which included: monitoring school entrances, exits and hallways; operating ID scanners, cameras, and metal detectors; checking staff and student identification; and coordinating with precinct officers when appropriate.<sup>4</sup> The MOU was renewed in 2003 and is still in effect.<sup>5</sup>

The merits of the transfer have been discussed and debated by many parties and in many forums, including at past City Council hearings. Some of the concerns expressed regarding the transfer included a lack of clarity regarding authority structure in schools, worries about overly harsh punishment, and questions about the oversight of SSA's. Following Council hearings on the issue, local law 6 of 2011 was passed.<sup>6</sup> It requires reports on school discipline and police department activity relating to schools to be delivered to the Council on a regular basis.

Pursuant to local law 6 of 2011, the DOE must submit an annual report showing the total number of students in each school that have been subjected to a superintendent or principal's suspension, disaggregated by race/ethnicity, gender, grade level, age, disciplinary code infraction, length of suspension, and whether the student is receiving special education services or is an English Language Learner.<sup>7</sup> The citywide total number of transfers that occurred in connection with a suspension is also required. In addition to the annual report, the DOE must create a biannual report including the number of suspensions citywide for each month, disaggregated by superintendent and principal suspensions.

The NYPD must produce quarterly reports to the Council. These reports include data, disaggregated by patrol borough, detailing the number of individuals arrested and/or issued a summons by SSA's or police officers assigned to the NYPD School Safety Division. For incidents in which arrests were made or summonses were issued, the data must include the charges and whether the charge was a felony, misdemeanor or violation. The report must also detail the number and type of non-criminal incidents that occurred. Arrest information is disaggregated by race/ethnicity, age, and gender.<sup>8</sup>

### **ANALYSIS OF INT. NO. 730**

Proposed Int. No. 730-A expands the Student Safety Act to add further transparency by requiring quarterly reports by the DOE and NYPD to City Council on student safety issues, including incidents involving arrest, expulsion and suspension of students.

Section one of Int. No. 730-A would amend chapter eleven of title eight sections 8-1101, 8-1102, and 8-1103 of the Administrative Code of the City of New York and add a new section 8-1104 in relation to reports on school discipline, police department activity relating to school, and EMS involvement in schools. Section 8-1102 would expand the DOE reporting requirement to include additional indicators of student discipline, such as the number of “teacher removals,” the number of students subjected more than once to a teacher removal, principal’s suspension, superintendent’s suspension, or any combination thereof, incidents involving SSA or other NYPD contacts that also result in suspension, and expulsions. The data would be disaggregated to include the student’s homeless status, year of birth, and other factors. The report would also student transfers initiated during a suspension. Furthermore, in reporting the data, the amendment would require a zero to be reported for categories that contain zero students, a symbol reported for instances between 1-5 and an actual number reported for instances between 6 and above, except in cases where such reports would result in personally identifiable information. The existing law requires the report to show a symbol for any number between 0 and 9. Lastly, new section 8-1104 would require DOE to report biannually to the council and post to their website the total number of referrals of students to EMS and the number of referrals to EMS for a student’s psychological/emotional condition.

Section two of Int. No. 730 would amend chapter one of title fourteen section 14-152 of the Administrative Code of the city of New York in relation to NYPD activity in schools. The amendment would require NYPD to report the number of violations issued in schools or on school grounds, the number of individuals on which mechanical restraints (i.e. handcuffs) were used, data on the use of permanent and temporary metal detectors in schools including contraband seized, the number of complaints against school safety personnel and other NYPD personnel, and the number of injuries sustained by SSA’s due to student misconduct.

Section three of Int. No. 730 provides that the local law would take effect immediately.

<sup>1</sup> New York Civil Liberties Union, “Criminalizing the Classroom, The Over-Policing of New York City Schools,” p.3 (March 2007), *available at* [http://www.nyclu.org/pdfs/criminalizing\\_the\\_classroom\\_report.pdf](http://www.nyclu.org/pdfs/criminalizing_the_classroom_report.pdf).

<sup>2</sup> Lynette Holloway, “Board Votes to Give Police Control Over School Security,” *The New York Times* (Sept. 17, 1998).

<sup>3</sup> *See Id.*; New York Civil Liberties Union, “Criminalizing the Classroom, The Over-Policing of New York City Schools,” p.8 (March 2007), *available at* [http://www.nyclu.org/pdfs/criminalizing\\_the\\_classroom\\_report.pdf](http://www.nyclu.org/pdfs/criminalizing_the_classroom_report.pdf).

<sup>4</sup> New York Civil Liberties Union, “Criminalizing the Classroom, The Over-Policing of New York City Schools,” p.8 (March 2007), *available at* [http://www.nyclu.org/pdfs/criminalizing\\_the\\_classroom\\_report.pdf](http://www.nyclu.org/pdfs/criminalizing_the_classroom_report.pdf).

<sup>5</sup> *See* New York Civil Liberties Union, “Secret Agreement between NYPD and DOE over Police in

September 30, 2015

3514

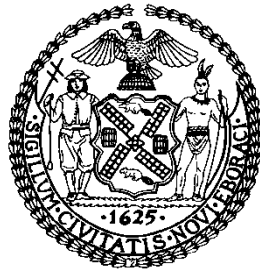
Schools yet another Symptom of Broken System,” (June 17, 2009) *available at* <http://www.nyclu.org/node/2480>.

<sup>6</sup> Details and history of Local Law 6 can be found at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=821375&GUID=BE5ED174-255F-4944-A1D5-331DD105E8CB&Options=ID%7cText%7c&Search=local+law+6+2011>.

<sup>7</sup> Information about whether the student is an English Language Learner was not required to be reported until the report covering the 2012-2013 school year, and information about principal suspensions was first reported in the annual report covering the 2011-2012 school year, pursuant to §3 of local law 6 of 2011.

<sup>8</sup> The bill also mandates that the information be disaggregated by whether the individual is receiving special education services, and whether the individual is an English Language Learner if it is practicable to disaggregate in such a way based upon the manner in which the applicable records are maintained. See NYC Administrative Code §14-152(c). Such information has not been reported to the Council.

**(The following is the text of the Fiscal Impact Statement for Int. No. 730-A:)**



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

**LATONIA MCKINNEY,  
DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 730 -A  
COMMITTEE: Public Safety**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity in schools.

**SPONSORS:** Council Members Gibson, Johnson, Arroyo, Chin, King, Lander, Levine, Menchaca, Mendez, Rose, Cohen, Williams, Richards, Reynoso, Torres, Greenfield, Rodriguez, Levin, Kallos, Ferreras-Copeland, Palma, Cumbo, Rosenthal, Koslowitz, Lancman, Dromm, Eugene, Barron and Espinal

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 730-A would expand the reports that the New York Police Department (NYPD) and the Department of Education (DOE) already provide to the City Council relating to school discipline activity pursuant to Local Law 6 of 2011, known as the Student Safety Act.

Proposed Intro No. 730-A would require additional annual reporting from the DOE related to student suspensions, teacher removals, student transfers that occur during a suspension, and instances where EMS is called and students are transported to a hospital.

The bill additionally would require the NYPD to report data relating to the use of handcuffs in schools, arrests, summonses and violations issued in a school or on school grounds, complaints lodged against School Safety Agents (SSA's), as well as injuries sustained by SSA's due to student misconduct. NYPD would also be required to report on permanent and temporary metal detectors in schools.

**EFFECTIVE DATE:** This local law would take effect January 1, 2016, provided that reports or data newly required by this local law would only be required to reflect incidents occurring on or after January 1, 2016.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

---

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation. The DOE estimates that the Office of Safety and Youth Development would require one additional data analyst to assist with the additional reporting requirements. The NYPD estimates that the School Safety Division would need to hire an additional eight staff and added technical enhancements to meet the additional reporting requirements. Given that this legislation merely amends an existing reporting requirement already provided to the City Council, the Council estimates that the DOE and NYPD currently have sufficient resources and staffing to meet the reporting requirements of this legislation and, therefore, estimates that there would be no impact on expenditures as a result of this legislation.

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

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

September 30, 2015

3516

New York City Police Department  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Ellen Eng, 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:** Intro. No. 730 was introduced to the Council on March 31, 2015 and referred to the Committee on Public Safety. The Committee on Public Safety held a hearing jointly with the Committee on Education and the Subcommittee on Non-Public Schools on Intro. No. 730 on April 14, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 730-A, will be considered by the Committee on Public Safety on September 25, 2015. Upon successful vote by the Committee, Proposed Intro. 730-A will be submitted to the full Council for a vote on September 30, 2015.

**DATE PREPARED:** September 24, 2015

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

**(The following is the text of Int. No. 730-A:)**

Int. No. 730-A

By Council Members Gibson, Johnson, Arroyo, Chin, King, Lander, Levine, Menchaca, Mendez, Rose, Cohen, Williams, Richards, Reynoso, Torres, Greenfield, Rodriguez, Levin, Kallos, Ferreras-Copeland, Palma, Cumbo, Rosenthal, Koslowitz, Lancman, Dromm, Eugene, Barron, Espinal, Deutsch and Wills.

**A Local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity in schools.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 11 of title 8 of the administrative code of the city of New York, as added by local law number 6 for the year 2011, is amended to read as follows:

CHAPTER 11  
REPORTS ON [STUDENT] DISCIPLINE AND CERTAIN EMERGENCY  
TRANSPORTS OF STUDENTS

- §8-1101 [Definition] *Definitions*; confidentiality requirements
- §8-1102 Annual report on student discipline
- §8-1103 Biannual citywide report on suspensions
- §8-1104 *Citywide report on emergency medical services student transports*

§ 8-1101. [Definition] *Definitions*; confidentiality requirements.

a. For purposes of this chapter, the [term “chancellor” shall mean] *following terms shall have the following meanings*:

*Chancellor.* The term “chancellor” means the chancellor of the city school district of the city of New York, or the chancellor's designee.

*Data.* The term “data” means *final versions of statistical or factual information in alphanumeric form that can be digitally transmitted or processed.*

*Department contact.* The term “department contact” means *an incident that occurs within a New York city public school, on school grounds, during school-related events or while taking public school transportation, for which the New York city police department is contacted.*

*EMS transports.* The term “EMS transports” means *transports performed by emergency medical services, whether provided by the fire department or another authorized ambulance service, in which a student is taken from a New York city public school to a hospital.*

*Homeless status.* The term “homeless status” means *the circumstance in which a student lacks a fixed, regular and adequate nighttime residence, as determined in accordance with applicable chancellor’s regulations.*

*Teacher removal.* The term “teacher removal” means *the removal from class, including at least one class period and for up to four complete school days, of a student in kindergarten through grade twelve whose conduct is substantially disruptive of the educational process or substantially interferes with a teacher’s authority over the classroom, with notice and an opportunity to be heard pursuant to applicable chancellor’s regulations.*

b. [In no event shall any report submitted pursuant to this chapter release, or provide access to, any personally identifiable information contained in education records in violation of 20 U.S.C. § 1232g or information in violation of any other applicable confidentiality requirement in federal or state law.] *No information that is otherwise required to be reported pursuant to this chapter shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information, including but not limited to restrictions*

*with respect to personally identifiable information in education records set forth in 20 U.S.C. § 1232g, or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If (i) the total number of students or incidents within a non-disaggregated category contains from one through five students or incidents, (ii) the total number of students or incidents within a disaggregated category, or reported pursuant to paragraph four of subdivision a of section 8-1102 of this chapter, contains from zero through five students or incidents; or (iii) the total number of students or incidents within a category, whether or not disaggregated, contains an amount that would allow another category, whether or not disaggregated, that contains from one through five students or incidents to be deduced, then the number of students or incidents shall be replaced with a symbol or shall be subject to some other form of data suppression.*

§ 8-1102. Annual report on student discipline. The chancellor shall submit to the city council *and post to the department of education's website* by October 31st of each year an annual report, based on data from the preceding school year, on the discipline of students.

a. The data in this report shall be disaggregated by school and shall show the [total number of students in each school who have been] *following*:

1. [subjected to a superintendent's suspension; or] *The number of teacher removals, which shall additionally be disaggregated by infraction code and number of days removed;*

2. [subjected to a principal's suspension] *The number of principal's suspensions, which shall additionally be disaggregated by infraction code and length of suspension;*

3. *The number of superintendent's suspensions, which shall additionally be disaggregated by infraction code and length of suspension;*

4. *The number of students subjected more than once to a teacher removal, principal's suspension, superintendent's suspension, or any combination thereof;*

5. *The number of students subjected to an expulsion; and*

6. *The number of incidents involving department contacts that also resulted in the suspension of the students who were the subjects of the department contacts.*

b. The data provided pursuant to [each of paragraphs one and two of] subdivision a shall also be disaggregated by [race/ethnicity, gender, grade level at the time of imposition of discipline, age of the student as of December 31st of the school year during which discipline is imposed, whether the student is receiving special education services or whether the student is an English Language Learner, disciplinary code infraction and length of suspension. If a category contains between 0 and 9 students, the number shall be replaced with a symbol.] *race/ethnicity, gender, grade, year of birth, whether the individual is receiving special education services, whether the individual is an English language learner and homeless status. The report shall include school district and citywide total numbers for each disaggregated category.*

c. The report shall also include [the]:



1. *The citywide total number of transfers that [occurred in connection with a] were initiated during the superintendent's suspension process or during the period of any resulting superintendent's suspension, disaggregated by involuntary and voluntary transfers; and*

2. *The annual citywide percentage change in suspensions, disaggregated by school district.*

§ 8-1103. Biannual citywide report on suspensions. The chancellor shall submit to the council *and post to the department of education's website* by October 31st and March 31st of each year a report on the discipline of students citywide, based on data from the first six months of the current calendar year and the second six months of the preceding calendar year, respectively. Such report shall include the number of suspensions citywide for each month, disaggregated by superintendent's and principal's suspensions.

§ 8-1104. *Citywide report on emergency medical services student transports.*

a. *The chancellor shall submit to the council and post to the department of education's website by October 31<sup>st</sup> and March 31st of each year a citywide report on the total number of EMS transports and the number of EMS transports performed because of a student's psychological/emotional condition. The October report shall include EMS transports from the first six months of the current calendar year and the March report shall include EMS transports from the second six months of the preceding calendar year. Each report shall be disaggregated by school district and by month.*

b. *The chancellor shall submit to the council and post to the department of education's website by October 31st of each year a citywide report on EMS transports during the twelve-month period ending on June 30<sup>th</sup> of the same year. Each report shall be disaggregated by school and by race/ethnicity, year of birth and whether the individual is receiving special education services.*

§ 2. Section 14-152 of the administrative code of the city of New York, as added by local law number 6 for the year 2011, is amended to read as follows:

§ 14-152. School activity reporting. a. Definitions. *For purposes of this section, the following terms shall have the following meanings:* [1. "Non-criminal incident" shall mean an incident occurring within a New York city public school that does not constitute a felony or misdemeanor, and that falls within one of the following types: dangerous instruments; fireworks; trespass; disorderly conduct, harassment; loitering; or possession of marijuana.

2. "School safety agent" shall mean a person employed by the department as a peace officer for the purpose of maintaining safety in New York city public schools."]

*Data. The term "data" means final versions of statistical or factual information in alphanumeric form that can be digitally transmitted or processed.*

*Department personnel. The term "department personnel" means police officers and school safety agents employed by the department.*

*Force. The term "force" includes but is not limited to the use of (i) a firearm; (ii) physical force; (iii) a chemical agent; (iv) a baton; (v) mechanical restraints,*

*except when used in the course of making an arrest; or (vi) a conducted energy device.*

*Mechanical restraints. The term “mechanical restraints” means any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the body and that the individual cannot easily remove, including handcuffs and nylon/Velcro restraining devices.*

*Violation. The term “violation” means alleged student misbehavior occurring within a New York city public school or on school grounds that does not constitute a felony or misdemeanor and that, if committed by an adult, would constitute an offense defined by a section of the penal law.*

b. Report of activity relating to schools. The department shall submit to the council *and post to the department’s website* on a quarterly basis[,] a report based on data reflecting summons, arrest and [non-criminal incident] *violation* activity and response by department personnel from the preceding quarter. Such report shall be disaggregated by [patrol borough] *school building and the command of department personnel conducting the activity*, and shall include, at a minimum:

1. [the] *The total number of individuals arrested [and/]or issued a summons in a New York city public school or on school grounds by [school safety agents or police officers assigned to the school safety division of the New York city police department] department personnel and whether those individuals were students, school personnel or other individuals;*

2. [in those cases where arrests were made or summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation] *The total number of violations to which department personnel responded; and*

3. [the number and type of non-criminal incidents that occurred] *The total number of incidents where individuals were subjected by department personnel to mechanical restraints within a New York city public school or on school grounds, and whether those individuals were students, school personnel or other individuals.*

c. *For the data provided pursuant to paragraphs one and two of subdivision b, such report shall include: (i) the charges (including applicable section of law); (ii) whether the incident occurred in connection with metal detector or magnetometer scanning; and (iii) whether department personnel used force and the type of force used. The data provided pursuant to paragraph one of subdivision b shall also specify whether the charge was a felony, misdemeanor or violation and whether the incident with respect to which the arrest or issuance of a summons occurred was school related, in that it occurred within a New York public school or on school grounds or was otherwise related to the public school community.*

[c.]d. The data provided pursuant to paragraphs one through three of subdivision b shall, for each [of] such [paragraphs] *paragraph*, where practicable based upon the manner in which the applicable records are maintained, be disaggregated by race/ethnicity, year of birth, gender, *and, where the individual is a student*, whether the individual is receiving special education services[,] and whether the individual is an English Language Learner, *provided that such disaggregated data reported pursuant to this subdivision shall not be reported for each school building but rather shall be reported by patrol precinct.*

*e. Use of permanent and temporary metal detectors. The department shall submit to the council on a quarterly basis a report including: (i) a list of school buildings with permanent metal detectors; (ii) a list of school buildings subjected to random scanning; (iii) a list of schools that have requested the removal of metal detectors; and (iv) a list of schools for which a requested removal of metal detectors has been honored. In addition, the department shall on an annual basis report on the amounts and types of contraband seized as a result of metal detector scanning, disaggregated by school building. Such types shall include but not be limited to firearms, knives, boxcutters and laser pointers.*

*f. Report of complaints against school safety agents. The department shall submit to the council on a quarterly basis a report of complaints against school safety agents from the preceding quarter. Such report shall include, at a minimum, disaggregated by patrol precinct:*

*1. The total number of complaints originating at or relating to public schools, alleging excessive use of force, abuse of authority, discourtesy or use of offensive language, with abuse of authority complaints disaggregated by specific allegations of disputed arrest and confiscation of student property;*

*2. The number of open complaints at the end of the preceding quarter and the number of days each complaint has been pending and the result of the complaint;*

*3. The number of school safety agents with open complaints who have been the subject of a prior complaint; and*

*4. The number of injuries sustained by department personnel resulting from student misconduct, including the number of times that department personnel have as a result of such misconduct been transferred by emergency medical services, whether provided by the fire department or another authorized ambulance service, for medical evaluation or treatment.*

[d.] *g. Public education. Operators of the 311 system shall inform any caller seeking to make a complaint against a school safety agent that the complaint will be electronically transferred to the internal affairs bureau of the New York city police department.*

[e.] *h. Disclosure limitations. The information, data, and reports required by this section shall be subject to the disclosure limitations of section 14-150 of this chapter.*

[f.] *i. Reports due at end of reporting period. The information, data, and reports required by this section shall be provided to the council and posted to the department's website within thirty days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.*

§ 3. This local law shall take effect January 1, 2016, provided that reports or data newly required by this local law shall only be required to reflect incidents occurring on or after January 1, 2016.

VANESSA L. GIBSON, *Chair*; JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, September 25, 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. 897

**Report of the Committee on Public Safety in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to declaring nuisances related to the sale of synthetic drugs and imitation synthetic drugs.**

The Committee on Public Safety, to which the annexed proposed local law was referred on September 17, 2015 (Minutes, page 3393), respectfully

**REPORTS:**

**I. INTRODUCTION**

Today, the Committee on Public Safety, chaired by Council Member Vanessa Gibson, will vote on two pieces of legislation relating to the manufacture and sale of synthetic cannabinoids and phenethylamines. These bills were previously heard at a joint hearing on September 21, 2015, conducted by the Committees on Public Safety; Health; Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services; and Consumer Affairs. The committees received testimony from the Departments of Health and Mental Hygiene (DOHMH), Consumer Affairs (DCA), and Homeless Services; the Mayor's Office of Criminal Justice; the New York City Police Department (NYPD); the New York City Sheriff's Office; and other interested parties.

**II. BACKGROUND**

Synthetic cannabinoids—better known as synthetic marijuana, K2 or Spice—refers to a wide variety of herbal mixtures that have been sprayed with chemical additives that produce psychoactive effects.<sup>1</sup> Some users report experiences similar to those produced by marijuana—elevated mood, relaxation, and altered perception.<sup>2</sup> However, in some cases the effects are stronger and/or more dangerous than those of marijuana. For example some users have experienced extreme anxiety, paranoia, and hallucinations.<sup>3</sup> In fact, DOHMH issued an advisory on July 27, 2014 about fifteen

cases of adverse reactions to synthetic cannabinoids.<sup>4</sup> The reactions included agitation, anxiety, nausea, vomiting, high blood pressure, tremors, seizures, hallucinations, paranoia, and violent behavior.<sup>5</sup> On April 17, 2015, DOHMH issued a press release warning New Yorkers of the unpredictable and dangerous effects synthetic cannabinoids cause because there were more than 120 emergency room visits between April 8<sup>th</sup> and April 15<sup>th</sup>.<sup>6</sup> There is no antidote presently available for synthetic cannabinoid intoxication.<sup>7</sup>

Nationally, synthetic cannabinoids are relatively popular among young people.<sup>8</sup> It is the second most popular type of drug among high school seniors.<sup>9</sup> However, in New York City the drug is widely used among homeless people.<sup>10</sup> Users in New York City reportedly often smoke openly on the street.<sup>11</sup> East Harlem, Central Harlem, Chelsea<sup>12</sup> and Central Brooklyn<sup>13</sup> are among the neighborhoods where increased emergency room visits related to synthetic cannabinoid use have been identified.

Synthetic cannabinoids have been readily available in “head shops,” local bodegas, and via the internet for years.<sup>14</sup> The wide-spread availability of synthetic cannabinoids at local retailers and corner stores tracks with a long-standing history of unlawful activity occurring from time to time in New York City bodegas. For example, in June of this year, owners and employees of a bodega in Harlem were indicted for a scam that stole \$2.7 million from the federal Supplemental Nutritional Assistance Program (SNAP) over five years.<sup>15</sup> Also this summer, the NYPD reported that during a year-long NYPD crackdown on illegal gambling and numbers-running operations in Brooklyn, a majority of the busts have occurred in bodegas.<sup>16</sup>

Illegal cigarettes are another smoke-able illicit product that is sometimes sold at bodegas. Cigarette retailers in New York City are required to be licensed by DCA and the commissioner may order the sealing of the premises of a business that is found to have engaged in unlicensed activity or committed numerous violations of applicable local law. New York State assesses higher taxes on cigarettes than states such as Virginia. Pursuant to New York State law, cigarettes purchased out of state may not be sold in New York. A report in 2014 indicated that inspections by the Department of Finance, however, found such out-of-state illegal cigarettes in 48% of the bodegas inspected around that time.<sup>17</sup> The sale of illegal cigarettes appears to be linked to the sale of synthetic cannabinoids. Busts of synthetic cannabinoids in bodegas tend to reveal large supplies of illegal cigarettes, and vice versa.<sup>18</sup>

States have moved to respond to the threat of synthetic cannabinoids and other synthetic drugs. Since 2011, all 50 states have banned some synthetic drugs.<sup>19</sup> Legislation often targets specific ingredients used to create these drugs. However, to avoid prosecution, manufacturers have continually altered the chemical composition of these banned substances to create similar drugs not yet explicitly covered by law. Legislators have reacted with general bans prohibiting entire classes of substances or by using broad language to describe the overall chemical makeup. Thirty-four states—New York not among them—also use analogue laws, which prohibit drugs with chemical structures and effects substantially similar to those of already banned substances.<sup>20</sup> In addition, jurisdictions have successfully prosecuted retailers using public nuisance laws, as well as consumer protection laws against false advertising and mislabeling.<sup>21</sup>

In August of 2012, the New York State Department of Health (DOH) expanded the existing list of prohibited drugs and chemicals in the State Sanitary Code to include dozens of substances commonly used to make synthetic drugs. The same year, Attorney General Eric Schneiderman filed suit against 12 upstate retailers that sold synthetic drugs for violating New York State's labeling laws, which require consumer products' packaging to identify the manufacturer, the common product name, the net quantity of contents, and warnings for customary use, among other information.<sup>22</sup> Within three and a half months, Schneiderman obtained eight orders permanently banning synthetic drugs from the retailers and won a state Supreme Court ruling that resulted in a \$15,000 penalty.<sup>23</sup>

The alarming increase in synthetic marijuana-related emergency department visits in early 2015 has prompted further regulatory and legislative action. On the state level, DOH passed emergency measures in August of 2015 to ban two additional classes of compounds, covering potentially hundreds of chemicals.<sup>24</sup> The DOH regulations allow for an owner or an employee of an establishment selling synthetic drugs to be charged with possession of an illicit substance, with criminal penalties of up to \$500 in fines and up to 15 days in jail, and civil penalties of up to \$2,000 per violation. In the state legislature, there are currently at least seven bills pending to address this issue with varying approaches, including bills that ban analogue drugs, add synthetic marijuana to the definition of marijuana, and create a surrender program.

In New York City, at the request of Council Speaker Melissa Mark-Viverito, a multi-agency operation was created to inspect suspected sellers of synthetic marijuana. Led by the NYPD, the effort is joined by the New York City Sheriff's Office, DCA, and DOHMH. In early July of 2015, five retailers centered around 125<sup>th</sup> Street and Lexington Avenue in East Harlem were inspected, all of which had previously been served with an order to stop the sale of synthetic marijuana from DOHMH Commissioner Dr. Mary Bassett.<sup>25</sup> A total of nearly 8,000 bags of synthetic marijuana were recovered at two of the locations.<sup>26</sup> Several weeks later, a second inspection in the same area resulted in the confiscation of more than 2,000 bags of the substance.<sup>27</sup>

On September 16, 2015 NYPD, along with the United States Attorney's office and several other federal agencies, charged ten defendants involved in a massive K2 distribution ring. According to NYPD, the drug enterprise, operating in all five boroughs, allegedly involved the unlawful importation of at least 100 kilograms of K2, an amount sufficient to produce approximately 1,300 kilograms of dried product or approximately 260,000 retail packets. Coordinated with the announcement of these criminal charges, five processing facilities and warehouses used to store and distribute K2, and over 80 stores and bodegas around New York City were searched.

Despite some regulatory successes, additional enforcement measures are needed to prevent a continued rise of synthetic marijuana use and corresponding hospitalizations, as well as the continued evolution of these drugs in an attempt to remain one step ahead of regulatory efforts. City officials are examining a range of approaches, incorporating lessons learned from previous attempts to criminalize and prosecute drug sellers while addressing the complex network of social factors that drive increases in drug use.

### **III. ANALYSIS OF PROPOSED INT. NO. 917-A**

The first bill being voted on today would prohibit the knowing manufacture, sale, offer for sale, display for sale, distribution for sale, or possession with intent to sell of a variety of synthetic cannabinoids and phenethylamines, analogues of these substances, imitations of these substances, and substances represented as being these substances, including synthetic marijuana, bath salts, and K-2. Specifically, it would prohibit these actions with respect to any synthetic cannabinoids and synthetic phenethylamines included in the definition of these terms in the State Sanitary Code, or that appear as schedule I substances in federal law and regulations; any analogue of these substances or cannabimimetic agents; any substance commonly known as synthetic marijuana, K-2 or bath salts, if such substance was represented as being for human consumption; and any purported synthetic drug, which is defined as a substance that appears similar to, and is represented as being, by virtue of its packaging, price, or other attributes, a substance banned by this law.

Possession of ten or more packets, individual containers, or separate units (such as joints) of a substance banned under this law would be presumptive evidence that the possessing individual or entity was distributing them for sale or possessing them with intent to sell them. Indications on packaging that a substance is “not for human consumption” would not be a defense to prosecution or liability under this law.

Violations of this section would be a misdemeanor punishable by a fine of up to \$5,000 or imprisonment of up to one year, or both. The violating individual or entity would also be liable for civil penalties of between \$1,000 and \$10,000 per violation or, for a first-time violator who is not violating the law in conjunction with other illegal activity, between \$500 and \$5,000 per violation. The maximum civil penalties for violations in a single day by a single person or entity would be \$50,000. In addition to criminal and civil penalties, it would authorize the sealing of businesses that violate the provisions of this bill twice in a three-year period. It would not criminalize possession of these substances if such substances are not being, or have not been, manufactured, sold, offered for sale, displayed for sale, knowingly distributed for sale, or possessed with intent to sell them by the possessing individual.

The provisions of this bill would be enforceable by any police officer, sheriff, undersheriff, or deputy sheriff of the City of New York, or any peace officer acting pursuant to his or her special duties. Such enforcement officers would be authorized to seize the illegal substance when it is discovered.

This bill would take effect 60 days after it becomes law.

### **IV. CHANGES TO PROPOSED INT. NO. 917-A**

Since it was heard on September 21<sup>st</sup>, this bill has undergone revisions. Among these are the following changes. The term “synthetic cathinones,” which was banned but undefined in the previous version of the bill, has been removed. The knowledge standard for criminal or civil liability under the law was modified from applying only to distribution for sale to all prohibited acts (manufacture, sell, offer for sale, display

for sale, distribute for sale, or possess with intent to sell) in the bill. Language was inserted clarifying that the incorporation of state and federal definitions of synthetic cannabinoids and phenethylamines was to be up-to-date as of the date of a violation, such that chemical compounds added to those provisions between this law's passage and a violation of the law would continue to be incorporated by reference in this law. Language prohibiting the manufacture, sale or distribution of analogues to prohibited substances was added. Common names for substances prohibited by the bill, including synthetic marijuana and bath salts, were added. Having previously been convicted of a felony or serious crime was removed as a reason for a doubling in the maximum civil penalty per unit of substance. The prohibition on "imitation" synthetic drugs was amended to "purported" synthetic drugs, which includes both imitation synthetic drugs as well as synthetic drugs that are, or may be, intoxicating, but that include unknown substances.

#### **V. ANALYSIS OF INT. NO. 897**

The second bill being heard today, by Council Member Garodnick and the Speaker, would add synthetic drug violations to the list of violations that may result in the declaration of a nuisance under the City's Nuisance Abatement Law. Specifically, it would add violations of the section prohibiting the manufacture or sale of synthetic drugs that Int. No. 917-A establishes to those for which a nuisance can be declared under the Nuisance Abatement Law.

The Nuisance Abatement Law allows the City to bring a claim in court to temporarily close or restrain, and/or to permanently enjoin, prohibited activities that constitute a public nuisance. The defendants in such an action are the "owner, lessor or lessee of a building, erection or place wherein the public nuisance is being conducted, maintained or permitted."<sup>28</sup> Among other nuisances defined in the law are controlled substance and gambling offenses.

This bill would take effect 60 days after its passage into law.

<sup>1</sup> National Institute on Drug Abuse, "K2/Spice," *available at* <http://www.drugabuse.gov/drugs-abuse/k2spice-synthetic-marijuana>.

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

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

<sup>4</sup> New York City Department of Health and Mental Hygiene, "Increase in synthetic cannabinoid-related adverse events and emergency department visits, New York City," 2014 Advisory #18, *available at* <https://a816-health30ssl.nyc.gov/sites/NYCHAN/Lists/AlertUpdateAdvisoryDocuments/Synthetic%20cannabinoids-HAN-advisory-7%2027%2014%2011AM.pdf>.

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

<sup>6</sup> New York City Department of Health and Mental Hygiene, "DOHMH Warns New Yorkers of Dangers of 'Synthetic Marijuana' After Increase in Emergency Department Visits," Apr. 17, 2015, *available at* <http://www.nyc.gov/html/doh/html/pr2015/pr017-15.shtml>.

<sup>7</sup> New York City Department of Health and Mental Hygiene, "Increase in synthetic cannabinoid (marijuana)-related adverse events and emergency department visits, New York City," 2015 Advisory #6, *available at* <http://www.nyc.gov/html/doh/downloads/pdf/ah/marijuana-alert.pdf>.

<sup>8</sup> *Supra*, note 1.

<sup>9</sup> *Id.*



<sup>10</sup> Nicholas Casey, "K2, a Potent Drug, Casts a Shadow Over an East Harlem Block," *N.Y. Times*, Sept. 2, 2015, available at <http://www.nytimes.com/2015/09/03/nyregion/k2-a-potent-drug-casts-a-shadow-over-an-east-harlem-block.html>.

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

<sup>12</sup> *Supra*, note 6.

<sup>13</sup> *Supra*, note 7.

<sup>14</sup> *Supra*, note 1.

<sup>15</sup> Shayna Jacobs, "Nine people stole \$2.7M through food stamps scam out of East Harlem grocery store: prosecutors," *Daily News*, June 30, 2015, available at <http://www.nydailynews.com/new-york/nyc-crime/2-7m-stolen-east-harlem-food-stamps-scam-article-1.2277126>.

<sup>16</sup> James Faneli, "All Bets Are Off in Brooklyn as DA, Cops Bust Borough's Illegal Gambling," *DNAInfo*, July 15, 2013, available at <http://www.dnainfo.com/new-york/20130715/williamsburg/all-bets-are-off-brooklyn-as-da-cops-bust-boroughs-illegal-gambling>.

<sup>17</sup> Michael Wilson, "In New York, a Nose for Hidden Compartments and Cigarettes," *N.Y. Times*, Oct. 17, 2014, available at <http://www.nytimes.com/2014/10/18/nyregion/in-new-york-a-nose-for-hidden-compartments-and-the-potential-for-smoke.html>

<sup>18</sup> Laura Bult, "Cops bust pair for allegedly selling K2 drug at Queens bodega," *N.Y. Daily News*, Aug. 12, 2015, available at <http://www.nydailynews.com/new-york/nyc-crime/cops-bust-pair-allegedly-selling-k2-drug-queens-bodega-article-1.2322842>; Gustavo Solis, "Deli Manager Busted for Selling Fake Pot and Untaxed Cigs After Harlem Raid," July 8, 2015, available at <http://www.dnainfo.com/new-york/20150708/central-harlem/deli-manager-busted-for-selling-fake-pot-untaxed-cigs-after-harlem-raid>.

<sup>19</sup> National Conference of State Legislatures, "Synthetic Drug Threats," Jan. 13, 2015, available at <http://www.ncsl.org/research/civil-and-criminal-justice/synthetic-drug-threats.aspx>.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Office of the New York Attorney General, "A.G. Schneiderman Wins Court Victory in Push to Ban Mislabeled Drugs from Head Shops," Oct. 25, 2012, available at <http://www.ag.ny.gov/press-release/ag-schneiderman-wins-court-victory-push-ban-mislabeled-drugs-head-shops>.

<sup>23</sup> *Id.*

<sup>24</sup> Office of the Governor of New York, "Governor Cuomo Announces Passage of Emergency Regulations Targeting the Sale of Synthetic Marijuana," Aug. 6, 2015, available at <https://www.governor.ny.gov/news/governor-cuomo-announces-passage-emergency-regulations-targeting-sale-synthetic-marijuana>.

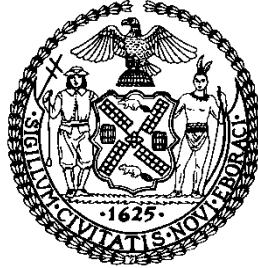
<sup>25</sup> New York City Council, "At Speaker Mark-Viverito's Request, NYPD Leads Multi-Agency Inspections on 125<sup>th</sup> Street for Synthetic Cannabinoids," July 7, 2015, available at <http://council.nyc.gov/html/pr/070715nypd.shtml>.

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

<sup>27</sup> Emma Whitford, "City Seized 2,000 Bags of Synthetic Marijuana From Two Harlem Bodegas," *Gothamist*, July 27, 2015, available at [http://gothamist.com/2015/07/27/synthetic\\_weed\\_crackdown.php](http://gothamist.com/2015/07/27/synthetic_weed_crackdown.php).

<sup>28</sup> N.Y. Admin. Code 7-706(a)

(The following is the text of the Fiscal Impact Statement for Int. No. 897:)



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

**LATONIA MCKINNEY,  
DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INTRO. NO.: 897**

**COMMITTEE:** Public Safety

---

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to declaring nuisances related to the sale of synthetic drugs and imitation synthetic drugs.

**SPONSORS:** Council Members Garodnick, the Speaker (Council Member Mark-Viverito). Arroyo, Barron, Gibson, Johnson, Koo, Mealy, Mendez, Richards, Rose, Wills, Crowley, and Cohen.

**SUMMARY OF LEGISLATION:** Intro. No. 897 would add violations of a proposed synthetic drug prohibition to the factors that allow the declaration of a public nuisance under the City's Nuisance Abatement Law. It would allow a court, under the Nuisance Abatement Law, to issue restraining and closing orders against premises that repeatedly violate the proposed synthetic drug prohibition.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would have no impact on expenditures because existing resources at the Department of Health and Mental Health, New York Police Department, and Department of Finance, would be used to implement this legislation.

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

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

**ESTIMATE PREPARED BY:** Ellen Eng, 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:** Intro. No. 897 was introduced to the Council on September 17, 2015 and referred to the Committee on Public Safety. The Committee on Public Safety held a hearing jointly with the Committee on Consumer Affairs; the Committee on Health; and the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse, and Disability Services on Intro. No. 897

September 30, 2015

3530

on September 21, 2015 and the legislation was laid over. The Committee on Public Safety will consider the legislation at a hearing on September 25, 2015, and upon successful vote by the Committee, Intro. No. 897 will be submitted to the full Council for a vote on September 30, 2015.

**DATE PREPARED:** September 21, 2015

**(For text of Int No. 917-A and its Fiscal Impact Statement, please see the Report of the Committee on Public Safety for Int No. 917-A printed in these Minutes; for text of Int No. 897, please see below)**

*Accordingly, this Committee recommends the adoption of Int Nos. 897 and 917-A.*

**(The following is the text of Int. No. 897:)**

Int. No. 897

By Council Members Garodnick, the Speaker (Council Member Mark-Viverito), Arroyo, Barron, Gibson, Johnson, Koo, Mealy, Mendez, Richards, Rose, Wills, Crowley, Cohen, Chin, Rosenthal, Greenfield, Kallos and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to declaring nuisances related to the sale of synthetic drugs and imitation synthetic drugs.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (g) of section 7-703 of the administrative code of the city of New York, as amended by local law number 8 for the year 2007, is amended to read as follows:

(g) Any building, erection or place, including one- or two-family dwellings, wherein, within the period of one year prior to the commencement of an action under this chapter, there have occurred three or more violations of one or any combination of the provisions of article two hundred twenty, two hundred twenty-one or two hundred twenty-five of the penal law, *or section 10-203 of this code;*

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

VANESSA L. GIBSON, *Chair*; JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, September 25, 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. 917-A

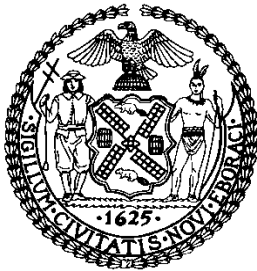
**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to imposing penalties for the manufacture, distribution or sale of synthetic cannabinoids and synthetic phenethylamines.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on September 17, 2015 (Minutes, page 3421), respectfully

**REPORTS:**

(For text of the report, please see the Report for Int. No. 897 printed above in the Reports of the Committee on Public Safety section of these Minutes.)

*The following is the text of the Fiscal Impact Statement for Int. No. 917-A:*



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

**LATONIA MCKINNEY,  
DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 917 -A  
COMMITTEE: Public Safety**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to imposing penalties for the manufacture, distribution or sale of synthetic cannabinoids and synthetic phenethylamines.

**SPONSORS:** Council Members Wills, the Speaker (Council Member Mark-Viverito), Reynoso, Torres, Cabrera, Gibson, Cohen, Arroyo, Gentile, Johnson, Koo, Koslowitz, Mendez, Richards, Rose, and Crowley.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 917-A would prohibit the manufacture, sale, offer for sale, display for sale, distribution for sale, or possession with intent to sell synthetic cannabinoids or synthetic phenethylamines, or any

imitation thereof; any substance commonly known as synthetic marijuana, K-2, or bath salts; or any purported synthetic drug. Violation of this prohibition would constitute a misdemeanor punishable by a fine of not more than \$5,000 or imprisonment of one year, or both. Violation of this prohibition could also lead to civil penalties ranging from \$500 to \$50,000. The prohibition would be enforceable by any New York police officer, sheriff, undersheriff, or deputy sheriff, or any peace officer acting pursuant to his or her special duties.

In addition to the criminal and civil penalties, the legislation would authorize the sealing of businesses that violate the provisions of this bill at least twice in a three-year period.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

---

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

---

**IMPACT ON REVENUES:** Even though there are civil penalties set forth in the legislation for non-compliance, it is estimated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance is assumed.

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would have no impact on expenditures because existing resources at the Department of Health and Mental Health, New York Police Department, and Department of Finance, would be used to implement this legislation.

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

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

**ESTIMATE PREPARED BY:** Ellen Eng, 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:** Intro. No. 917 was introduced to the Council on September 17, 2015 and referred to the Committee on Public Safety. The Committee on Public Safety held a hearing jointly with the Committee on Consumer Affairs; the Committee on Health; and the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse, and Disability Services on Intro. No. 917 on September 21, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 917-A, will be considered by the Committee on Public Safety on September 25, 2015. Upon successful vote by the Committee, Proposed Intro. No. 917-A will be submitted to the full Council for a vote on September 30, 2015.

**DATE PREPARED:** September 21, 2015

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

**(The following is the text of Int. No. 917-A:)**

Int. No. 917-A

By Council Members Wills, Reynoso, Torres, Cabrera, Gibson, Cohen, the Speaker (Council Member Mark-Viverito), Arroyo, Gentile, Johnson, Koo, Koslowitz, Mendez, Richards, Rose, Crowley, Chin, Rosenthal, Greenfield, Kallos and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to imposing penalties for the manufacture, distribution or sale of synthetic cannabinoids and synthetic phenethylamines.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-203 to read as follows:

*§ 10-203 Unlawful manufacture, distribution or sale of a synthetic cannabinoid or synthetic phenethylamine. a. No person or entity shall knowingly manufacture, sell, offer for sale, display for sale, distribute for sale, or possess with intent to sell:*

*1. any synthetic cannabinoid or synthetic phenethylamine, as such terms are defined by part 9 of title 10 of the New York codes, rules and regulations as of the date of the violation, or as included in schedule I of the federal drug enforcement administration schedules of controlled substances, as listed in section 1308.11 of title 21 of the code of federal regulations, or successor regulation, as of the date of the violation, or any cannabimimetic agent, as defined in section 812 of title 21 of the United States code, as of the date of the violation; or*

*2. any analogue of a synthetic cannabinoid, synthetic phenethylamine or cannabimimetic agent. For the purposes of this paragraph, "analogue of a synthetic cannabinoid, synthetic phenethylamines or cannabimimetic agent" means a substance that has a chemical structure that is substantially similar to the chemical structure of a substance described in paragraph 1 of this subdivision and has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of such a substance described in paragraph 1 of this subdivision; or*

*3. any substance commonly known as synthetic marijuana, K-2 or bath salts, including but not limited to a substance so identified as an embargoed product by order of the commissioner of the department of health and mental hygiene, that is represented as being intended for human consumption. Evidence of representations that a substance commonly known as synthetic marijuana, K-2 or bath salts is intended for human consumption may include, but is not limited to, oral, visual or written representations by the manufacturer, distributor or seller about the substance with regard to its nature, use or effect; or*

*4. any purported synthetic drug. In any proceeding commenced in connection with an alleged violation of this paragraph, it shall be necessary to prove that the purported synthetic drug was represented to be a substance described in paragraph 1, 2 or 3 of this subdivision; provided, however, that it shall not be a defense to prosecution under this section that the accused believed the purported synthetic drug to be such a substance. For the purposes of this subdivision, the term "purported synthetic drug" means a substance that, by dosage unit appearance, including color, shape and size, and by a representation, is represented to be a substance described in paragraph 1, 2 or 3 of this subdivision. Evidence of such a representation may include, but is not limited to, oral, visual or written representations by the manufacturer, distributor or seller about the substance with regard to:*

*(a) its price, nature, use or effect as a substance described in paragraph 1, 2 or 3 of this subdivision; or*

*(b) its packaging in a manner normally used for substances described in paragraph 1, 2 or 3 of this subdivision.*

*b. Possession of ten or more packets, individual containers or other separate units of a substance described in subdivision a of this section is presumptive evidence that the possessing person or entity is distributing such substance for sale or possesses such substances with intent to sell.*



*c. Any person or entity that violates subdivision a of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$5,000 or imprisonment of up to one year, or both.*

*d. In addition to the penalties prescribed in subdivision c of this section, any person or entity that violates subdivision a of this section shall be liable for a civil penalty of not less than \$1,000 and not more than \$10,000 recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings, provided that upon the first such violation, and any other such violations by the same person or entity on the same day as such first violation, such person or entity shall be liable for a civil penalty of not less than \$500 and not more than \$5,000 if such violation is not in conjunction with the commission of any crime other than possession, manufacture, distribution or sale of any synthetic cannabinoid, synthetic phenethylamine, or other substance described in subdivision a of this section. The manufacture, distribution, sale, offer for sale, display for sale, or possession with intent to sell of each packet, individual container or other separate unit of substance described in subdivision a of this section shall constitute a separate violation under this subdivision, with a maximum civil liability of \$50,000 for violations in a day for a single person or entity under this subdivision.*

*e. Any police officer, or sheriff, undersheriff, or deputy sheriff of the city of New York, or any peace officer acting pursuant to his or her special duties may enforce the provisions of this section. A proceeding to recover any civil penalty authorized pursuant to subdivision d of this section shall be commenced by the service of a notice of violation returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged.*

*f. Whenever a police officer, or sheriff, undersheriff, or deputy sheriff of the city of New York, or any peace officer acting pursuant to his or her special duties, discovers any substance described in subdivision a being possessed in a manner that violates such subdivision, such officer is authorized and empowered to seize and take possession of such substance, which shall be destroyed or used either for law enforcement purposes or for evidentiary purposes in connection with any enforcement proceeding conducted pursuant to this section.*

*g. In any proceeding commenced pursuant to this section, it shall be no defense that the substance's packaging or other representation states or indicates that the substance is not intended for human consumption.*

§ 2. Subdivision (b) of section 11-4023 of the administrative code of the city of New York, as added by local law number 97 for the year 2013, is amended to read as follows:

(b) The following acts shall serve as the basis for a sealing order pursuant to this section:

(1) the violation of subdivisions a or b of section 11-1303 of this title or section 17-703 or 20-202 of the code on at least two occasions within a three-year period; or

(2) the violation of any provision of chapter 13 of this title or any of sections 17-703, 17-703.2, 17-704, 17-705, subdivisions a or b of section 17-706, 17-715 or 20-202 of the code on at least three occasions within a three-year period; *or*

(3) *the violation of any provision of section 10-203 of the code on at least two occasions within a three-year period.*

§ 3. The commissioners of health and mental hygiene, finance and consumer affairs may promulgate rules as may be necessary for the purposes of carrying out the provisions of this local law.

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

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

VANESSA L. GIBSON, *Chair*; JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, September 25, 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>
Diana Aybar	2727 University Avenue #6B Bronx, N.Y. 10468	14
Felicia Bums	2526 Bronx Park East #4C	15

3537

September 30, 2015

Maxwell Baerd	Bronx, N.Y. 10467 27-10 Newtown Avenue #4F	22
John T. Hanley	Queens, N.Y. 11102 73-11 187th Street	24
Eshwarie D. Mahadeo	Flushing, N.Y. 11366 3915 27th Street	26
Marlon Palacios, Jr.	Queens, N.Y. 11101 111 Bridge Street #8D	35
Diana Arreaga	Brooklyn, N.Y. 11201 1490 Putnam Avenue #1	37
Melisa Figueroa	Brooklyn, N.Y. 11237 236 New Jersey Avenue	37
Colin Gardner	Brooklyn, N.Y. 11207 387 Prospect Avenue #1R	39
	Brooklyn, N.Y. 11215	

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Peter C. Deluca	199 Bleecker Street New York, N.Y. 10012	1
Stanislav A. Sazonov	89 Murray Street #5B New York, N.Y. 10007	1
Madlyn I. Solivan	747 10th Avenue #18F New York, N.Y. 10019	3
Diane Kay Krouse	301 East 78th Street #3E New York, N.Y. 10075	5
Alan Robert Bell	322 Central Park West #2B New York, N.Y. 10025	6
Irene-Joyce Berzak-Schoen	670 West End Avenue New York, N.Y. 10025	6
Laura Kastner	600 Columbus Avenue #7N New York, N.Y. 10024	6
Dulce Santana	609 West 151st Street #28 New York, N.Y. 10031	7
Doris D. White	410 Central Park West #10C New York, N.Y. 10025	7
Sylvia Colon	324 East 108th Street #13B New York, N.Y. 10029	8
Leslie G. Maecovitch	383 East 143rd Street #4B	8

September 30, 2015

3538

Ronald Morris	Bronx, N.Y. 10454 2065 1st Avenue #12D New York, N.Y. 10029	8
Diana Perez	715 Fox Street #1B Bronx, N.Y. 10455	8
Gabrielle K. Connor	42 Edgecombe Avenue New York, N.Y. 10030	9
Denise Crenshaw	101-125 West 147th Street #20B New York, N.Y. 10039	9
James E. Taylor	385 Edgecombe Avenue #54 New York, N.Y. 10031	9
Jocelyn Surinach	145 Nagle Avenue New York, N.Y. 10040	10
Bolanle B. Adewole	1020 East 229th Street Bronx, N.Y. 10466	12
Linda S. Dicks-Walker	2942 Gunther Avenue Bronx, N.Y. 10469	12
Alfredo Figueroa	1010 East 232nd Street Bronx, N.Y. 10466	12
Doris Maranon	3121 Middletown Road #12N Bronx, N.Y. 10461	13
Nancy Prensa	2525 Westchester Avenue #2 Bronx, N.Y. 10461	13
Petronila A. Peralta	15 North Street #6F Bronx, N.Y. 10468	14
Charlena Bunche	1624 Adams Street Bronx, N.Y. 10460	15
Ann M. Progler	665 Thwaites Place #4J Bronx, N.Y. 10467	15
Dahlia A. Williams	790 Concourse Village West #16M Bronx, N.Y. 10451	16
Barbara Johnson	999 Aldus Street #2C Bronx, N.Y. 10459	17
Jeanine Theresa Givens	1710 Seward Avenue #2A Bronx, N.Y. 10473	18
Christia Elisseou	166-10 Powells Cove Blvd #2B Whitestone, N.Y. 11357	19
Beverly Parris	202-31 45th Road Bayside, N.Y. 11361	19
Neil Roberts Berzak R.A.	195-04 56th Avenue Queens, N.Y. 11365	20

Sabrina D. Chow	138-35 Elder Avenue #1 IE Queens, N.Y. 11355	20
Marcita A. Suazo	141-30 Pershing Crescent #1R Queens, N.Y. 11435	24
Melvin Geiger, Sr.	163-35 130th Avenue #8G Jamaica, N.Y. 11434	28
Dorothy Islam	119-23 Inwood Street Queens, N.Y. 11436	28
Betty Gayle	164-01 Foch Blvd #2A Queens, N.Y. 11434	28
Trumilla Stone	144-39 168th Street Queens, N.Y. 11434	31
Barbara Walston	462 Beach 47th Street Far Rockaway, N.Y. 11691	31
Josephine A. Miele	162-35 99th Street Howard Beach, N.Y. 11414	32
Gloria J. Scheuermann	161-36 99th Street Howard Beach, N.Y. 11414	32
Marlene N. Seara	149-49 114th Street Queens, N.Y. 11420	32
Wilfredo Garcia	274 South 2nd Street #7 Brooklyn, N.Y. 11211	34
Audrey M. Baker	300 Clermont Avenue Brooklyn, N.Y. 11205	35
Leonard A. Jackson	122 Ashland Place #7E Brooklyn, N.Y. 11201	35
Maritza Ocasio	433 Lafayette Avenue #19A Brooklyn, N.Y. 11238	35
Evelyn Flacon	122 St. Marks Place Brooklyn, N.Y. 11217	39
Angel L. Rivera	568 Pacific Street #1C Brooklyn, N.Y. 11217	39
Zulma Rivera	558 Seventh Street #4B Brooklyn, N.Y. 11215	39
Sandra Crawford	688 Rockaway Avenue #2B Brooklyn, N.Y. 11212	41
Carolyn Nixon	903 Lenox Road #D10 Brooklyn, N.Y. 11203	41
Lloyd Roberts	123 East 92nd Street #B2 Brooklyn, N.Y. 11212	41
Tara Chester	443 Amber Street #3	42

September 30, 2015	3540	
	Brooklyn, N.Y. 11208	
Gwendolyn Mattocks	861 Rockaway Avenue #2C	42
	Brooklyn, N.Y. 11212	
Sonia Mendez	793 Logan Street	42
	Brooklyn, N.Y. 11208	
Frank Cassara	7524 15th Avenue	43
	Brooklyn, N.Y. 11228	
Lorraine Leader	1228 80th Street	43
	Brooklyn, N.Y. 11228	
Joanne Haneiph	446 East 46th Street	45
	Brooklyn, N.Y. 11203	
Ephraim Nierenberg	966 East 23rd Street	45
	Brooklyn, N.Y. 11210	
Madonna Williams	641 East 53rd Street	45
	Brooklyn, N.Y. 11203	
Darnelle Antenor	1836 East 52nd Street #2F1	46
	Brooklyn, N.Y. 11234	
Phillip Feigel	1327 East 54th Street	46
	Brooklyn, N.Y. 11234	
Betti Altieri	2430 85th Street	47
	Brooklyn, N.Y. 11214	
Hyacinth R. Taylor	18 Avenue V #3E	47
	Brooklyn, N.Y. 11223	
Samuel Amster	123 Pembroke Street	48
	Brooklyn, N.Y. 11235	
Diana Avishalom	2825 East 19th Street #2	48
	Brooklyn, N.Y. 11235	
Lillian Benezra	2348 Knapp Street	48
	Brooklyn, N.Y. 11229	
Rosemarie Gagiardi	2530 East 23rd Street	48
	Brooklyn, N.Y. 11235	
Marie R. Lennon	2939 Avenue Y #4E	48
	Brooklyn, N.Y. 11235	
Seabron P. Barefield	60 Hamilton Avenue #6L	49
	Staten Island, N.Y. 10301	
Angela Buttafuoco	193 Morrison Avenue	49
	Staten Island, N.Y. 10310	
Dorothy Raffo	20 Herkimer Street	49
	Staten Island, N.Y. 10301	
Joan Baldwin	301 Humbert Street	50
	Staten Island, N.Y. 10305	

3541

September 30, 2015

Bruce Gonsky	89 Elson Street Staten Island, N.Y. 10314	50
Patricia Nappi	351 Ross Avenue Staten Island, N.Y. 10306	50
Lorraine Garguilo	97 Thollen Street Staten Island, N.Y. 10306	51
Robin Jacknow	17 Deborah. Loop Staten Island, N.Y. 10312	51
Jenny Schwartzbaum	300 Loretto Street Staten Island, N.Y. 10307	51
Carmen G. Sherlock	45 Raily Court Staten Island, N.Y. 10312	51
Mary Testa	1544 Drumgoole Road West Staten Island, N.Y. 10312	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 730-A-** School discipline and police department activity in schools.
- (2) **Int 885-A -** Cigarette dealer renewal license.
- (3) **Int 897 -** Declaring nuisances related to the sale of synthetic drugs and imitation synthetic drugs.
- (4) **Int 903 -** DSNY health insurance coverage.
- (5) **Int 917-A -** Penalties for the manufacture, distribution or sale of synthetic cannabinoids and synthetic phenethylamines.
- (6) **Res 867 -** New and changed designations of certain organizations to receive funding **(Transparency Resolution)**.
- (7) **L.U. 284 & Res 871 -** App. **20155773 HKM (N 150459 HKM)**, Corbin Building, Manhattan, Community Board 1, Council District 1, as an historic landmark.
- (8) **L.U. 285 & Res 872 -** App. **20155774 HKM (N 150460 HKM)**, Stonewall Inn, Manhattan, Community Board 2, Council District 3, as an historic landmark.

September 30, 2015

3542

(9) **L.U. 286 & Res 873 -** App. **20155772 HKM (N 150458 HKM)**,  
Riverside-West End Historic District  
Extension II, Manhattan, Community  
Board 7, Council District 6, as an historic  
district.

(10) **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, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Reynoso, Rodriguez, Rose, Rosenthal, Torres, Treyger, Ulrich, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **44**.

**The General Order vote recorded for this Stated Meeting was 44-0-0 as shown.**

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 730-A, 885-A, 897, 903, and 917-A.*

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

## **RESOLUTIONS**

*Presented for voice-vote*

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

Report for voice-vote Res. No. 767

**Report of the Committee on State and Federal Legislation in favor of approving and adopting, a Resolution calling upon the United States Congress to pass and the President to sign H.R. 870, also known as, the Puerto Rico Chapter 9 Uniformity Act of 2015.**



The Committee on State and Federal Legislation, to which the annexed resolution was referred on June 26, 2015 (Minutes, page 2706), respectfully

## **REPORTS:**

### **I. Introduction**

On Wednesday, September 30, 2015, the Committee on State and Federal legislation, chaired by Council Member Karen Koslowitz, will vote on three resolutions which includes Resolution 767 (“Res. No. 767”), a resolution calling upon Congress to pass and the President to sign the Puerto Rico Chapter 9 Uniformity Act of 2015 (H.R. 870); Resolution 818 (“Res. No. 818”), a resolution calling upon the United States Congress to pass and the President to sign the Improving the Treatment of the U.S. Territories Under Federal Health Programs Act of 2015 (H.R. 2635); and Resolution 836 (“Res. No. 836”), a resolution calling upon the United States Congress to pass and the President to sign legislation allowing an economic hardship exemption for Puerto Rico from the Merchant Marine Act of 1920, commonly known as, the “Jones Act.”

### **II. Background**

On September 25, 2015 the Committee on State and Federal legislation held the first hearings on Res. No. 767, Res. No. 818 and Res. No. 836. The following advocacy groups testified or submitted testimony at the hearing in support of the resolutions: Center for Puerto Rican Studies, the Hispanic Federation, 1199 SEIU United Healthcare Workers East, Fiscal Policy Institute and the Puerto Rican Bar Association. No group in attendance testified in opposition of the resolutions. The groups that attended the hearing expressed their beliefs that the federal actions that Res. No. 767, Res. No. 818 and Res. 836 support are necessary to help Puerto Rico manage its fiscal crisis, prevent their healthcare system from collapsing and working toward growing their economy.

Puerto Rico is in a state of severe economic and financial crisis. The island’s residents experience a higher poverty rate than any state in the Union. Puerto Rico’s unemployment rate currently stands at 11.9 %, which is fifty percent higher than West Virginia—the state with the highest unemployment rate.<sup>1</sup> The government of Puerto Rico has a debt in excess of \$73 billion dollars,<sup>2</sup> which represents nearly three quarters of Puerto Rico’s Gross Domestic Product.<sup>3</sup> On June 28, 2015 the Governor of Puerto Rico, Mr. Alejandro Garcia Padilla, stated that Puerto Rico’s debts are “not payable”<sup>4</sup>. Subsequently, on August 3, 2015, Puerto Rico defaulted on its debt to creditors of its Public Finance Corporation.<sup>5</sup>

#### **IV. Fiscal Crisis**

This crisis did not materialize overnight or without warning. Economists argue that a number of economic factors are responsible for Puerto Rico's plight. In 1996, the federal government began a ten-year phase out of IRS Section 936, which gave mainland U.S. corporations a tax exemption on income earned in Puerto Rico. At the time Puerto Rico's governor, Pedro Rosello, warned that it would devastate Puerto Rico's manufacturing sector<sup>6</sup> which came into fruition given the amount of manufacturing jobs lost in Puerto Rico. It is estimated that Puerto Rico has lost more than 30 percent of its manufacturing since 1996 and for almost a decade its economy has been contracting.<sup>7</sup> International Monetary Fund economist, Anne Krueger, notes that other contributing factors have led Puerto Rico to this economic stagnation such as a spike in oil prices from 2005 to 2012, energy costs and transportation costs.<sup>8</sup>

Puerto Rico's municipalities are unable to utilize federal bankruptcy laws, as the City of Detroit, Michigan did in 2013.<sup>9</sup> On June 28, 2014 Puerto Rico's government passed the Puerto Rico Public Corporations Debt Enforcement and Recovery Act ("Recovery Act"), which would have created a mechanism by which Puerto Rico's publicly-owned corporations might claim bankruptcy and restructure their debts. On February 6, 2015, a federal court ruled the Recovery Act to be unconstitutional.<sup>10</sup> On July 6, 2015 a federal appeals court upheld the previous ruling.<sup>11</sup> The appeals court in dictum noted that allowing the territories' public entities to file for federal bankruptcy would not be unconstitutional, thereby strengthening the case for Congress to include Puerto Rico under the federal bankruptcy laws.<sup>12</sup>

Many supporters of Puerto Rico believe that Congress should amend the bankruptcy laws to include Puerto Rico. John Pottow, a law professor at the University of Michigan Law School, stated in his testimony before Congress regarding H.R. 870, Puerto Rico Chapter 9 Uniformity Act of 2015, "One reason it makes so much sense to fix the Bankruptcy Code with this amendment is that it is not clear why Puerto Rico was excluded in the first place."<sup>13</sup> Mr. Pottow notes that prior to Congress' comprehensive modernization of the bankruptcy code in 1978 and after it as well, Puerto Rico probably could have accessed Chapter 9 because the Bankruptcy Code contained no definition of "State." Later, when technical fixes were being made, a definition of "State," that excluded Puerto Rico from Chapter 9 only, was included, but there is no legislative history of any debate to suggest Congress did so intentionally.<sup>14</sup> In a letter to Senator Orrin Hatch, U.S. Treasury Secretary, Jacob Lew, expressed support for Congress to grant Puerto Rico's access to an orderly federal bankruptcy regime. Secretary Lew noted that doing so would involve no federal financial assistance and in no way would it constitute a federal bailout.<sup>15</sup>

#### **V. Health Care Crisis**

To further complicate Puerto Rico's fiscal crisis many now fear the collapse of Puerto Rico's healthcare system. Puerto Rico struggles with low levels of federal provider reimbursement. Some estimate that in the past five years, over 3,000 doctors

have left Puerto Rico because it is too economically challenging to have a successful medical practice.<sup>16</sup> Up to 60 percent of the island's population receives its healthcare through Medicare or Medicaid.<sup>17</sup> Federal reimbursement for Medicaid is 70 percent lower for Puerto Rico than it is for the mainland states.<sup>18</sup> The reimbursement rate for Medicare Advantage is 60 percent lower for Puerto Rico than it is for U.S. states.<sup>19</sup> The reimbursement rate for Medicare is 40 percent lower for Puerto Rico compared to the States.<sup>20</sup> Medicaid is funded by both the state or territory and federal matching funds. Currently, there is no federal matching fund limit for U.S. states, but funding for Puerto Rico has a cap.<sup>21</sup> In 2016, Medicare Advantage in Puerto Rico is scheduled to receive an 11 percent cut in federal funding, versus a 3 percent increase for the states.<sup>22</sup> Puerto Rico received an additional \$6.4 billion dollars as part of the Patient Protection Affordable Care Act, which will end in Fiscal Year 2019, however, the funds may be depleted much sooner, forcing the island's government to make up the difference or take austerity measures.<sup>23</sup> Medicare Advantage serves 560,000 beneficiaries in Puerto Rico, about half of whom are so poor they qualify for Medicaid as well.<sup>24</sup>

Resident Commissioner Pierluisi and Senator Charles Schumer introduced "Improving the Treatment of the U.S. Territories Under Federal Health Programs Act of 2015" (H.R. 2635/S. 1961) to address some of these problems, including requiring the federal government to provide "state-like" funding for Puerto Rico's neediest residents. Following a visit from New York State Governor Andrew Cuomo and a "solidarity delegation" of a number of elected officials from New York to Puerto Rico, the Governor announced an aggressive action plan to assist Puerto Rico, including through advisory assistance from the Governor's Medicaid Redesign Team.<sup>25</sup> New York State helped New York City manage the worst of its own financial crisis in the 1970's. Today New York City is one the most economically powerful cities in the world.<sup>26</sup>

## **VI. Structural Issues**

Among the obstacles to Puerto Rico's economic growth, are Puerto Rico's high energy costs and its shipping costs.<sup>27</sup> <sup>28</sup> A major contributing factor in both cases is that Puerto Rico is subject to the Merchant Marine Act of 1920, also known as "the Jones Act." The Jones Act requires that all commercial shipping between U.S. ports be conducted by U.S. built, flagged and crewed ships. One of the original intentions of the Jones Act was to promote and maintain a merchant marine industry for the sake of domestic commerce and provide appropriate vessels and trained crews ready to assist the U.S. Navy and military in time of war or national emergency. The requirements of the Jones Act result in higher shipping costs, which disproportionately affect Puerto Rico because it is an island and cannot avail itself of other forms of commercial transport such as trucking or rail.

According to a 2012 Federal Reserve report the cost of shipping a 20 foot container from the East Coast of the United States to Puerto Rico was \$3,063 dollars while shipping the very same container to the neighboring Dominican Republic would only cost \$1,504.<sup>29</sup> Puerto Rico's freight shipping needs are served by four commercial carriers with a combined fleet of 17 ships.<sup>30</sup> Puerto Rico's bulk cargo

needs (oil, grain, fertilizer, etc.) are primarily served by three carriers with only six ships.<sup>31</sup> According to a 2012 General Accountability Office report, “these vessels are often under term charters and a limited number of qualified Jones Act vessels may be available at any given time to meet shippers’ needs.”<sup>32</sup> This condition impacts Puerto Rico in that it narrows its universe of purchasing options for these goods and obliges the island to import more goods, where possible, directly from foreign nations.<sup>33</sup> This problem is especially acute with respect to Puerto Rico’s energy needs.

Per capita, Puerto Rico’s energy usage is two-fifths that of mainland U.S. consumption.<sup>34</sup> However, Puerto Ricans pay two to three times the national average for electricity.<sup>35</sup> Electricity is produced by the Puerto Rico Energy and Power Authority (PREPA), a Puerto Rican government owned corporation, which accounts for the largest, single portion of Puerto Rican government debt, a current total of nine billion dollars.<sup>36</sup> Puerto Rico relies on expensive petroleum products to generate 70 percent of its electricity compared to 1 percent of petroleum generated electricity in the continental United States.<sup>37</sup> Puerto Rico would like to expand its use of liquefied natural gas (LNG), but a lack of Jones qualified vessels limits the sourcing options. The United States is emerging as an exporter of natural gas, including LNG.<sup>38</sup> Puerto Rico should be able to benefit from the abundance of natural gas within the continental United States.

## **VII. Analysis of Resolutions**

### **Res. No. 767**

Resolution Number 767 calls upon the Congress to pass and the President to sign H.R. 870, also known as, The Puerto Rico Chapter 9 Uniformity Act of 2015. The resolution notes Puerto Rico’s serious economic and financial state. The resolution points to the island’s high unemployment rate, poverty rate, and declining population, as well as Puerto Rico’s \$73 billion dollar public sector debt. The resolution notes that Puerto Rico’s unique status—neither independent nation, nor a U.S. state. It further notes that because Puerto Rico is not a U.S. state, current law does not allow its municipalities or publicly owned corporations to claim bankruptcy as the municipalities of U.S. states can.

The resolution acknowledges Puerto Rico’s effort to fill this void through the passage of the Puerto Rico Public Corporations Debt Enforcement and Recovery Act (“Recovery Act”), but also notes that in February 2015 the Recovery Act was struck down in federal court. The resolution acknowledges New York City’s large Puerto Rican population and its ties to the Caribbean island. The resolution notes that without the Recovery Act or access to federal bankruptcy legal remedies, Puerto Rico has no orderly, established path towards the restructuring of its debt. The resolution closes by urging the passage and adoption of H.R. 870, the Puerto Rico Chapter 9 Uniformity Act for the sake of both public and private interests.

**Res. No. 818**

Resolution Number 818 calls upon Congress to pass and the President to sign the Improving the Treatment of the U.S. Territories Under Federal Health Programs Act of 2015 (H.R. 2635), which would make improvements to the treatment of the United States territories under the Medicare and Medicaid programs. The resolution acknowledges New York City's large Puerto Rican population and that Puerto Ricans are U.S. citizens who pay Medicare taxes, yet receive less Medicare funding than those in the States. The resolution notes that 60 percent of island's population receives its health care through Medicare, Medicare Advantage or Medicaid and that despite the significant role of public programs in Puerto Rico's health care, Medicaid and Medicare reimbursements are smaller compared to the mainland. The resolution also notes other disparities such as,

- While federal Medicaid funding for states has no limit, federal funding for Puerto Rico's Medicaid program is capped.
- Federal matching contributions for Medicaid ranges from 50 percent for wealthy states to 83 percent for the poorest, but for the territories federal matching contributions are capped at 50 percent.

The resolution cites the claim from advocates that these conditions are causing a doctor a day to leave Puerto Rico for better conditions in the States. It also notes that hospitals in Puerto Rico perform lower on every standard of measure as compared to facilities in the States and experience a higher 30 day mortality rate.

The resolution makes notes that at the end of Fiscal Year 2019 Puerto Rico will lose \$6.4 billion dollars of Medicaid funding from the Patient Protection and Affordable Care Act (ACA), the loss of this funding combined with the low federal funding rates for Medicaid will force Puerto Rico's government to find additional funding to continue existing services or make dramatic cuts to its Medicaid services. This will further exacerbate the current economic conditions that are crippling Puerto Rico. As a remedy the resolution urges the passage of the Improving the Treatment of the U.S. Territories Under Federal Health Programs Act of 2015, which would

- Starting in Fiscal Year 2017, eliminate the Medicaid funding cap and calculate reimbursement based on per capita income.
- Amend the Social Security Act to include the territories in the Medicaid Disproportionate Share Hospital program (DHS), from which Puerto Rico has always been excluded.
- It would improve the formula for DHS, which is currently based on the number of patients enrolled in the federal Supplemental Security Income program, a program to which Puerto Rico does not have access.
- Change the base rate for Puerto Rico's hospitals to be equal to those in the states.
- Establish a reasonable floor for Medicaid payments to correct a formula many believe offers insufficient compensation to doctors.

- Cut in half the annual fee to insurers intended to help fund the ACA, as the territories are not eligible for many of its benefits.

- 

**Res. No. 836**

Resolution Number 836 calls Congress to pass and the President to sign legislation allowing an economic hardship exemption for Puerto Rico from the Merchant Marine Act of 1920, commonly known as the “Jones Act.” The resolution notes that the Jones Act requires all commercial shipping between U.S. ports be conducted in U.S. built, flagged, and crewed vessels. The resolution acknowledges the original intent of the Jones Act: to promote and maintain a merchant marine industry for the sake of domestic commerce and to provide appropriate vessels and trained crews ready to assist the country in time of war or national emergency.

The resolution notes that Puerto Rico is an island and that the requirements of the Jones Act affect the cost of nearly every product that Puerto Ricans consume. The resolution cites a 2012 Federal Reserve report that noted the cost of shipping a 20 foot container from the East Coast to Puerto Rico was twice the cost of shipping the same container to nearby ports in the Dominican Republic or Jamaica. The resolution also cites a General Accountability Office report noting that the island’s freight shipping is handled mainly by four carriers with an aging fleet of 17 ships. Further, the resolution notes that Puerto Rico’s bulk cargo needs are served by three principal carriers and a total of six ships whose availability is limited.

The resolution calls attention to the high cost of electricity in Puerto Rico, due in part to its reliance on petroleum for electrical generation, exacerbated by Puerto Rico’s limited access to bulk cargo Jones-qualified carriers, including vessels capable of transporting cheaper liquefied natural gas. The resolution also acknowledges Puerto Rico’s dire fiscal and economic crisis, including its high unemployment rate, poverty rate, lack of economic growth, and debt in excess of 73 billion dollars that its governor has declared cannot be paid. The resolution also acknowledges the consensus that the requirements of the Jones Act are an impediment to Puerto Rico’s ability to grow its way out of this crisis. The resolution notes that aged, out of date vessels do not fulfill the intent of the Jones Act and that exemption from the Jones Act is not without precedent, as the Virgin Islands are not subject to it.

The resolution also notes that Constitution obliges the federal government to promote the general welfare of all of its citizens, failing to act to provide an opportunity for Puerto Rico to remove an obstacle to the growth of its local economy during an economic collapse would constitute a dereliction of that obligation for 3.6 million American citizens whom inhabit Puerto Rico.

<sup>1</sup> Bureau of Labor Statistics, Local Area Unemployment Statistics available at <http://www.bls.gov/lau/> last viewed 9/18/2015

<sup>2</sup> Michael A. Fletcher, *Puerto Rico’s governor on need to postpone debt payments for years: ‘It’s about math’*, Washington Post, June 29, 2015 available at [http://www.washingtonpost.com/business/economy/puerto-rico-says-it-cannot-pay-its-debt-setting-off-potential-crisis-in-the-us/2015/06/28/cbae1bc4-1e05-11e5-84d5-eb37ee8eaa61\\_story.html](http://www.washingtonpost.com/business/economy/puerto-rico-says-it-cannot-pay-its-debt-setting-off-potential-crisis-in-the-us/2015/06/28/cbae1bc4-1e05-11e5-84d5-eb37ee8eaa61_story.html)

<sup>3</sup> World Bank, Data by Country available at <http://data.worldbank.org/country/puerto-rico> Last viewed

9/18/2015

<sup>4</sup> *Puerto Rico Governor Says Island's Debt Are "Not Payable"* June 28, 2015, NY Times available at [http://www.nytimes.com/2015/06/29/business/dealbook/puerto-ricos-governor-says-islands-debts-are-not-payable.html?\\_r=0](http://www.nytimes.com/2015/06/29/business/dealbook/puerto-ricos-governor-says-islands-debts-are-not-payable.html?_r=0)

<sup>5</sup> Larry Rohter, *Puerto Rico Fighting to Keep Its Tax Breaks for Businesses*, May 10, 1993, NY Times available at <http://www.nytimes.com/1993/05/10/business/puerto-rico-fighting-to-keep-its-tax-breaks-for-businesses.html>

<sup>6</sup> National Puerto Rican Chamber of Commerce, *Puerto Rico Economic Report*, March 19, 2015 available at <http://nprchamber.org/files/3-19-15-Puerto-Rico-Economic-Report.pdf>

<sup>7</sup> *Puerto Rico-A Way Forward* by Anne Kreuger, Ranjit Teja, and Andrew Wolfe, June 29, 2015, pg. 8, available at <http://www.bgfpr.com/documents/puertoricoawayforward.pdf>

<sup>8</sup> Nathan Bomey, *Detroit becomes largest U.S. city to enter bankruptcy* USA Today December 3, 2013 available at <http://www.usatoday.com/story/news/nation/2013/12/03/detroit-bankruptcy-eligibility/3849833/>

<sup>9</sup> Edward Krudy, *UPDATE 1-U.S. federal judge strikes down Puerto Rico's restructuring law*, February 6, 2015, Reuters, available at <http://www.reuters.com/article/2015/02/07/usa-puertorico-idUSL1NOVH04V20150207>

<sup>10</sup> Edward Krudy, *A US federal appeals court just shot down Puerto Rico's Recovery Act*, July 7, 2015, Business Insider available at <http://www.businessinsider.com/r-us-court-upholds-ruling-against-puerto-rico-bankruptcy-law-slams-exclusion-2015-7>

<sup>11</sup> *Supra*

<sup>12</sup> Testimony of Professor John Pottow, University of Michigan, Michigan Law before Congress on H.R. 870, *Puerto Rico Chapter 9 Uniformity Act of 2015*, February 24, 2015, page 2 available at <http://judiciary.house.gov/cache/files/3d23d6bc-617f-4420-98d9-1b75bddfbc10/john-pottow-testimony.pdf>

<sup>13</sup> *Supra*

<sup>14</sup> U.S. Treasury Secretary Jacob Lew's Letter to Senator Hatch, July 28, 2015, U.S. Treasury website, available at <http://www.treasury.gov/connect/blog/Pages/Letter-from-Secretary-Lew-to-Senator-Hatch-about-Puerto-Rico.aspx>

<sup>15</sup> *Puerto Ricans Brace for Crisis in Health Care*, by Lizette Alvarez and Abby Goodnough, August 2, 2015, NY Times, available at <http://www.nytimes.com/2015/08/03/us/health-providers-brace-for-more-cuts-to-medicare-in-puerto-rico.html>

<sup>16</sup> *Supra*

<sup>17</sup> Puerto Rico Healthcare Crisis Coalition website, available at <http://puertoricohealthcarecrisis.com/the-issue/> (Last viewed 9/16/2015)

<sup>18</sup> Puerto Rico Healthcare Crisis Coalition website, available at <http://puertoricohealthcarecrisis.com/the-issue/> (Last viewed 9/16/2015)

<sup>19</sup> *Supra*

<sup>20</sup> *SCHUMER INTRODUCES LEGISLATION TO ELIMINATE DISPARITIES IN PUERTO RICO'S MEDICARE & MEDICAID PROGRAM; BILL WILL HELP FIX FEDERAL LAWS TO PROVIDE MORE EQUITABLE FEDERAL FUNDING TO TERRITORY'S HEALTH CARE PROVIDERS & PROGRAMS*, Senator Schumer Press release 8/6/2015, available at [http://www.schumer.senate.gov/newsroom/press-releases/schumer-introduces-legislation-to-eliminate-disparities-in-puerto-ricos-medicare-and-medicaid-program-bill-will-help-fix-federal-laws-to-provide-more-equitable-federal-funding-to-territorys-health-care-providers\\_programs](http://www.schumer.senate.gov/newsroom/press-releases/schumer-introduces-legislation-to-eliminate-disparities-in-puerto-ricos-medicare-and-medicaid-program-bill-will-help-fix-federal-laws-to-provide-more-equitable-federal-funding-to-territorys-health-care-providers_programs)

<sup>21</sup> Michael Fletcher, *Already deep in debt, Puerto Rico now faces a new crisis*, Washington Post, May 26, 2015, available at <http://www.washingtonpost.com/news/wonkblog/wp/2015/05/26/already-deep-in-debt-puerto-rico-now-faces-a-new-crisis/>

<sup>22</sup> **U.S. senators introduce bill to to eliminate Puerto Rico Medicare, Medicaid program disparities, Caribbean Business , August 6, 2015, available at <http://caribbeanbusinesspr.com/news/u.s.-senators-introduce-bill-to-to-eliminate-puerto-rico-medicare-medicaid-program-disparities-114818.html>**

<sup>23</sup> *Supra note 20*

<sup>24</sup> *Governor Cuomo Announces Action Plan to Assist Puerto Rico's Government During Time of Crisis*, September 8, 2015, Press release, Available at <https://www.governor.ny.gov/news/governor-cuomo-announces-action-plan-assist-puerto-ricos-government-during-time-crisis>

<sup>25</sup> Richard Florida, *The 25 Most Economically Powerful Cities in the World*, CityLab, September 15,

2015, available at <http://www.citylab.com/work/2011/09/25-most-economically-powerful-cities-world/109/#slide1>

<sup>26</sup> *Puerto Rico-A Way Forward* by Anne Krueger, Ranjit Teja, and Andrew Wolfe, June 29, 2015, pg. 8, Available at <http://www.bgfpr.com/documents/puertoricoawayforward.pdf>

<sup>27</sup> *Report on the Competitiveness of Puerto Rico's Economy, Recommendations*, New York Federal Reserve, June 29, 2012 available at <http://www.newyorkfed.org/regional/puertorico/recommendations.html>

<sup>28</sup> *Report on the Competitiveness of Puerto Rico's Economy*, New York Federal Reserve, June 29, 2012, pg. 13, Available at <http://www.newyorkfed.org/regional/puertorico/report.pdf>

<sup>29</sup> The average age of the ships is 39 years for a self-propelled container ship and 31 years for a barge, which is beyond the expected useful life of 30 years for a containership and about 27 years for a barge. Neither do these aging vessels promote the ship-building industry. *Characteristics of Maritime Transportation to and from Puerto Rico*, Government Accountability Office report, pg. 6, March 2013, available at <http://www.gao.gov/assets/660/653046.pdf>

<sup>30</sup> *Characteristics of Maritime Transportation to and from Puerto Rico*, Government Accountability Office report, pg. 10, March 2013, Available at <http://www.gao.gov/assets/660/653046.pdf>

<sup>31</sup> *Supra*

<sup>32</sup> *Supra*, pgs. 11-13

<sup>33</sup> U.S. Energy Information Administration Profile Analysis of Puerto Rico, last updated April 16, 2015, Available at <http://www.eia.gov/state/analysis.cfm?sid=RQ>

<sup>34</sup> U.S. Energy Information Administration, *Puerto Rico Territory Energy Profile*, last updated April 16, 2015, Available at <http://www.eia.gov/state/print.cfm?sid=RQ>

<sup>35</sup> *Power Problems: Puerto Rico's Electric Utility Faces Crippling Debt*, by Greg Allen and Marisa Peñalosa, National Public Radio, May 7, 2015, Available at <http://www.npr.org/2015/05/07/403291009/power-problems-puerto-ricos-electric-utility-faces-crippling-debt>

<sup>36</sup> *Supra note 32*

<sup>37</sup> *Characteristics of Maritime Transportation to and from Puerto Rico*, Government Accountability Office report, pg. 14, March 2013, Available at <http://www.gao.gov/assets/660/653046.pdf>

<sup>38</sup> *Projections show U.S. becoming a net exporter of natural gas*, U.S. Energy Information Administration, April 28, 2015 (Last viewed 9/16/2015) <http://www.eia.gov/todayinenergy/detail.cfm?id=20992>

**(For text of Res Nos. 818 and 836, please see respectively, the Reports of the Committee on State and Federal Legislation for Res Nos. 818 and 836 printed in this voice-vote Resolutions section of these Minutes; for text of Res No. 767, please see below)**

*Accordingly, this Committee recommends the adoption of Res Nos. 767, 818, and 836.*

**(The following is the text of Res. No. 767:)**

Res. No. 767

**Resolution calling upon the United States Congress to pass and the President to sign H.R. 870, also known as, the Puerto Rico Chapter 9 Uniformity Act of 2015.**



By Council Members Torres, The Speaker (Council Member Mark-Viverito), Palma, Arroyo, Miller, Menchaca, Johnson, Rosenthal, Richards, Cohen, Reynoso, Lancman, Greenfield, King, Lander, Eugene and Kallos.

**Whereas**, The Commonwealth of Puerto Rico is struggling with a weak economy, declining population and crushing debt obligations; and

**Whereas**, The unemployment rate in Puerto Rico has remained consistently high and currently stands at around 11.6%; and

**Whereas**, According to the U.S. Census, Puerto Rico's poverty rate is about 45% or nearly twice that of Mississippi, the poorest state in the Union; and

**Whereas**, Puerto Rico's financial plight is also distressing to the many New York City residents who have called the island their home, or have family and friends who live there; and

**Whereas**, Due to economic pressures the Puerto Rican population has declined, in contrast to the U.S. population which has increased; and

**Whereas**, Puerto Rico holds over \$73 billion dollars in public sector debt, much of which is held by its state-run corporations, such as the Puerto Rico Electrical Power Authority; and

**Whereas**, Puerto Rico is neither an independent nation, nor a U.S. state, but rather a U.S. territory; and

**Whereas**, Puerto Rico may not manipulate its currency to satisfy debt obligations as an independent nation might; and

**Whereas**, According to U.S. law, as currently written, Puerto Rico's municipalities, and their publicly-owned corporations, may not claim bankruptcy in the way that the municipalities of states, such as Detroit, may; and

**Whereas**, In an effort to fill the gap in the law, the Puerto Rican government passed the Puerto Rico Public Corporations Debt Enforcement and Recovery Act ("Recovery Act"), which would have authorized certain government-owned corporations to restructure their debt; and

**Whereas**, In February of 2015, a court ruled the Recovery Act was inconsistent with federal law; and

**Whereas**, Without the Recovery Act or access to bankruptcy, Puerto Rico, and its residents—who are United States citizens—will be unable to avail themselves of orderly and established bankruptcy processes common under federal law; and

**Whereas**, The Puerto Rico Chapter 9 Uniformity Act of 2015 would amend Title 11 of the United States Code to treat Puerto Rico as a state for the purposes of adjusting the debts of municipalities; and

**Whereas**, Access to bankruptcy for the Commonwealth would provide an orderly, established, process for both debtors and creditors that balances public and private interests; now therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Congress to pass and the President to sign H.R. 870, also known as, the Puerto Rico Chapter 9 Uniformity Act of 2015.

September 30, 2015

3552

KAREN KOSLOWITZ, *Chairperson*; BRADFORD S, LANDER, RAFAEL L. ESPINAL. Jr., BEN KALLOS, ALAN N. MAISEL, ANTONIO REYNOSO; Committee on State and Federal Legislation, September 30, 2015.

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

The following 3 Council Members formally abstained to vote on this item: Council Members Ulrich, Vallone and Matteo.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 818

**Report of the Committee on State and Federal Legislation in favor of approving and adopting, a Resolution calling upon the United States Congress to pass and the President to sign the Improving the Treatment of the U.S. Territories Under Federal Health Programs Act of 2015 (H.R. 2635), which would make improvements to the treatment of the United States territories under the Medicare and Medicaid programs.**

The Committee on State and Federal Legislation, to which the annexed resolution was referred on August 13, 2015 (Minutes, page 3133), respectfully

#### **REPORTS:**

**(For text of the report, please see the Report for Res. No. 767 printed above in the voice-vote Resolutions section of these Minutes.)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 818:)**

Res. No. 818

**Resolution calling upon the United States Congress to pass and the President to sign the Improving the Treatment of the U.S. Territories Under Federal Health Programs Act of 2015 (H.R. 2635), which would make improvements to the treatment of the United States territories under the Medicare and Medicaid programs.**

By Council Members Torres, The Speaker (Council Member Mark-Viverito), Mendez, Arroyo, Koo, Koslowitz, Richards, Johnson, Rosenthal, Menchaca, Cohen, Reynoso, Lancman, Greenfield, King, Lander and Kallos.

**Whereas**, According to the 2010 Census, Puerto Ricans make up nine percent of New York City's total population and New York State contains 23 percent of all Puerto Ricans in the United States (U.S.); and

**Whereas**, Puerto Ricans are United States citizens who pay the same Medicare taxes, yet the island receives less healthcare funding than any of the fifty states; and

**Whereas**, Enrollment numbers show that up to sixty percent of the Island's population receives their health care through Medicare, Medicare Advantage or Medicaid; and

**Whereas**, Even though these public programs are such a large portion of Puerto Rico's health care industry, practitioners receive much smaller Medicare and Medicaid reimbursement rates than those received by their counterparts on the mainland; and

**Whereas**, The amount of funding that the federal government provides to support the Medicaid program in territories is capped although there is no limit in matching funds for states; and

**Whereas**, The federal contribution to states for Medicaid ranges from 50 percent for the wealthiest states to 83 percent for the poorest states, however territories are capped at 50 percent; and

**Whereas**, The situation is so bad that some advocates estimate that one doctor a day leaves Puerto Rico to go work in the states; and

**Whereas**, One study found that compared with hospitals in the states, hospitals in the U.S. territories have significantly higher 30-day mortality rates and lower performance levels on every standard of care measured in the study; and

**Whereas**, The Patient Protection and Affordable Care Act (ACA) of 2010 provided \$6.4 billion in additional Medicaid funding to Puerto Rico from Fiscal Year 2011 to the end of Fiscal Year 2019; and

**Whereas**, With this additional funding running out in the coming years and the territory's current disastrously low funding rate, Puerto Rico will have to come up with billions of dollars starting in 2018 or dramatically reduce its Medicaid program; and

**Whereas**, Puerto Rico is currently facing one of the greatest fiscal and economic crises in its modern history and the austerity measures needed for its fiscal well-being are sure to take a toll on public health services; and

**Whereas**, Pedro R. Pierluisi, Puerto Rico's resident commissioner to the U.S. Congress, introduced the Improving the Treatment of the U.S. Territories Under Federal Health Programs Act of 2015 (H. R. 2635); and

**Whereas**, Starting in Fiscal Year 2017, the bill would provide the territories, including Puerto Rico, with state-like treatment by eliminating the funding cap for Medicaid and calculating reimbursement based on a territory's per capita income; and

**Whereas**, H.R. 2635 would amend the Social Security Act to include the territories in the Medicaid disproportionate share hospital program (which provides funding to hospitals that treat a high percentage of low-income and uninsured patients), from which they have always been excluded; and

**Whereas**, The legislation would also improve the formula for the Medicare disproportionate share hospital program in Puerto Rico, as the current formula calculates payments based on the number of patients enrolled in the federal Supplemental Security Income program, a program that was not extended to Puerto Rico; and

**Whereas**, H. R. 2635 would also change the base rate for Puerto Rico's hospitals to be equal to those in the states; and

**Whereas**, The bill would establish a reasonable floor for Medicare payments to compensate for a Medicare formula that many believe is disadvantageous to Puerto Rico and results in insufficient payments to physicians; and

**Whereas**, H. R. 2635 would also cut in half the annual fee on insurers in territories that was created in the ACA, since the purpose of the fee was to help offset the cost of the ACA and territories are not eligible for many of the benefits provided in the ACA; and

**Whereas**, If the government does not intervene, hundreds of thousands of patients in Puerto Rico could see a dramatic decrease in their healthcare coverage; and

**Whereas**, President Barack Obama and Health and Human Services Secretary Sylvia Mathews Burwell should also strengthen the federal government's investment in the health of the people of Puerto Rico and work to ensure healthcare equity for Puerto Rico; and

**Whereas**, We need to act now to save Puerto Rico's healthcare system; 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 Improving the Treatment of the U.S. Territories Under Federal Health Programs Act of 2015 (H.R. 2635), which would make improvements to the treatment of the United States territories under the Medicare and Medicaid programs.

KAREN KOSLOWITZ, *Chairperson*; BRADFORD S, LANDER, RAFAEL L. ESPINAL. Jr., BEN KALLOS, ALAN N. MAISEL, ANTONIO REYNOSO; Committee on State and Federal Legislation, September 30, 2015.

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

The following 2 Council Members formally abstained to vote on this item: Council Members Ulrich and Matteo.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 836

**Report of the Committee on State and Federal Legislation in favor of approving and adopting, a Resolution calling upon the United States Congress to pass and the President to sign legislation allowing an economic hardship exemption for Puerto Rico from the Merchant Marine Act of 1920, commonly known as the “Jones Act.”**

The Committee on State and Federal Legislation, to which the annexed resolution was referred on September 17, 2015 (Minutes, page 3358), respectfully

**REPORTS:**

**(For text of the report, please see the Report for Res. No. 767 printed above in the voice-vote Resolutions section of these Minutes.)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 836:)**

Res. No. 836

**Resolution calling upon the United States Congress to pass and the President to sign legislation allowing an economic hardship exemption for Puerto Rico from the Merchant Marine Act of 1920, commonly known as the “Jones Act.”**

By The Speaker (Council Member Mark-Viverito) and Council Members Arroyo, Cabrera, Chin, Constantinides, Gibson, Johnson, Koo, Lancman, Mendez, Richards, Reynoso, Rosenthal, Lander, Eugene, Kallos and Menchaca.

**Whereas**, The Merchant Marine Act of 1920, commonly known as the “Jones Act,” requires that all shipping between United States (U.S.) ports be conducted by U.S. built, flagged, crewed and owned vessels; and

**Whereas**, The Jones Act was originally intended to promote and maintain a merchant marine industry for the sake of domestic commerce and provide appropriate vessels and trained crews ready to assist the U.S. Navy and military in time of war or national emergency; and

**Whereas**, Puerto Rico, a U.S. territory and island in the Caribbean, is almost entirely reliant on shipping for the receipt of goods; and

**Whereas**, Therefore, the requirements of the Jones Act affect the cost of nearly every product Puerto Ricans consume; and

**Whereas**, According to a 2012 report by the New York Federal Reserve, the cost of shipping a 20 foot container to Puerto Rico from the East Coast of the U.S. was twice the cost of delivering the same container to nearby ports in the Dominican Republic or Jamaica; and

**Whereas**, According to a 2013 Government Accountability Office (GAO) report, Puerto Rico's freight shipping needs are primarily met by four carriers with a combined fleet of 17 vessels with an average age of 39 years for containerships and 31 years for barges; and

**Whereas**, According to the U.S. Energy Information Administration, per capita, Puerto Rican energy usage is two-fifths less than that of mainland Americans, yet their cost of electricity, approximately 27 cents per kilo-watt hour, is twice the average cost on the mainland; and

**Whereas**, A principal reason for high energy costs is Puerto Rico's reliance on expensive petroleum to generate electricity, due in part, to a limited universe of Jones Act qualified carriers for its bulk cargo needs; and

**Whereas**, A 2013 GAO report identified three Jones Act carriers with a total of six vessels, available on a limited basis, that serve Puerto Rico's bulk cargo needs, such as petroleum and grain; and

**Whereas**, Limited availability of Jones Act qualified bulk cargo carriers has obliged Puerto Rico to import oil and gas from foreign sources; and

**Whereas**, The Puerto Rico Electric Power Authority had planned to expand its use of liquefied natural gas (LNG), but expressed concerns, cited in the GAO report, regarding the availability of Jones Act qualified vessels capable of shipping cheaper LNG from the U.S.; and

**Whereas**, Puerto Rico's economy is currently in great financial distress as the island's residents are experiencing an unemployment rate of 12.6%, which is more than twice the national average, and a poverty rate nearly double that of Mississippi, the poorest state in the Union; and

**Whereas**, According to a recent Puerto Rican government commissioned report by International Monetary Fund economist, Anne Krueger, the Puerto Rican economy has seen virtually no growth since 1996; and

**Whereas**, In this climate of falling revenues and rising costs, Puerto Rico's government has accrued a debt in excess of \$73 billion dollars that it simply cannot pay; and

**Whereas**, There is wide consensus that costs associated with the Jones Act are a drag on the Puerto Rican economy and hinder Puerto Rico's ability to grow its way out of this crisis; and

**Whereas**, The aged fleet of freight vessels serving Puerto Rico neither promote the shipbuilding industry, nor provide up to date vessels for maritime emergency needs, as was the original Jones Act intent; and

**Whereas**, Exemption from the Jones Act is not without precedent for United States territories as the U.S. Virgin Islands are exempt from the Jones Act; and

**Whereas**, Failure to address this obstacle to the growth of Puerto Rico's economy in the face of its economic collapse, would constitute a dereliction of the federal constitutional obligation to promote the general welfare of its citizens—3.6

million of whom inhabit the island of Puerto Rico—and represents a concern for all Americans; and

**Whereas**, Conditions in Puerto Rico are especially distressing for the approximately 800,000 New Yorkers of Puerto Rican descent with cultural and familial ties to the island; 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 legislation allowing an economic hardship exemption for Puerto Rico from the Merchant Marine Act of 1920, commonly known as the “Jones Act.”

KAREN KOSLOWITZ, *Chairperson*; BRADFORD S. LANDER, RAFAEL L. ESPINAL, Jr., BEN KALLOS, ALAN N. MAISEL, ANTONIO REYNOSO; Committee on State and Federal Legislation, September 30, 2015.

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

The following 2 Council Members formally abstained to vote on this item: Council Members Ulrich and Matteo.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 918

By Council Members Chin, Menchaca, Johnson, Kallos, Levin, Levine, Mendez, Reynoso, Rosenthal and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to professionally certified applications for construction document approval and final inspections of permitted work.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-104.2.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§28-104.2.1 Less than full examination of applications for construction and related document approval.** The commissioner may, in the commissioner’s discretion, establish a program whereby construction and related documents may be

accepted with less than full examination by the department based on the professional certification of an applicant who is a registered design professional.

***Exceptions:** Construction or related documents pertaining to the following may not be subject to less than full examination:*

*1. R-2 occupancies in which more than ten percent of the dwelling units are occupied; or*

*2. R-2 occupancies owned by a person that a court of competent jurisdiction has found engaged in conduct in violation of subdivision d of section 27-2005 of the housing maintenance code and such finding was issued within the fifteen years preceding application but after the effective date of the local law that added this exception.*

§2. Section 28-116.2.4.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended by adding an exception to read as follows:

***Exception:** Final inspection shall be performed by the department for permitted work in R-2 occupancies where:*

*1. More than ten percent of the dwelling units are occupied; or*

*2. A court of competent jurisdiction has found that the owner of such occupancy has engaged in conduct in violation of subdivision d of section 27-2005 of the housing maintenance code, and such finding was issued within the fifteen years preceding such inspection but after the effective date of the local law that added this exception.*

§3. This local law shall take effect 90 days after enactment, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 919

By Council Members Chin, Rodriguez, Van Bramer, Koo and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to traffic violations and crashes occurring along truck routes.**

*Be it enacted by the Council as follows:*



Section 1. Subdivision b of section 14-153 of the administrative code of the city of New York, as amended by local law 5 for the year 2014, is amended to read as follows:

b. The data required pursuant to subdivision a of this section shall be published on the department's website for the whole city [and], disaggregated by borough and police precinct, *indicate whether a moving violation summons was issued or traffic crash occurred on a truck route as designated by the department of transportation and disaggregate such data by truck route*, and shall be searchable by intersection, except for the data required under paragraph one of subdivision a, which shall be disaggregated by borough and police precinct only. Such data shall be updated at least once every month.

§ 2. This local law shall take effect in 120 days.

Referred to the Committee on Transportation.

Int. No. 920

By Council Members Cohen, Cumbo, Gentile, King, Koo, Rose and Dickens.

**A Local Law to amend the New York city charter, in relation to requiring the mayor's office of criminal justice to evaluate the effectiveness of criminal justice programs that receive funding from the city.**

*Be it enacted by the Council as follows:*

Section 1. Section 13 of chapter 1 of the New York city charter is amended by adding a new subsection (4) to read as follows:

*(4) evaluate the performance of the vendor of any contract with the coordinator's office for the provision of criminal justice related services. For purposes of this subsection, "criminal justice related services" include but are not limited to: (i) providing alternatives to incarceration; (ii) re-entry or diversion programs; and (iii) pretrial supervised release services. Beginning on January 1, 2016 and annually thereafter, the coordinator shall submit a summary of each evaluation to the Mayor and the Council. This summary shall include criteria determined by the coordinator, which shall include, but not be limited to, information related to the following for each such organization: (i) the amount of funding received; (ii) the number of individuals served; (iii) a brief description of the services provided; and (iv) recidivism and compliance rates, if applicable.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 866

**Resolution calling upon the State Legislature to introduce and pass, and the Governor to sign, legislation extending the authority of the New York City Department of Housing Preservation and Development to enter into a regulatory agreement with certain housing development fund companies to suspend their obligations to pay real property tax arrears.**

By Council Members Cohen, Arroyo, Cabrera, Gibson, King, Palma, Torres, Vacca, Chin and Dickens.

**Whereas,** A housing development fund company (“HDFC”), as defined by the New York State Private Housing Finance Law (“PHFL”), is an entity that has been incorporated as an organization to develop low-income housing projects, the income of which must be used exclusively for corporate purposes, and that is authorized to enter into a regulatory agreement with the supervising agency providing for certain controls over the use of the property; and

**Whereas,** In New York City, the supervising agency referenced in the PHFL is the City’s Department of Housing Preservation and Development (“HPD”); and

**Whereas,** Section 577-b of the PHFL, permits HDFC cooperatives in New York City that, as of January 1, 2002, had outstanding real property taxes relating to any period prior to January 1, 2001, to enter into a regulatory agreement with HPD pursuant to which the obligation to pay real property tax arrears attributable to such property may be suspended and later forgiven; and

**Whereas,** In exchange for having the arrears suspended and forgiven, the HDFC must agree in the regulatory agreement to certain controls on the use of the property, such as restriction of sales to low-income households, restrictions on subletting, and certain financial controls; and

**Whereas,** Such regulatory agreements are a vehicle for the City to ensure the preservation of affordable housing; and

**Whereas,** Under section 577-b, the regulatory agreement must include certain provisions, such as 1) a term of thirty years; 2) that the suspension of the obligation to pay arrears will continue provided that the HDFC complies with the terms of the regulatory agreement; 3) that all suspended arrears will be forgiven provided that the HDFC complies with the regulatory agreement for an initial period of ten years; 4) that any suspended obligations which have not been forgiven may be reinstated if the HDFC fails to comply with the regulatory agreement; 5) that all new real property taxes must be paid on time; and 6) that HPD will be authorized to assume control of the HDFC if the HDFC fails to comply with the agreement; and

**Whereas,** The PHFL does not currently permit HPD to enter into these types of regulatory agreements for the suspension and forgiveness of tax arrears accrued by HDFCs on or after January 1, 2001; and

**Whereas,** According to the Memorandum in Support of Chapter 315 of the Laws of 2002, the State law which originally enacted section 577-b of the PHFL, the purpose of the law was to provide relief that would alleviate the financial burdens of

HDFC cooperatives that had tax arrears with rapidly accumulating interest charges that the buildings could not afford to pay; and

**Whereas,** When section 577-b of the PHFL was first enacted, it applied only to HDFC cooperatives that were sold by the City to tenant cooperatives through the Tenant Interim Lease program; and

**Whereas,** In 2004, the State expanded the definition of eligible HDFC cooperative to include all HDFC cooperatives in New York City, regardless of how they were initially established; and

**Whereas,** The initial enactment of the law and the subsequent expansion demonstrates the State's recognition of the significance of HDFCs in providing essential, tenant-managed affordable housing in New York City and the value of ensuring their continued financial viability; and

**Whereas,** According to a July 20, 2015 article in the Wall Street Journal entitled "New York's Struggling 'Low-Income' Co-ops," many HDFC cooperatives today continue to have difficulty staying current with their property tax bills with nearly one-third of the estimated 1,000 in the City struggling to do so; and

**Whereas,** The same principles which led the State to grant HPD the authority to enter into regulatory agreements suspending an HDFC cooperative's obligation to pay real property tax arrears still exist today; and

**Whereas,** The State should amend the PHFL to allow HPD to provide assistance to HDFC cooperatives with real property tax arrears that arose on or after January 1, 2001, as well; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the State Legislature to introduce and pass, and the Governor to sign, legislation extending the authority of the New York City Department of Housing Preservation and Development to enter into a regulatory agreement with certain housing development fund companies to suspend their obligations to pay real property tax arrears.

Referred to the Committee on Finance.

Int. No. 921

By Council Members Cumbo, Crowley, Rosenthal, Chin, Cornegy, Ferreras-Copeland, Johnson, King, Koo, Levin, Mendez, Williams and Barron.

**A Local Law to amend the New York city charter, in relation to ensuring fairness in physical testing.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 831 of the New York city charter, as amended by local law number 59 of 1996, is amended to read as follow:

d. The commission shall have the following powers and duties:

1. to review the uniform standards, procedures, and programs of the department of citywide administrative services pursuant to paragraphs twelve and fourteen of subdivision a of section eight hundred, fourteen, and to review the plans adopted by city agencies in accordance with the provisions of paragraph nineteen of subdivision a of section eight hundred fifteen, and to provide any such agency or the department of citywide administrative services with such comments and suggestions as the commission deems necessary and appropriate;

2. to recommend to the department of citywide administrative services, all city agencies, or any one or more particular agencies, procedures, approaches, measures, standards and programs to be utilized by such agencies in their efforts to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with city agencies;

3. to recommend to any city agency actions which such agency should consider including in its next annual plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;

4. to advise and, if requested, assist city agencies in their efforts to increase employment of minority group members and women who are employed by or who seek employment with city agencies;

5. to audit and evaluate the employment practices and procedures of each city agency and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the civil service commission or the human rights commission or whenever otherwise deemed necessary by this commission. *In addition, the commission shall audit and evaluate any physical tests used by any city agency, either for hiring or promotional purposes, at least once every year. In so auditing and evaluating, the commission shall utilize the services of non-governmental experts where such use would assist such auditing and evaluating in any way;*

6. to make such policy, legislative and budgetary recommendations to the mayor, council, the department of citywide administrative services or any city agency as the commission deems necessary to ensure equal employment opportunity for minority group members and women;

7. to publish by the fifteenth of February of each year a report to the mayor and the council on the activities of the commission and the effectiveness of each city agency's affirmative employment efforts and the efforts by the department of citywide administrative services to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by city agencies;

8. to establish appropriate advisory committees;

9. to serve with such other agencies or officials as shall be designated by the mayor as the city liaison to federal, state and local agencies responsible for compliance with equal employment opportunity for minority group members and women who are employed by or who seek to be employed by city agencies; and

10. to take such other actions as are appropriate to effectuate the provisions and purposes of this chapter.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Civil Rights.

Int. No. 922

By Council Members Cumbo, Crowley, Rosenthal, Chin, Eugene, Ferreras-Copeland, King, Koo, Lancman, Levin, Mendez, Rose, Williams, Barron and Dickens.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a fair hiring practices task force.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended to add a new section 3-117 to read as follows:

*§3-117. Fair hiring practices task force.*

*a. There is hereby established a fair hiring practices task force, which shall consist of ten members, none of whom may be employed by the city of New York, as follows: three members shall be appointed by the mayor, three members shall be appointed by the speaker of the council, and four members shall appointed jointly by the speaker of the council and the mayor.*

*b. Membership on the task force shall not constitute the holding of a public office, and members of the task force shall not be required to take and file oaths of office before serving on the task force. Members of the task force shall serve without compensation.*

*c. The task force shall meet at least four times per year. At its first meeting, the task force shall select a chairperson from among its members by majority vote of the task force.*

*d. The task force may establish its own rules and procedures with respect to the conduct of its meetings and other affairs not inconsistent with law.*

*e. Each member shall serve for a term of 24 months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.*

*f. No member of the task force shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.*

*g. The task force may request and shall receive all possible cooperation from any department, division, board, bureau, commission, borough president, agency or public authority of the city of New York, for assistance, information, and data as will enable the task force to properly carry out its functions.*

*h. The task force shall issue a report to the mayor and council no later than twelve months after the final member of the task force is appointed. Such report shall include the following:*

(i) *An analysis of whether physical tests employed by city agencies, offices, departments, or other governmental entities in hiring, including any physical tests given to city employees hired on a probationary or conditional basis, create a discriminatory impact on the basis of gender, race, or any other improper ground;*

(ii) *Recommendation for changes to any improper hiring practices;*

(iii) *Strategies for ensuring city agencies, offices, departments, and other governmental entities employees reflect the city's diversity regarding race, gender, ethnicity, and related criteria; and*

(iv) *Any other recommendations regarding fair hiring practices by city agencies, offices, departments, or other governmental entities.*

i. *The task force shall terminate upon the publication of the report.*

§2. *This local law shall take effect immediately.*

Referred to the Committee on Governmental Operations.

Int. No. 923

By Council Members Cumbo, Cornegy, Rosenthal, Chin, Eugene, Gentile, Koo, Rose, Williams and Dickens.

**A Local Law in relation to requiring the department of small business services to submit an annual report regarding the satisfaction of MWBE requirements by recipients of economic development benefits who contract with the economic development corporation.**

*Be it enacted by the Council as follows:*

Section 1. Section 1301 of chapter 56 of the New York city charter is amended by adding a new subdivision b-2 to read as follows:

*b-2. By March 1, 2016, and by March 1 every year thereafter, the entity under contract with the department to provide or administer economic development benefits on behalf of the city shall assess and evaluate each of its contractors to determine whether they complied with minority and women-owned business subcontracting requirements, if any, pursuant to the contract. The findings of such assessments shall be submitted to the department on or before June 1, 2016, and on June 1 every year thereafter. By September 1, 2016, and by September 1 every year thereafter, the department shall submit a report on such assessment and evaluation to the mayor and the speaker of the council, which shall include, but not be limited to: (i) a list of all recipients of economic development benefits; (ii) the minority and women-owned business subcontracting requirements for these recipients and their subcontractors, where applicable; (iii) whether the recipient and each subcontractor fully complied with the minority and women-owned business contracting requirements; and (iv) if minority and women-owned business contracting requirements were not met by a recipient or subcontractor, a detailed description of the reason for non-compliance.*

§2. *This local law shall take effect immediately.*

Referred to the Committee on Contracts.

Int. No. 924

By Council Members Espinal, Chin, Johnson, Kallos, Levin, Levine, Menchaca, Reynoso, Rosenthal, Mendez, Constantinides, Rose and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to vacate orders.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-207.4 of the administrative code of the city of New York is amended by adding a new paragraph to read as follows:

**§ 28-207.4 Vacate order.** In case any order to remedy a condition that is or may be imminently perilous, dangerous or detrimental to life, public safety or property, issued by the commissioner is not complied with, or the commissioner determines that an emergency exists requiring such action, the commissioner may order and immediately cause any building, structure, place or premises to be vacated. The vacate order may be given verbally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons executing the work. A verbal order shall be followed promptly by a written order and shall include the reason for the issuance of the vacate order. *The written vacate order shall require that the condition for which the vacate order was issued be corrected within a period of time, not to exceed ten days, to be stated in the order.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 925

By Council Members Ferreras-Copeland, Arroyo, Cumbo, Eugene, Gentile, Koo, Rose, Cohen and Dickens.

**A Local Law to amend the New York city charter, in relation to requiring the department of small business services to annually report on intake and outcomes for job placement programs.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 5 of section 1301 of the New York city charter is amended by adding a new paragraph g to read as follows:

September 30, 2015

3566

*g. submit to the mayor and the council by January 31st of each year, beginning in 2016, a report for the prior fiscal year on employment services programs provided by the department including, but not limited to, the number of new registrants in each such program, each program's job placement rate relative to the number of new registrants in each program, the job categories in which registrants obtained employment through such programs and the wages of such registrants. Such report shall provide such information disaggregated by the respective community boards and council districts in which registrants reside.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Small Business.

Preconsidered Res. No. 867

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

By Council Members Ferreras-Copeland and Rose.

**Whereas,** On June 26, 2015 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2016 with various programs and initiatives (the "Fiscal 2016 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2016 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and aging 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 2016 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 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 2016 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 funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural



After School Adventure (CASA) Initiative in accordance with the Fiscal 2016 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 Housing Preservation Initiative (HPI) in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the NYC Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Support Our Seniors Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Eviction and SRO Legal Services Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Smoke Detector Distribution Program Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Chamber on the Go (Small Business Mobile Outreach Unit) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Foreclosure Buyback Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Supportive Service Enhancement Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Naturally Occurring Retirement Communities (NNORC) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Sports Training and Rolemodels for Success (STARS) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation, specifically the removal of funds, of the administering agency receiving funding pursuant to the Bail Fund Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Access Health NYC Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Injection Drug Users Health Alliance (IDUHA) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Mental Health/Therapeutic Services Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the MHy Services – Developmental Disability Clinics Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves t the new designation and the change in the designation of a certain organization receiving funding pursuant to the Anti-

Gun Violence – Art as a Catalyst for Change Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Support for Victims of Human Trafficking Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 28; 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 aging discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 29.

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. 867 printed in these Minutes).

Res. No. 868

**Resolution calling upon the President of the United States to close the federal carried interest tax loophole using executive action.**

By Council Member Ferreras-Copeland, Arroyo and Koo.

**Whereas,** The federal carried interest tax loophole allows managers of private equity, venture capital, hedge, and other private investment funds to have their compensation from those funds taxed at a lower rate than most American workers' compensations; and

**Whereas,** In general, a significant portion of these managers' compensation is in the form of a percentage of the profits earned by the private investment funds, referred to as carried interest; and

**Whereas,** For purposes of the federal income tax, a loophole exists in the federal tax regulations that permits these individuals to receive compensation for their services as private investment fund managers, but to avoid paying the higher tax rate that other workers who receive compensation for their services must pay; and

**Whereas,** Because of this loophole, the compensation of private investment fund managers is treated as capital gains, rather than ordinary income, so it is taxed at the long-term capital gains rate of 20 percent; and

**Whereas,** The long-term capital gains rate is approximately half of the top marginal rate of 39.6 percent the rate that would be imposed for federal income taxes if the compensation was treated like other forms of compensation and taxed as ordinary income; and

**Whereas,** According to a New York Times article titled "*For Top 25 Hedge Fund Managers, a Difficult 2014 Still Paid Well*," in 2014 the top 25 hedge fund managers earned a combined \$11.62 billion in compensation, with three individuals earning over \$1 billion each; and

**Whereas**, According to the article, despite this extraordinary amount of total compensation, the 2014 total was significantly lower than the \$21.15 billion earned by the top 25 hedge fund managers in 2013; and

**Whereas**, Because of the carried interest tax loophole, these extremely wealthy individuals are receiving a disproportionately large tax benefit that often causes them to pay a much lower effective tax rate than the average worker who earns a tiny fraction of the compensation earned by the private investment fund managers; and

**Whereas**, According to the Congressional Budget Office, closing this loophole would have produced an estimated \$17 billion in additional federal revenues between 2014 and 2023 and could have been used to fund a plethora of needs across the country; and

**Whereas**, In addition to the impact on federal revenues, closing the carried interest tax loophole would have an impact on New York City's revenues through the City's unincorporated business tax; and

**Whereas**, The City's unincorporated business tax is imposed on any individual or unincorporated entity engaged in any trade, business, profession, or occupation carried on within the City of New York; and

**Whereas**, As a result of the federal government's classification of carried interest as investment income in the form of capital gains rather than ordinary income, New York City also treats carried interest as investment income rather than business income subject to the unincorporated business tax; and

**Whereas**, Accordingly, carried interest is currently exempt from the City's unincorporated business tax; and

**Whereas**, In 2008, the Fiscal Policy Institute estimated that the City would realize an additional \$160 million to \$225 million per year if it imposed the unincorporated business tax on carried interest; and

**Whereas**, In March 2015, the White House Press Secretary stated that the President was "very interested" in the possibility of using executive action to close certain federal tax loopholes such as the carried interest loophole; and

**Whereas**, Since the carried interest loophole was not created through a legislative act of Congress, but rather through the administrative opinions and interpretations of the Internal Revenue Service, it is appropriate for the President to act by executive action to close the loophole; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the President of the United States to close the federal carried interest tax loophole using executive action.

Referred to the Committee on Finance.

Res. No. 869

**Resolution calling upon the United States Congress to reject the Senate's proposed directive to complicate the forms completed by taxpayers filing for the Earned Income Tax Credit, as set forth in the Senate's Committee on Appropriations report on S. 1910, which makes appropriations for financial services and general government for Federal Fiscal Year 2016.**

By Council Member Ferreras-Copeland, Koo, Rose, Cohen and Dickens.

**Whereas,** The Earned Income Tax Credit (“EITC”), first enacted by the federal government in 1975, is a benefit for low- and moderate-income working people provided in the form of a tax credit on federal income taxes and is intended to incentivize working over welfare; and

**Whereas,** The EITC is a refundable tax credit, which means that if an eligible taxpayer’s personal income tax liability is less than the amount of the credit for which he or she qualifies, the taxpayer receives the remaining amount as a refund; and

**Whereas,** Over 27 million working families and individuals received the EITC in Tax Year 2013, with an average credit for working families with children of \$3,074 and an average credit for working families and individuals without children of \$281; and

**Whereas,** In Tax Year 2015, working families with children may qualify for the EITC if they have annual incomes below approximately \$39,000 to \$53,300 (depending on marital status and the number of dependent children); and

**Whereas,** In Tax Year 2015, working families and individuals without children may qualify for the EITC if they have annual incomes below approximately \$14,800, or \$20,300 for a married couple; and

**Whereas,** New York State and New York City each also offer an Earned Income Credit for those who qualify for the federal EITC, with New York State offering a credit up to 30% of the allowable EITC and New York City offering a credit up to 5% of the allowable EITC; and

**Whereas,** In Tax Year 2012, more than 900,000 New York City households received the City’s Earned Income Credit with an average credit of \$108; and

**Whereas,** Assuming that recipients of the New York City Earned Income Credit claimed the maximum allowable amounts, the average federal credit received would have been \$2,160 and the average State credit received would have been \$648; and

**Whereas,** The EITC has been described by researchers as the cornerstone of the country’s anti-poverty policy and, in particular, is widely considered one of the most effective policies for increasing the work and earnings of female-headed families; and

**Whereas,** According to the Center on Budget and Policy Priorities, the income provided to working families and individuals through the EITC leads to work, income, educational, and health benefits at virtually all stages of life; and

**Whereas,** For example, studies have shown that children of families receiving the credit do better in school, are more likely to attend college, and can be expected to earn more as adults; and

**Whereas,** Other studies have demonstrated that the EITC boosts the work effort, which subsequently increases the size of Social Security retirement benefits received by the beneficiaries later in life, and that this boost in employment of single mothers has reduced the number of female-headed households that receive cash welfare assistance; and

**Whereas,** Given these tangible, holistic benefits, the federal government should endorse policies that encourage as many eligible taxpayers as possible to apply for and take advantage of the EITC; and

**Whereas,** However, rather than doing that, the United States Senate Committee on Appropriations has proposed an action that would make it more difficult for eligible taxpayers to successfully apply for the EITC; and

**Whereas,** The current EITC form consists of one page containing six questions; and

**Whereas,** In the Committee on Appropriations' report on S. 1910, which makes appropriations for financial services and general government for Federal Fiscal Year 2016, the Committee proposed that the Department of Treasury and the Internal Revenue Service ("IRS") be directed to lengthen the existing EITC application form to approximately four or five pages by adding at least twenty additional eligibility questions; and

**Whereas,** These additional questions would be similar to the complex questions that professional tax preparers are currently required to complete on a supplemental form when claiming the EITC on behalf of their clients; and

**Whereas,** Such action was proposed in response to lobbying efforts by the multi-billion dollar tax preparation company H&R Block which stands to increase its customer base and revenues if it is more difficult for taxpayers to independently fill out their tax forms without the help of a paid tax preparer; and

**Whereas,** The argument put forth by H&R Block and their lobbyists was that the additional eligibility questions would serve as a stronger checkpoint against the improper payment of the EITC to people who are not actually eligible to receive it; and

**Whereas,** In fact, errors made by paid tax preparers, who must already complete the additional eligibility questions, lead to more overclaims than those errors made by taxpayers who complete the EITC application form on their own; and

**Whereas,** In a study published by the IRS in August 2014 entitled "Compliance Estimates for the Earned Income Tax Credit Claimed on 2006-2008 Returns," the IRS found that, on the lower end of its estimates, paid tax preparer errors accounted for \$10.5 billion in overclaims while errors on self-prepared tax returns accounted for only \$3.4 billion in overclaims; and

**Whereas,** The new, lengthy tax form would only serve to create additional burdens and confusion to taxpayers who would either likely choose not to apply for the credit at all or, as H&R Block hopes, who would pay a tax preparer to complete the paperwork on their behalf; and

**Whereas,** The federal government should be lowering the barriers for the working poor to receive the EITC rather than making it more difficult for the target population to access these benefits; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to reject the Senate's proposed directive to complicate the forms completed by taxpayers filing for the Earned Income Tax Credit, as set forth in the Senate's Committee on Appropriations report on S. 1910, which makes

appropriations for financial services and general government for Federal Fiscal Year 2016.

Referred to the Committee on Finance.

Int. No. 926

By Council Members Garodnick, Chin, Espinal, Johnson, Kallos, Levin, Levine, Menchaca, Reynoso, Rosenthal, Arroyo, Constantinides, Koo, Rose, Lander and Dickens.

**A Local Law in relation to creating a task force on construction work in occupied multiple dwellings.**

*Be it enacted by the Council as follows:*

Section 1. There shall be a task force with 13 members consisting of the commissioner of buildings as co-director of the task force, the commissioner of housing preservation and development as co-director of the task force, the commissioner of health and mental hygiene, the commissioner of environmental protection, five city council members appointed by the speaker of the council and four members appointed by the mayor.

b. The commissioner of buildings, the commissioner of housing preservation and development, the commissioner of health and mental hygiene, the commissioner of environmental protection, and the city council members may appoint a representative for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative shall be an officer or employee from the same agency as the delegating member.

c. In the event that a member's seat becomes vacant, that member's successor shall be appointed within sixty days of the vacancy. The new member shall be appointed in the same manner as the predecessor member whose vacancy is being filled.

d. Members appointed by the speaker and members appointed by the mayor may be removed by the appointing person.

e. The task force shall consult, on an ongoing basis, with tenants who reside in buildings undergoing construction or renovation to determine the common issues such tenants face as a result of such construction or renovation and to determine if these issues can be addressed by changing the current practices of the department of housing preservation and development and the department of buildings.

f. The task force shall hold not less than one hearing each month, except during the months of July and August, and such meetings shall be considered a meeting of a public body subject to article 7 of the public officers law.

g. Within six months from the date of the first regular meeting, pursuant to subdivision g of this section, the task force must complete an evaluation of the current practices of the individual agencies represented in the task force with regards to issues tenants face when their landlords conduct construction or renovation of

September 30, 2015

3574

residential buildings. The task force shall report its findings and make recommendations to improve inter-agency coordination and sharing of information with the mayor and the council within one year of the enactment of the local law that added this section and updated annually thereafter.

h. This task force shall dissolve upon submission of the third annual report as required by subdivision h of this section.

§ 2. This local law takes effect one hundred twenty days after its enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 927

By Council Members Garodnick, Gibson, Torres, Williams, Chin, Koo and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to maintain an early intervention system.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-155 to read as follows:

§ 14-155. *Early intervention system. The department shall maintain a system that is used to identify police officers whom may be in need of enhanced training or monitoring. Such system shall collect and utilize, at a minimum, the following: (i) information reported pursuant to section 7-112; (ii) complaints received and results of investigations conducted by the civilian complaint review board; (iii) complaints received and investigations conducted by the police department, including but not limited to investigations conducted by the internal affairs bureau, and any disposition resulting from any such investigation; (iv) complaints received pursuant to section 804 of the charter; (v) incidents of the use of force, including but not limited to, the use of oleoresin capsicum spray or a conducted energy device, a neck restraint or head strike, drawing or displaying a firearm, discharge of a firearm, or any other type of force where the use of such force requires medical attention or results in death; and (vi) criminal arrests and investigations of an officer known to the department.*

§ 2. This local law takes effect in 120 days.

Referred to the Committee on Public Safety.

Int. No. 928

By Council Members Garodnick, Cabrera, Menchaca, Johnson, Torres, Levine, Espinal, Vallone, Constantinides, Rosenthal, Chin, Koo, Rose, Treyger, Van Bramer, Levin, Lancman, Cohen, Dickens and Kallos.



**A Local Law to amend the administrative code of the city of New York, in relation to banning personal care products containing microbeads.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

***Microbeads***

***§ 20-699.7 Definitions***

***§ 20-699.8 Personal care products containing microbeads***

***§ 20-699.9 Penalties***

***§ 20-699.10 Rules and regulations***

*§20-699.7 Definitions. As used in this subchapter, the following terms shall have the following meanings:*

*Microbead. The term “microbead” means any manufactured particle of plastic that measures five millimeters or less in size and is added to a personal care product.*

*Over the counter drug. The term “over the counter drug” means a product that is identified and regulated as a drug by the Food and Drug Administration, contains a label that identifies the product as a drug as required by 21 CFR 201.66, and is available for purchase without a prescription.*

*Personal care product. The term “personal care product” means any product intended to be rubbed, poured, sprinkled, brushed or sprayed on, introduced into, or otherwise applied to the human body, or any part thereof, for cleansing, moisturizing, or otherwise affecting the appearance or texture of the human body or any part thereof, and any component of such product. The term “personal care product” shall not include any product for which a prescription is required.*

***§ 20-699.8 Personal care products containing microbeads.***

*1. Starting January 1, 2016, no person shall sell or offer for sale any personal care product, except for an over the counter drug, which contains microbeads.*

*2. Starting January 1, 2017, no person shall sell or offer for sale any over the counter drug that contains microbeads.*

***§ 20-699.9 Penalties.*** *Any person who violates any provision of this subchapter or any rule promulgated pursuant thereto is subject to: (i) a civil penalty of not more than \$2,500 for the first violation, civil penalty of not more than \$1,000 for each additional violation occurring on the same day as the first violation, and such person may be enjoined from continuing the violation; and (ii) a civil penalty of not more than \$5,000 for each subsequent violation occurring within a period of 24 months of the first violation, civil penalty of not more than \$2,000 for each additional violation occurring on the same day as the subsequent violation, and such person may be enjoined from continuing the violation.*

September 30, 2015

3576

*§ 20-699.10 Rules and regulations. The department is authorized to promulgate such rules and regulations as it deems necessary to implement the provisions of this subdivision.*

*§ 2. This law takes effect immediately.*

Referred to the Committee on Consumer Affairs.

Int. No. 929

By Council Members Johnson, Arroyo, Chin, Eugene, Koo, Rose and Dickens.

**A Local Law to amend the administrative code of the city of New York, requiring in relation to requiring information on health services in shelters.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-317 to read as follows:

*§ 21 – 317 Health services in shelters. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Adult. The term “adult” means any person who is eighteen years of age or older.*

*Adult families. The term “adult families” means families comprised of adults and no children.*

*Children. The term “children” means people under 18 years of age.*

*Families with children. The term “families with children” means families with adults and children, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual.*

*Federally qualified health center. The term “federally qualified health center” means a health program designation for reimbursement by the bureau of primary health care and the center for medicare and Medicaid services of the United States department of health and human services pursuant to section 330 of the public health service act.*

*Homeless adult. The term “homeless adult” means an individual with an address listed in SPARCS as homeless, undomiciled, or that of a known shelter.*

*Intake center. The term “intake center” means the facilities where individuals or families must apply for shelter with the department.*

*New York state department of health statewide planning and research cooperate system (SPARCS). The term “New York State department of health statewide planning and research cooperate system (SPARCS)” means the New York administrative hospital discharge database.*

*Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*Single adults. The term "single adult" means individuals without an accompanying adult or child.*

*b. Not later than April 1, 2016, and no later than April 1st annually thereafter, the department shall submit to the council and post on its website a report regarding information on health services provided to individuals in shelter for the preceding calendar year. Such report shall include, but not be limited to the following information and shall be disaggregated by whether such shelters or intake facilities serve single adults, adult families or families with children:*

*1. The number of shelters with on-site health services;*

*2. The number of shelters that provide health services by referrals, including for each such shelter the average travel time to the referral and whether such referral is to a federally qualified health center;*

*3. A description of the health services in each intake facility;*

*4. A description of the services provided to the unsheltered homeless population, including but not limited to the number of mobile medical vans, the number of individuals served, and the number of individuals that received follow up services after an initial intake;*

*5. A list of the 10 most commonly occurring health issues for adults living in shelter and the 10 most commonly occurring health problems for children living in shelter;*

*6. The number of individuals discharged from a hospital to a shelter;*

*7. The most frequent causes of hospitalizations, excluding HIV or AIDS, for homeless adults based on information available through SPARCS.*

*c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting individuals in shelter.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 930

By Council Members Kallos, Chin, Johnson, Levin, Levine, Menchaca, Mendez, Reynoso, Rosenthal, Arroyo, Rose and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to distressed buildings subject to foreclosure by action in rem.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 4 of section 11-401 of the administrative code of the city of New York, as amended by local law number 37 for the year 1996, is amended to read as follows:

4. "Distressed property." *Any parcel of class one or class two real property that is subject to a tax lien or liens that result from an environmental control board judgment against the owner of such parcel for a building code violation with a lien or liens to value ratio, as determined by the commissioner of finance, equal to or greater than thirty percent or [Any] any parcel of class one or class two real property that is subject to a tax lien or liens with a lien or liens to value ratio, as determined by the commissioner of finance, equal to or greater than fifteen percent and that meets one of the following two criteria:*

i. such parcel has an average of five or more hazardous or immediately hazardous violations of record of the housing maintenance code per dwelling unit; or

ii. such parcel is subject to a lien or liens for any expenses incurred by the department of housing preservation and development for the repair or the elimination of any dangerous or unlawful conditions therein, pursuant to section 27-2144 of this code, in an amount equal to or greater than one thousand dollars.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings, the commissioner of housing preservation and development and the commissioner of finance may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 931

By Council Members Council Members Kallos, Chin, Johnson, Levin, Levine, Menchaca, Mendez, Reynoso, Rosenthal, Rose and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to building violations adjudicated before the office of administrative trials and hearings.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-204.6 of chapter 2 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-204.6 Tax Lien. Enforcement of environmental control board judgments against owners for certain building code violations. Notwithstanding any provision of law to the contrary, environmental control board judgments against an owner for a building code violation *only* with respect to a commercial building or dwelling that contains at least twenty units and such environmental control board judgments total no less than sixty thousand dollars or a dwelling that contains nineteen or fewer units and such environmental control board judgments total no less than fifteen

*thousand dollars*[a private dwelling, a wooden-framed single room occupancy multiple dwelling, or a dwelling with a legal occupancy of three or fewer dwelling units] shall constitute a tax lien on the property named in the violation with respect to which such judgment was rendered, as hereinafter provided. Such liens shall be entered and enforced as provided in this section 28-204.6, *provided however that tax liens pursuant to this section shall not be eligible for a lien sale or foreclosed upon if such owner enters into a payment plan with the department of finance to satisfy such judgment pursuant to section 11-3022 of the code.*

§2. This local law shall take effect 120 days after its enactment into law, except that the commissioner of buildings and the commissioner of finance may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 932

By Council Members Levin, Arroyo, Chin, Cumbo, Eugene, Koo, Rose, Cohen and Dickens.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring information on mental health services in shelters.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-317 to read as follows:

*§ 21 – 317 Mental health services in shelters. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Adult. The term “adult” means any person who is eighteen years of age or older.*

*Adult families. The term “adult families” means families comprised of adults and no children.*

*Children. The term “children” means people under 18 years of age.*

*Families with children. The term “families with children” means families with adults and children, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual.*

*Federally qualified health center. The term “federally qualified health center” means a health program designation for reimbursement by the bureau of primary health care and the centers for medicare and medicaid services of the United States department of health and human services pursuant to section 330 of the public health service act.*

*Intake center. The term “intake center” means the facilities where individuals or families must apply for shelter with the department.*

*Shelter. The term "shelter" means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*Single adults. The term "single adult" means individuals without an accompanying adult or child.*

*b. Not later than April 1, 2016, and no later than April 1st annually thereafter, the department shall submit to the council and post on its website a report regarding information on mental health services provided to individuals in shelter for the preceding calendar year. Such report shall include, but not be limited to the following information and shall be disaggregated by whether such shelters or intake facilities serve single adults, adult families or families with children:*

*1. The number of shelters with on-site mental health services and a description of such services;*

*2. The number of shelters that provide mental health services by referrals, including for each such shelter the average travel time to the referral, and whether such referral is to a federally qualified health center;*

*3. A description of the mental health services in each intake facility;*

*4. A description of the mental health services provided to the unsheltered homeless population, including but not limited to the type and availability of such services, the number of individuals served, and the number of individuals that received follow up services after an initial intake;*

*5. A list of the 10 most commonly occurring mental health issues for adults living in shelter and the 10 most commonly occurring health problems for children living in shelter;*

*c. No information that is required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting individuals in shelter.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on General Welfare.

Int. No. 933

By Council Members Levin, Eugene, Gentile, Koo, Rose and Dickens.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an emergency ambient air quality monitoring program.**

*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 15-131 to read as follows:

*§ 15-131 Interagency notification requirement for certain fires. The department shall notify the department of environmental protection immediately whenever units*

are dispatched to (i) any fire in the city that the department designates as a third-alarm or higher fire or (ii) any fire in the city that affects a group H high hazard occupancy as defined in the New York city building code and that the department designates as a second-alarm or higher fire.

§ 2. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-145.1 to read as follows:

§ 24-145.1 *Emergency ambient air quality monitoring program.* a. The commissioner, in consultation with the commissioner of health and mental hygiene, shall develop an emergency ambient air quality monitoring program pursuant to which the department shall deploy air contaminant recorders in the vicinity of major commercial and industrial fires as required by this section.

b. Immediately upon being notified of (i) any fire in the city that the fire department designates as a third-alarm or higher fire or (ii) any fire in the city that affects a group H high hazard occupancy as defined in the New York city building code and that the fire department designates as a second-alarm or higher fire, the commissioner shall deploy an air contaminant recorder to a sampling location as close to the fire as is safe and practicable and shall deploy air contaminant recorders to three or more sampling locations downwind from the fire. The fire commissioner, the police commissioner or any other city agency, after consultation with the commissioner, may deploy such recorders in lieu of the department where deployment by such other agency would be more efficient than deployment by the department.

c. The air contaminant recorders deployed pursuant to subdivision b of this section shall measure and record the levels of air pollutants that are hazardous to human health, including, but not limited to, particulate matter, volatile organic compounds, ozone, lead, carbon monoxide, carbon dioxide, nitrogen dioxide, sulfur dioxide and asbestos. Where, due to the nature of a material known to have been burned in the fire, the commissioner believes that other hazardous air pollutants may have been released into the air, the commissioner shall also monitor the air for such other pollutants.

d. The commissioner shall continue to monitor air quality near the fire and at downwind locations until the fire has been extinguished and, in the judgment of the commissioner, the site of the fire no longer emits significant levels of air pollutants attributable to the fire.

e. The commissioner shall make available on the department's website all data obtained pursuant to subdivision c of this section. Such data shall be in a non-proprietary format that permits automated processing.

f. The commissioner, in consultation with the fire commissioner and the commissioner of health and mental hygiene, shall promulgate rules necessary for the implementation of this section.

§ 3. This local law takes effect 180 days after it becomes law. The commissioner of environmental protection, in consultation with the fire commissioner and the commissioner of health and mental hygiene, shall promulgate rules and take any other measures necessary for the implementation of this local law before its effective date.

September 30, 2015

3582

Referred to the Committee on Environmental Protection.

Int. No. 934

By Council Members Levin, Reynoso, Chin, Espinal, Johnson, Kallos, Levine, Menchaca, Rosenthal, Gentile, Koo and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a real time enforcement unit in the department of buildings.**

*Be it enacted by the Council as follows:*

Section 1. Article 103 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended by adding section 28-103.26 to read as follows:

*§ 28-103.26 Real Time Enforcement Unit. There is hereby established within the department a real time enforcement unit. Such unit shall be responsible for enforcing the construction codes with respect to:*

*1. occupied multiple dwellings with complaints related to work without a permit; and*

*2. occupied multiple dwellings with valid permits for (i) the alteration of 10 percent or more of the existing floor surface area of the building or (ii) an addition to the building.*

*§ 28-103.26.1 Tracking complaints related to work without a permit. The real time enforcement unit shall receive and track all complaints related to work without a permit in occupied multiple dwellings. The unit shall retain records of such complaints.*

*§ 28-103.26.2 Monitoring occupied multiple dwellings with permits for alteration or addition. The real time enforcement unit shall monitor all occupied multiple dwellings with valid permits for (i) the alteration of 10 percent or more of the existing floor surface area of the building or (ii) an addition to the building. Owners of such buildings shall notify the department in writing at least 72 hours prior to the commencement of any work pursuant to such permits.*

*§ 28-103.26.3 Inspections. For complaints related to work without a permit in an occupied multiple dwelling, the real time enforcement unit shall conduct an inspection of such a building within two hours of the receipt of such a complaint, except that complaints received after 8:00 p.m. shall be inspected by 10:00 a.m. on the following day. For an occupied multiple dwelling with valid permits for alteration or addition as described in section 28-103.26.2, the real time enforcement unit shall conduct an initial inspection of such a building within five days of the commencement of any such work and shall conduct periodic unannounced inspections thereafter until such work is complete. The unit shall be available to*



*conduct inspections seven days a week, between the hours of 8:30 a.m. and 10:00 p.m.*

*§ 28-103.26.4 Violations. The real time enforcement unit shall issue notices of violation or stop work orders as necessary.*

*§ 28-103.26.5 Report. The department shall publish online an annual report with the following information related to the effectiveness of the real time enforcement unit: (i) the number of complaints received disaggregated by building; (ii) the average time taken to respond to complaints; (iii) the number of monitored occupied multiple dwellings with valid permits for alteration or addition as described in section 28-103.26.2; (iv) the number of initial and periodic inspections conducted disaggregated by building; and (v) the number and type of violations issued disaggregated by building.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 935

By Council Members Levin, Johnson, Arroyo and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the division of AIDS services.**

*Be it enacted by the Council as follows:*

Section 1. Section 21-126 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 49 of 1997, is amended to read as follows:

§ 21-126 Division of AIDS services. There shall be a division of AIDS services within the New York city department of social services. Such division shall provide access to benefits and services as defined in section 21-128(a)(1) of this chapter to every person with clinical/symptomatic HIV illness, as determined by the New York state department of health AIDS institute, or with AIDS, as defined by the federal centers for disease control and prevention, who requests assistance, and shall ensure the provision of benefits and services to eligible persons as defined in section [21-128(a)(3)] 21-128(a)(4) of this chapter with clinical/symptomatic HIV illness or with AIDS.

§ 2. Subdivision g of section 21-128 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 49 of 1997, is amended to read as follows:

g. Not later than sixty days from the effective date of the local law that added this section, the commissioner shall prepare a draft policy and procedures manual for division staff. Such policy and procedures manual shall include, but not be limited to, strict guidelines on maintaining the confidentiality of the identity of and information relating to all applicants and recipients, instructional materials relating to the medical and psychological needs of persons with clinical/symptomatic HIV illness or with AIDS, application procedures, eligibility standards, mandated time periods for the provision of each benefit and service available to applicants and recipients and advocacy resources available to persons with clinical/symptomatic HIV illness or with AIDS. Such list of advocacy resources shall be updated semi-annually. Within thirty days following the preparation of such draft policy and procedures manual and prior to the preparation of a final policy and procedures manual, the commissioner shall distribute such draft policy and procedure manual to all social service agencies and organizations that contract with the department to provide HIV-related services and to all others whom the commissioner deems appropriate, and hold no fewer than one noticed public hearing at a site accessible to the disabled, at which advocates, service providers, persons who have tested positive for HIV, and any other member of the public shall be given an opportunity to comment on such draft policy and procedures manual. The commissioner shall prepare a final policy and procedures manual within thirty days after the conclusion of such hearing and shall thereafter, *in consultation with the advisory board established pursuant to subdivision k of this section*, review[,] and, where appropriate, revise such policy and procedures manual on an annual basis. *Upon any proposed revision, and prior to the finalization of such revision, no fewer than one noticed public hearing shall be held at a site accessible to the disabled at which advocates, service providers, persons who have tested positive for HIV, and any other member of the public shall be given an opportunity to comment on such draft policy and procedures manual.* The commissioner shall provide for semi-annual training, using such policy and procedures manual, for all division staff.

§ 3. Subdivision h of section 21-128 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 49 of 1997, is amended to read as follows:

h. Not later than sixty days from the effective date of the local law that added this section, the commissioner shall publish a proposed rule establishing a bill of rights for persons with clinical/symptomatic HIV illness or with AIDS. Such draft bill of rights shall include, but not be limited to, an explanation of the benefits and services for which persons with clinical/symptomatic HIV illness or with AIDS may be eligible; timetables within which such benefits and services shall be provided to eligible persons; an explanation of an applicant's and recipient's right to examine his or her file and the procedure for disputing any information contained therein; an explanation of an applicant's and recipient's right to a home or hospital visit for the purpose of applying for or maintaining benefits or services; an explanation of the process for requesting a division conference or New York state fair hearing; and a summary of the rights and remedies for the redress of discrimination as provided for

in title eight of this code. Within sixty days following the publication of such proposed rule, and prior to the publication of a final rule, *or upon any proposed revision of such rule, and prior to the publication of such revision*, the commissioner shall hold no fewer than one noticed public hearing at a site accessible to the disabled at which advocates, service providers, persons who have tested positive for HIV, and any other member of the public shall be given an opportunity to comment on such draft bill of rights. The commissioner shall publish a final rule within thirty days after the conclusion of such hearing and shall thereafter, *in consultation with the advisory board established pursuant to subdivision k of this section*, review[,] and, where appropriate, revise such bill of rights on an annual basis. Such bill of rights shall be conspicuously posted in all division offices that are open to the public, *posted on the department's website, and provided to clients upon their first meeting with a caseworker and annually or upon any revision. Caseworkers shall review the provisions of such bill of rights with clients upon such first meeting and at any time a client requests. Such bill of rights* [and] shall be available [for distribution to the public] in English, Spanish and any other languages that the commissioner deems appropriate.

§ 4. Subdivision j of section 21-128 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 32 of 2005, is amended to read as follows:

j. The commissioner shall submit [written, quarterly reports] to the mayor and the council *and post on the department's website, in a machine readable format, quarterly reports* that shall, at a minimum, provide the following information:

1. The number of persons with clinical/symptomatic HIV illness or with AIDS who requested benefits or services set forth in subdivision b of this section or any other benefits or services provided by the division.

2. The processing time for applications for benefits or services, disaggregated by field office, type of benefit and individual versus family case, specified as follows:

(i) for non-emergency applications for food stamps, medicaid and public assistance benefits, including separate determinations of eligibility for medicaid or food stamps:

(1) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from the completed application to denial of the application.

(ii) for immediate needs grants and expedited food stamps:

(1) the number of days from the request date to the date of issuance of a grant; and

(2) in cases of denial, the number of days from the request date to the date of denial.

(iii) for all other non-emergency benefits or services provided by or through any division center or office, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) (a) the number of days from initial request to completed application; and

(b) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from completed application to denial of the application.

(iv) for all other benefits or services provided on an emergency basis, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) the number of days from initial request to completed application;

(2) the number of days from completed application to approval or denial of the application; and

(3) the number of days from approval of an application to the provision of the benefit or service.

(v) for applications for non-emergency housing:

(1) the number of days from a request for housing to completed application;

(2) the number of days from completed application to approval or denial of the application;

(3) the number of days from approval of an application to the date on which the client takes occupancy of non-emergency housing; and

(4) with respect to applications that are approved, the number of days from completed application to the date on which the client takes occupancy of non-emergency housing.

3. The number of division staff, by job title, whose duties include providing benefits and services or access to benefits and services pursuant to this section, disaggregated by field office and family versus overall cases; the number of cases at each field office, disaggregated by family versus overall cases; and the ratio of case managers and supervisors to clients at each field office, disaggregated by family versus overall cases.

4. The number of cases closed, disaggregated by the reasons for closure.

5. The number of closed cases that were re-opened, the length of time required to re-open such closed cases, starting from the date on which the case was closed, and the total number of cases closed in error and the length of time required to reopen such closed cases, starting from the date on which the case was closed, disaggregated by field office and reported in the following categories: 0 to 15 days; 16 to 30 days; 31 to 45 days; 46 to 60 days; 61 to 75 days; 76 to 90 days; and more than 91 days.

6. The number of administrative fair hearings requested, the number of fair hearing decisions in favor of applicants and recipients and the length of time for compliance with such fair hearing decisions, disaggregated by decisions where there was compliance within 30 days of the decision date and decisions where there was compliance after 30 days of the decision date[;].

7. The number of proceedings initiated pursuant to article 78 of the civil practice law and rules challenging fair hearing decisions, and the number of article 78 decisions rendered in favor of applicants or recipients[;].

8. The number of clients in emergency housing and the average length of stay, disaggregated on a monthly basis[;].

9. The number of facilities used to provide emergency shelter for clients and the number of units per facility, disaggregated by the type of facility[;].

10. The number of facilities used to provide emergency shelter placed on non-referral status for each month in the reporting period and the number of facilities

placed on non-referral status that remedied the situation that led to non-referral status.

11. The number of facilities used to provide emergency shelter placed on discontinuance of use status and the number of facilities placed on discontinuance of use status that remedied the situation that led to discontinuance of use status.

12. The number of requests for emergency housing assistance, the number of persons referred to the department of homeless services; the number of persons referred to commercial single room occupancy hotels, the average length of stay in commercial single room occupancy hotels, the number of applications for non-emergency housing each month; and the number of persons placed in non-emergency housing each month.

13. The number of *emergency housing facilities inspected and the number of inspections of emergency housing conducted by the division.*

14. Quarterly reports required by this subdivision shall be delivered no later than 60 days after the last day of the time period covered by the report. The first quarterly report required by this subdivision shall be delivered no later than August 31, 2005.

§ 5. Subdivision k of section 21-128 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 49 of 1997, is amended to read as follows:

k. There shall be an advisory board to advise the commissioner on the provision of benefits and services and access to benefits and services to persons with clinical/symptomatic HIV illness or with AIDS as required by this section. This advisory board shall consist of eleven members to be appointed for two-year terms as follows: five members, at least three of whom shall be eligible for benefits and services pursuant to this section, who shall be appointed by the speaker of the council and six members, including the chairperson of the advisory board, at least three of whom shall be eligible for benefits and services pursuant to this section, who shall be appointed by the mayor. The advisory board shall meet at least quarterly *at the call of the chairperson, or upon the call of at least five members* and members shall serve without compensation. Such advisory board [may] *shall formulate an annual report and recommend to the commissioner [a policy or procedure] policies or procedures for overseeing, [and] monitoring, and improving the delivery of services to persons with clinical/symptomatic HIV illness or with AIDS which may include quality assurance measurements. Such advisory board shall submit [such recommended policy or procedure] such report to the mayor and the council upon submission to the commissioner, who shall post such report on the department's website.*

§ 6. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 936

By Council Members Levine, Mendez, Chin, Johnson, Kallos, Levin, Menchaca, Reynoso, Rosenthal, King, Rose, Lander and Dickens.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to tenant protection plans.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-104.8.4 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended as follows:

§ 28-104.8.4 Tenant protection plan. Construction documents for [alterations of] *work on* buildings in which any dwelling unit will be occupied during [construction] *such work* shall include a tenant protection plan. Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during [construction] *such work*, the means and methods to be employed to safeguard the safety and health of the occupants *throughout the work*, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. *Such means and methods shall be described with particularity and in no case shall terms such as "code compliant," "approved," "legal," "protected in accordance with law" or similar terms be used as a substitute for such description.* The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for:

1. Egress. At all times in the course of [construction] *work* provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.

2. Fire safety. All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the [construction] *work* shall be strictly observed.

3. Health requirements. Specification of *means and* methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities, and limitation of noise to acceptable levels shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead, [and] *asbestos and mold, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.*

4. Compliance with housing standards. The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

5. Structural safety. No structural work shall be done that may endanger the occupants.

6. Noise restrictions. Where hours of the day or the days of the week in which [construction] *work* may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

7. *Maintaining essential services. Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed*

to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption.

§ 28-104.8.4.1 *Public availability of tenant protection plan.* Upon approval of construction documents containing a tenant protection plan, the department shall make the tenant protection plan publicly available on its website.

§ 28-104.8.4.2 *Provision of copy of tenant protection plan to occupants upon request.* The owner of a building undergoing work for which a tenant protection plan is required by section 28-104.8.4 shall, upon request from an occupant of a dwelling unit within such building, provide such occupant with a paper copy of the tenant protection plan approved by the department.

§ 28-104.8.4.3 *Notice to occupants.* Upon approval of construction documents containing a tenant protection plan, the owner shall post a notice regarding such plan in a conspicuous manner in the building lobby, as well as on each floor within ten feet of the elevator, or in a building where there is no elevator, within ten feet of or in the main stairwell on such floor. The notice shall be in a form created or approved by the department and shall include:

1. A statement that occupants of the building may obtain a paper copy of such plan from the owner and may access such plan on the department website;
2. The name and contact information for the site safety manager, site safety coordinator or superintendent of construction required by section 3301.3 of the New York city building code, as applicable; and
3. A statement that occupants of the building may call 311 to make complaints about the work.

§ 2. Section BC 110 of the building code of the city of New York is amended by adding a new section 110.3.7 to read as follows:

**110.3.7 Tenant protection plan compliance inspections.** For buildings undergoing work for which a tenant protection plan is required by Section 28-104.8.4 or Section 28-107.4 of the Administrative Code, inspections shall be made by the department to determine compliance with the tenant protection plan.

§ 3. Section BC 1704.20.10 of the building code of the city of New York is REPEALED.

§ 4. Section BC 3303.10 of the building code of the city of New York, as amended by local law number 141 for the year 2013, is amended as follows:

**3303.10 Operations in occupied buildings.** When [construction or demolition activity] work occurs in an occupied building, barricades, signs, drop cloths, and other protective means shall be installed and maintained as necessary to provide reasonable protection for the occupants against hazard and nuisance. Such protective means shall be indicated on an occupant protection plan, or where a tenant protection plan is required by Section 3303.10.1, on a tenant protection plan.

**3303.10.1 Tenant protection plan.** In buildings containing occupied dwelling units, including newly constructed buildings that are partially occupied where work is still ongoing within the building, all [construction or demolition] work shall be performed in accordance with a tenant protection plan as required by Chapter 1 of Title 28 of the Administrative Code.

**3303.10.2 Inspections of tenant protection plan.** *The owner shall notify the department in writing at least 72 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of the site within seven days after the commencement of such work to verify compliance with the tenant protection plan. Thereafter, the department shall conduct an inspection upon the receipt of a complaint concerning such work.*

**3303.10.3 Enforcement of tenant protection plan.** *If work is being performed not in accordance with the tenant protection plan, the commissioner shall issue a stop work order pursuant to Section 28-207.2 of the Administrative Code.*

§ 5. This local law shall take effect 120 days after enactment, except that this local law shall not apply to applications for construction document approval filed before such effective date or to work related thereto, and except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 937

By the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to waste collection from nursing homes.**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-114.2 as follows:

*§ 16-114.2 Solid waste collection from nursing homes. The department shall provide collection service for solid waste generated by occupants of all nursing homes located in the city in accordance with regulations promulgated by the commissioner. The commissioner may not charge any nursing home a fee for waste collection service. For purposes of this section, "nursing home" has the meaning ascribed to such term in section 2801 of the public health law.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Sanitation and Solid Waste Management.



## Int. No. 938

By Council Members Reynoso, Chin, Johnson, Kallos, Levin, Levine, Menchaca, Mendez, Rosenthal, Gentile, Koo, Koslowitz, Lander and Dickens.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring increased oversight of construction contractors who have engaged in work without a required permit.**

*Be it enacted by the Council as follows:*

Section 1. Article 213 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-213.5 to read as follows:

*§ 28-213.5 Watch list of contractors performing work without required permit. The department shall compile and maintain a watch list of contractors who have been found to have performed work without a required permit in the preceding two years.*

*§ 28-213.5.1 Increased oversight. At any site where a contractor that is included on the watch list created pursuant to section 28-213.5 performs work in an occupied building, the department shall perform one or more inspections in order to ensure compliance with applicable laws, rules, regulations and permitting requirements. The department may promulgate rules providing for additional oversight of such contractors where appropriate for the protection of the public.*

*§ 28-213.5.2 Exemption. Any work performed by a contractor that is wholly or partially exempt from a civil penalty for work performed without a permit pursuant to a rule of the department shall not be considered in determining whether the contractor is to be included on the watch list created pursuant to section 28-213.5.*

*§ 28-213.5.3 Removal from watch list. The department shall remove from the watch list created pursuant to section 28-213.5 any contractor who has not been found to have performed work without a permit in the two years after the latter of the following dates: (i) the date on which such contractor was originally placed on such watch list or (ii) the date on which such contractor most recently performed work without a required permit.*

§ 2. This local law shall take effect one hundred twenty days after its enactment, except that the department of buildings shall take any actions necessary for its implementation, including the promulgation of any rules, before its effective date.

Referred to the Committee on Housing and Buildings.

## Int. No. 939

By Council Members Reynoso, Chin, Espinal, Johnson, Kallos, Levin, Levine, Menchaca, Mendez, Rosenthal, Gentile, King, Koslowitz, Rose and Lander.

September 30, 2015

3592

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for work without a permit.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-213.1.1 of the administrative code of the city of New York is amended to read as follows:

**§ 28-213.1.1 Penalty for work without permit on one or two-family dwelling.** Where work has been performed without a permit on a one-family or two-family dwelling the penalty shall equal [four] *eight* times the amount of the fee payable for the permit. Where only part of the work has been performed without a permit, the penalty shall be reduced proportionately according to the amount of work still to be performed at the time a permit is issued. Notwithstanding the foregoing, no such penalty shall be less than [five hundred] *one thousand* dollars.

§2. Section 28-213.1.2 of the administrative code of the city of New York is amended to read as follows:

**§ 28-213.1.2 Penalty for work without permit on other than one or two-family dwelling.** The penalty for work without a permit on buildings other than one or two-family dwelling shall be [fourteen] *twenty-eight* times the amount of the fee payable for such permit. Where only part of the work has been performed without a permit, the penalty shall be reduced proportionately according to the amount of work still to be performed at the time a permit is issued. Notwithstanding the foregoing, no such penalty shall be less than [five thousand] *ten thousand* dollars.

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

Referred to the Committee on Housing and Buildings.

Int. No. 940

By Council Members Reynoso, Chin, Espinal, Johnson, Kallos, Levin, Levine, Menchaca, Mendez, Rosenthal, Gentile, Koslowitz, Rose and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for a violation of a stop work order.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-207.2.6 of the administrative code of the city of New York is amended to read as follows:

**§28-207.2.6 Penalties.** In addition to the penalties provided for in this chapter, any person who fails to comply with a stop work order shall be liable for a civil penalty in the amount of [five] *ten* thousand dollars for the initial violation and [ten] *twenty* thousand dollars for every subsequent violation, to be paid to the department prior to the rescission of the stop work order; provided, however, this shall not apply

to any work performed to remedy an unsafe or hazardous condition as authorized by order of the commissioner.

§2. This local law shall take effect one hundred eighty days after its enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 941

By Council Members Rodriguez, Chin, Gentile and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to conduct periodic studies of rent stabilized housing accommodations and to develop a program to incentivize owners to keep such accommodations rent stabilized for an extended period of time.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-520.1 to read as follows:

*§ 26-520.1 Periodic study and plan to incentivize owners of rent stabilized housing accommodations to keep such accommodations stabilized for an extended period of time. a. As used in this section, the term “rent stabilized housing accommodations” means housing accommodations that are subject to the rent stabilization law of 1969.*

*b. The department of housing preservation and development shall conduct periodic studies of rent stabilized housing accommodations as required by this section. Each such study shall evaluate the stock of rent stabilized housing accommodations located within the city, including, but not limited to, the number of housing accommodations that ceased to be rent stabilized housing accommodations within the five years preceding the date on which submission of the findings of such study is due under subdivision c of this section, disaggregated by the reasons for which such accommodations ceased to be subject to the rent stabilization law of 1969 and the number of housing accommodations that have become rent stabilized housing accommodations within the five years preceding the date on which submission of the findings of such study is due under subdivision c of this section, and shall include a plan to encourage, through the use of financial incentives or otherwise, owners of rent stabilized housing accommodations that have ceased to be subject to the rent stabilization law of 1969 to keep such accommodations affordable for an extended period of time. In addition, the study may include recommendations for legislation, policy, budget initiatives and other measures the city can take, either acting alone or in collaboration with other organizations or governmental entities, to prevent or lessen the loss of rent stabilized housing accommodations.*

*c. By no later than June 1, 2016, the department of housing preservation and development shall submit the findings of the first such study to the mayor and the council. For each subsequent study, such department shall submit the findings*

September 30, 2015

3594

*thereof to the mayor and the council in the sixth month preceding the expiration date of the rent stabilization law of 1969 as set forth in section 26-520.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 942

By Council Members Rodriguez, Chin, Gentile, Rose and Dickens.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency regarding city financial assistance provided to developers.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision h of section 26-901 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

h. “Housing development project” means construction, rehabilitation or alteration of any residential building, residential facility or residential structure by a developer (1) which creates or preserves at least one dwelling unit; (2) which is funded in whole or in part by city financial assistance other than non-discretionary tax abatements or benefits approved or administered in accordance with sections 421-a or 489 of the New York state real property tax law or other similar programs and (3) where the developer of such project was not selected more than five years [prior to the effective date of this chapter] *before January 1, 2013*. The term “housing development project” shall not include emergency repairs performed by or on behalf of the department pursuant to section 27-2125 of this code, work performed by or on behalf of the department pursuant to section 27-2153 of this code, demolition work performed by or on behalf of the department pursuant to articles two hundred fifteen or two hundred sixteen of chapter two of title twenty-eight of this code, or work funded by the department pursuant to article seven-a of the New York state real property actions and proceedings law.

§ 2. The opening paragraph of subdivision a of section 26-903 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

a. For each housing development project, *the developer shall provide to the department, and* the department shall make available on its website the following information:

§ 3. Subdivision a of section 26-903 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

a. For each housing development project, the department shall make available on its website the following information, *disaggregated by council district:*

§ 4. Subdivision b of section 26-903 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

b. For housing development projects where the developer was selected after [the effective date of this chapter] *January 1, 2013*, the department shall update the information required by subdivision a of this section every six months until completion of such project except that the information required by paragraph fourteen shall be updated every six months until five years after completion of such project.

§ 5. Subdivision c of section 26-903 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

c. For housing development projects where the developer was selected [prior to the effective date of this chapter] *before January 1, 2013*, the department shall make available the information required by subdivision a of this section no later than January 1, 2014 and shall update such information every six months thereafter until completion of such project except that:

§ 6. Section 26-903 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. In July 2016, and in each July thereafter, the department shall submit to the mayor and, by electronic mail, the council, and shall publish online, a report on housing development projects. Such report shall include, at a minimum, the following information for each housing development project; provided that such report need not include any housing development project that was completed more than five years before the date of such report or where the developer was selected before the effective date of the local law that added this subdivision:*

- (1) the project identifier;*
- (2) the address;*
- (3) the anticipated completion date or the actual completion date for completed projects;*
- (4) the name of the developer and each contractor; and*
- (5) the information required by paragraph four of subdivision a of this section.*

§ 7. The opening paragraph of section 26-904 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

§ 26-904 Wage information reporting. For all housing development projects where the developer of such project was selected after [the effective date of this chapter] *January 1, 2013*, each such developer shall report to the department the information listed below at least quarterly:

§ 8. This local law takes effect 180 days after it becomes law, except that commissioner of housing preservation and development may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

September 30, 2015

3596

Int. No. 943

By Council Members Rodriguez, Cumbo, Eugene, Gentile, Rose and Dickens.

**A Local Law to amend the New York city fire code, in relation to requiring portable fire extinguishers in all multiple dwellings.**

*Be it enacted by the Council as follows:*

Section 1. Item one of section FC 906.1 of the New York city fire code, as enacted by local law number 148 for the year 2013, is amended to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In all Group A, B, E, F, H, I, M, R-1, R-2 [adult homes and enriched housing], and S occupancies. *In all R-2 occupancies, including those lawfully existing prior to the effective date of this section, portable fire extinguishers shall be installed in a common area on every floor with at least one dwelling unit.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Res. No. 870

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.7634, which would amend both the New York State Election Law and the Correction Law, in relation to voting by convicted felons.**

By Council Members Rosenthal, Johnson, Chin, Kallos, Levin, Levine, Menchaca, Mendez and Reynoso.

**Whereas,** The New York State Election Law (“Election Law”) Section 5-106 bars individuals convicted of a state felony from voting or registering to vote, but restores voting rights upon release from parole or arrival of the maximum expiration date of their sentence; and

**Whereas,** The New York State Correction Law (“Correction Law”) Section 75 stipulates that “Upon the discharge from a correctional facility of any person whose maximum sentence of imprisonment has expired or upon a person’s discharge from community supervision, the department shall notify such person of his or her right to vote and provide such person with a form of application for voter registration together with written information distributed by the board of elections on the importance and the mechanics of voting”; and

**Whereas,** A.7634, introduced by New York State Assembly Member Daniel J. O’Donnell and pending in the Assembly, seeks to promote community reintegration and civic engagement by restoring voting rights to parolees, rather than restricting them to waiting until a discharge from parole or an expiration of a sentence; and

**Whereas,** According to The Sentencing Project, as of 2010, only a minority of disenfranchised voters remain in prison, as 75% of the disenfranchised population reside within communities under probation, parole, or a completed sentence; and

**Whereas,** According to The Sentencing Project, the disenfranchisement rate for the United States has increased dramatically as the prison population has grown, with 1.17 million individuals disenfranchised in 1976, to 5.85 million disenfranchised in 2010; and

**Whereas,** This dramatically increasing prison population is disproportionately made up of African-Americans—making up 1 million out of 2.3 million incarcerated, according to the NAACP—thus disproportionately disenfranchising many more African-Americans who have been convicted; and

**Whereas,** the New York State Department of Corrections and Community Supervision (“DOCCS”) reported that in 2013, 50% of inmates were African-American, and 24% of inmates were Hispanic; and

**Whereas,** According to the New York Civil Liberties Union, as of 2010, “an estimated 122,018 people with felony convictions are barred from voting in New York”, with 54% of the disfranchised in prison or jail and 46% of the disfranchised on parole; and

**Whereas,** According to a 2010 study conducted by The Sentencing Project, “over 40% of prisoners believe that incarceration causes someone to permanently lose his or her right to vote, and almost 60% of prisoners believe that being on probation makes them ineligible to vote”; and

**Whereas,** A.7634 would amend Election Law Section 5-106 by restoring voting rights to individuals who have been released to community supervision from incarceration; and

**Whereas,** A.7634 would amend Election Law Section 5-106 by extending Section 1 to apply to Federal felony convictions and convictions from other states; and

**Whereas,** A.7634 would amend Correction Law Section 75 by requiring the DOCCS to notify each individual on parole of his or her right to vote, along with the provision of registration forms; and

**Whereas,** Most individuals on parole may be barred from voting despite being in the community for many years after leaving incarceration, awaiting the end of their parole or sentence, and are unaware of their ability to vote even after they become eligible; and

**Whereas;** Voting is a universal right and should not be withheld from individuals who are on the path to reentering society as members of the community, and those who are able to vote post-incarceration should be made aware of their rights to civic participation; and

**Whereas,** Parole is utilized as a means to prevent recidivism and aid to reintegrate someone into society, and disenfranchisement after prison prevents them from exercising constitutional rights and displaying civic responsibility, thus hindering the reintegration process; and

**Whereas,** Individuals who have left prison and are being reintegrated into society should have their voting rights restored and be made aware of their restoration; now, therefore, be it

September 30, 2015

3598

**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.7634, which would amend both the New York State Election Law and the Correction Law, in relation to voting by convicted felons.

Referred to the Committee on Governmental Operations.

Int. No. 944

By Council Members Rosenthal, Johnson, Chin, Kallos, Levin, Levine, Menchaca, Mendez, Reynoso and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to construction work permits.**

*Be it enacted by the Council as follows:*

Section 1. Article 103 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.26 to read as follows:

**§ 28-103.26 Disclosure of building occupancy status for buildings subject to permit.** *For each building for which a permit for work has been issued, the commissioner shall post on the department's website a statement of whether the construction documents relating to such permit indicate that one or more dwelling units within such building will be occupied during such work.*

§ 2. Section 28-104.2.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**§ 28-104.2.1 Less than full examination of applications for construction and related document approval.** The commissioner may, in the commissioner's discretion, establish a program whereby construction and related documents may be accepted with less than full examination by the department based on the professional certification of an applicant who is a registered design professional.

**Exception:** *Where a penalty is imposed pursuant to article 213 of chapter 2 of this title for work that has been performed without a permit on a building, construction and related documents for work at such building shall not be accepted with less than full examination by the department for one year after such imposition.*

§ 3. Article 104 of the administrative code of the city of New York is amended by adding a new section 28-104.2.11 to read as follows:

**§ 28-104.2.11 Notice of construction document submissions where work has been done without a permit.** *Where a penalty is imposed pursuant to article 213 of chapter 2 of this title for work that has been done without a permit on a building, upon receipt by the department of construction documents relating to such building within one year after such imposition, the department shall provide written notice, and notice by electronic mail, of the proposed work to the following persons at least 30 days before the issuance of any permit for such work:*

1. *The borough president of the borough in which such building is located;*



2. *The council member in whose district such building is located; and*
3. *The community board of the community district in which such building is located.*

§ 4. Section 28-105.11 of the administrative code of the city of New York, as added by local law number 141 for 2013, is amended to read as follows:

**§ 28-105.11 Posting of permit.** The building permit or copy thereof shall be posted in a conspicuous place at the work site, visible to the public for the duration of the work or the use and operation of the equipment, or until the expiration of the permit. No such permit shall be posted or displayed at any location other than the location of the premises or equipment for which the permit was issued. Where the permit is exposed to the weather, it shall be laminated or encased in a plastic covering to protect it from the elements. *The permit shall identify whether any dwelling unit within such building will be occupied during the work.*

**Exception:** Where a project information panel is required by section 3301.9.1 of the New York city building code, the permit shall be posted in accordance with such section, and no other permits shall be posted in any location readily visible to the public, except as provided in section 3301.9.5 of the New York city building code.

§ 5. Article 213 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-213.5 and 28-213.6 to read as follows:

**§ 28-213.5 Enhanced penalties for other violations.** *Where a penalty is imposed pursuant to this article for work that has been performed without a permit on a building, the civil penalty for each violation of this code issued for such building within one year after such imposition shall be two times the penalty that would otherwise apply for such violation.*

**§ 28-213.6 Inspection fees.** *Where a penalty is imposed pursuant to this article for work that has been performed without a permit on a building, the department may impose an inspection fee, in an amount to be established by rule, for each complaint-based inspection it conducts at such building within one year after imposition of such penalty where such inspection results in the issuance of a violation.*

§ 6. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings 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.

Int. No. 945

By Council Members Torres, Levin, Arroyo, Cumbo, Eugene, Cohen and Dickens.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring information on the number of New York city housing authority residents entering temporary shelter.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-317 to read as follows:

*§ 21-317 New York city housing authority residents entering shelter. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

*Adult. The term "adult" means any person who is eighteen years of age or older.*

*Adult families. The term "adult families" means families comprised of adults and no children.*

*Children. The term "children" means people under 18 years of age.*

*Families with children. The term "families with children" means families with adults and children, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual.*

*HRA domestic violence shelter. The term "HRA domestic violence shelter" means any residential care facility providing emergency shelter and services to victims of domestic violence and their minor children, and operated by the department of social services/human resources administration or a provider under contract or similar agreement with the department of social services/human resources administration.*

*Single adult. The term "single adult" means individuals without an accompanying adult or child.*

*Temporary shelter. The term "temporary shelter" means a shelter placement provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*b. Not later than April 1, 2016, and no later than April 1st annually thereafter, the department shall submit to the council and post on its website a report regarding the number of individuals and families entering a temporary shelter or an HRA domestic violence shelter whose last known address was a New York city housing authority building during the prior calendar year. Such data shall be disaggregated by the month the individual or family entered shelter, whether the entrant is a single adult, adult family or family with children, whether the individual or family is entering a temporary shelter or an HRA domestic violence shelter, and the reason the individual or family is entering shelter, including but not limited to eviction, overcrowding or domestic violence.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on General Welfare.

Int. No. 946

By Council Members Vacca, Chin, Arroyo, Gentile, Koslowitz, Rose, Cohen and Dickens.

**A Local Law to amend the administrative code of the city of New York, in relation to annual reporting on unlicensed child care facilities closed by the department of health and mental hygiene.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 13 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1307 to read as follows:

*§ 17-1307 Reports regarding unlicensed child care.*

*Commencing no later than September 17, 2016, and no later than September 17 of each year, the department shall send to the speaker of the council, or shall include in the mayor's management report prepared pursuant to section 12 of the charter, information regarding child care programs, as such term is defined in section 17-1306 of the administrative code, in New York city that includes, at a minimum, the following data concerning child care services during the previous fiscal year, and, to the extent that the department has access to such information, state-regulated family and group family day care homes and school-age child care programs:*

*a. the number of child care programs that are licensed, registered, or permitted, disaggregated by borough and by program type;*

*b. the number of inspections of such child care programs conducted by the department, disaggregated by borough and by program type;*

*c. the number of complaints received by the department regarding child day care providers, as such term is defined in section 390 of the social services law, that lack a license, registration, or permit required for operation as such a child day care provider, disaggregated by the type of child care program and borough in which the provider is located, and the final resolution of each such complaint as applicable; and*

*d. the number of child day care providers, as such term is defined in section 390 of the social services law, that received cease and desist orders from the department or that were otherwise closed due to their unlicensed operation on account of the actions of any city agency.*

*The department shall publish on its website the addresses of the child day care providers, as such term is defined in section 390 of the social services law, that received cease and desist orders from the department or that were otherwise closed due to their unlicensed operation on account of the actions of any city agency.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

September 30, 2015

3602

Int. No. 947

By Council Members Williams, Cabrera, Crowley, Arroyo, Chin, Cumbo, Gentile and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that New York city police department vehicles be equipped with bulletproof glass.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-172 to read as follows:

§ 10-172 *Bulletproof glass. a. All patrol vehicles utilized by the department shall be equipped with bulletproof glass.*

§2. This local law takes effect one year after it becomes law.

Referred to the Committee on Public Safety.

At this point the Speaker (Council Member Mark-Viverito) made the following announcements:

**ANNOUNCEMENTS:**

**Thursday, October 1, 2015**

★ *Deferred*

~~Committee on **CIVIL SERVICE AND LABOR** ..... **10:00 A.M.**  
Proposed Int. 632 A — By Council Members Miller, Johnson, Kallos, Lander, Chin, Rosenthal, Levine, Constantinides, Dromm, Williams, Menchaca, Ferreras-Copeland, Rodriguez, Torres, Koslowitz, Arroyo, Laneman and Levin — A Local Law to amend the administrative code of the city of New York, in relation to requiring successor employers in the grocery industry to retain eligible employees for a transition employment period.  
Committee Room — City Hall ..... I. Daneek Miller, Chairperson~~

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the Committee on **JUVENILE JUSTICE**..... **10:00 A.M.**  
Oversight - Examining Recidivism and Compliance Rates at the Department of Probation.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Elizabeth Crowley, Chairperson  
 ..... Fernando Cabrera, Chairperson

★ *Note Location Change*

Committee on **GOVERNMENTAL OPERATIONS** ..... **10:00 A.M.**

Int 464 - By Council Members Wills, Barron, Mendez and Rodriguez - A Local Law to amend the New York city charter, in relation to the Department of Correction promoting absentee voting among jailed individuals.

Int 628 - By Council Members Kallos, Cabrera, Rosenthal, Eugene, Gentile, Levine, Richards, Rose, Espinal, Cornegy, Wills, Vallone, Lancman and Menchaca - A Local Law to amend the administrative code of the city of New York in relation to improving young adults' access to voter registration materials by requiring the department of education of the city of New York and the board of elections of the city of New York to provide students with registration materials in appropriate languages and to track and report on the efficacy of distributing registration materials to students.

Int 796 - By Council Members Constantinides, Johnson, Kallos, Arroyo, Chin, Cornegy, Espinal, Gentile, Koslowitz, Mendez, Richards and Cohen - A Local Law to amend the New York city charter, in relation to requiring assistance if requested for individuals signing up to be organ donors as part of the agency-based voter registration program.

Res 695 - By Council Members Rosenthal, Kallos, Constantinides, Cumbo, Johnson, Richards, Rose, Gentile and Menchaca - 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.

Res 848 - By Council Members Kallos and Cabrera - Resolution calling upon the New York State Legislature and the People of the State of New York to amend the State Constitution, and the New York State Legislature to pass and the Governor to sign legislation amending the Election Law to establish same-day and online voter registration.

★ Committee Room – City Hall ..... Ben Kallos, Chairperson

Committee on **PUBLIC HOUSING** jointly with the

Committee on **CONTRACTS** ..... **10:00 A.M.**

Oversight – Examining the Need for Contracting Accountability and Transparency at NYCHA in Light of Leaking Roofs at King Towers

Council Chambers – City Hall ..... Ritchie Torres, Chairperson

..... Helen Rosenthal, Chairperson

Committee on **EDUCATION** ..... **1:00 P.M.**

Oversight - DOE's Restructured School Support System

Council Chambers – City Hall ..... Daniel Dromm, Chairperson

**Committee on TECHNOLOGY..... 1:00 P.M.**

Oversight –Open Data Plan 2015

Int 890 - By Council Member Cabrera – A Local Law to amend the administrative code of the city of New York, in relation to the retention of data on the open data portal.

Int 898 - By Council Member Gentile - A Local Law to amend the administrative code of the city of New York, in relation to requiring a data dictionary for every data set on the open data portal.

Int 900 - By Council Member Kallos - A Local Law to amend the administrative code of the city of New York, in relation to the standardization of address and geospatial information on the open data portal.

Int 908 - By Council Member Palma - A Local Law to amend the administrative code of the city of New York, in relation to the review of data requested through FOIL for inclusion on the open data portal.

Int 914 - By Council Member Torres - A Local Law to amend the administrative code of the city of New York, in relation to establishing response timelines for public requests on the open data portal.

Int 915 - By Council Member Vacca - A Local Law to amend the administrative code of the city of New York, in relation to the timely updating of certain public data sets on the open data portal.

Int 916 - By Council Member Vacca - A local law in relation to an open data law agency compliance audit. Committee Room – 250 Broadway, 14<sup>th</sup> Floor James Vacca, Chairperson

**Friday, October 2, 2015**

**Committee on PARKS AND RECREATION ..... 12:00 P.M.**

Int 856 - By Council Members Levine, Ulrich, Chin, Eugene, Gibson and Mendez - A Local Law to amend the administrative code of the city of New York, in relation to parks department recreation center fees for veterans and persons with disabilities

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mark Levine, Chairperson

**Wednesday, October 7, 2015**

**Committee on AGING .....10:00 A.M.**

Oversight - Older Adult Employment

Council Chambers – City Hall ..... Margaret Chin, Chairperson

★ *Note Topic Additions*

Committee on **TRANSPORTATION**..... **10:00 A.M.**

★ Oversight - Mechanisms to Improve the City’s Dangerous Intersections

Int 911 - By Council Members Rodriguez, Lander, Crowley, Chin, Koo and Rose - A Local Law in relation to improving safety along bus routes.

Int 912 - By Council Members Rodriguez, Arroyo, Chin, Gentile, Koo, Lancman, Mendez and Johnson - A Local Law to amend the administrative code of the city of New York, in relation to requiring curb extensions at certain dangerous intersections.

★ Res 621 - By Council Member Reynoso, Chin, Koo, Lander, Rose, Menchaca and Kallos - Resolution calling upon the Metropolitan Transportation Authority to install rear wheel guards on its buses.

Res 854 – By Council Members Rodriguez, Cabrera, Chin, Eugene, Gentile, Lander, Mendez and Rose - Resolution calling upon the Metropolitan Transportation Authority to study ways to eliminate blind spots on all MTA buses and to equip all of these buses with sensor technology to alert drivers, pedestrians and cyclists when a pedestrian or cyclist is in the bus’ blind spot.

Committee Room – City Hall .....Ydanis Rodriguez, Chairperson

**Thursday, October 8, 2015**

Subcommittee on **ZONING & FRANCHISES** ..... **9:30 A.M.**

See Land Use Calendar

Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Donovan Richards, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** ..... **11:00 A.M.**

See Land Use Calendar

Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Peter Koo, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** ..... **1:00 P.M.**

See Land Use Calendar

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Inez Dickens, Chairperson

**Tuesday, October 13, 2015**

★ *Addition*

Committee on **HOUSING AND BUILDINGS** ..... **10:00 A.M.**

Int 405 - By Council Members Rosenthal, Mendez, Rodriguez, Lander, Menchaca, Reynoso, Levin, Miller and Levine (by request of the Manhattan Borough President) - A Local Law to amend the administrative code city of New York, in relation to foldable bicycle access in passenger elevators.

Int 695 - By Council Member Rodriguez, Reynoso, Menchaca, Lander, Rosenthal, Kallos, Arroyo, Chin, Koo, Levin, Miller and Levine - A Local Law to amend the administrative code of the city of New York, in relation to bicycle access for elevators in residential buildings.

Int 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.

Council Chambers – City Hall ..... Jumaane D. Williams, Chairperson

Committee on **WOMEN’S ISSUES** ..... **10:00 A.M.**

Agenda to be announced

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Laurie Cumbo, Chairperson

Committee on **LAND USE**..... **11:00 A.M.**

All items reported out of the Subcommittees

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – City Hall ..... David G. Greenfield, Chairperson

**Wednesday, October 14, 2015**

Committee on **CONSUMER AFFAIRS** ..... **10:00 A.M.**

Agenda to be announced

Committee Room – 250 Broadway, 14<sup>th</sup> Floor .....Rafael L. Espinal, Chairperson

Committee on **GENERAL WELFARE**..... **10:00 A.M.**

Agenda to be announced

Council Chambers – City Hall ..... Stephen Levin, Chairperson



Committee on **HIGHER EDUCATION**.....**1:00 P.M.**

Agenda to be announced

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Inez Barron, Chairperson

Committee on **TECHNOLOGY**.....**1:00 P.M.**

Agenda to be announced

Council Chambers – City Hall..... James Vacca, Chairperson

**Thursday, October 15, 2015**

*Stated Council Meeting*.....*Ceremonial Tributes – 1:00 p.m.*

.....*Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Thursday, October 15, 2015.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

September 30, 2015

3608