

## **THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Tuesday, January 19, 2016, 1:55 p.m.

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

### Council Members

Melissa Mark-Viverito, Speaker

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

Absent: Council Member Rodriguez.

Medical Leave: Council Members Rose and Wills.

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

*There is presently a vacancy in the Council pending the swearing-in of the certified winner of the scheduled February 23, 2016 Special Election to be held in the 17<sup>th</sup> District (The Bronx).*

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

*There were 47 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by: Rev. Chole Breyer, Associate Priest, St. Phillips Church, 204 West 134<sup>th</sup> Street, New York, N.Y. 10030.

Good morning.  
I understand that many of you  
went to Martin Luther King Day celebrations yesterday,  
so these words will not be unfamiliar.

From the letter from the Birmingham Jail:  
I had hoped that the white moderate  
would understand that law and order exist  
for the purpose of establishing justice  
and that when they fail at this purpose  
they become dangerously structured dams  
that block the flow of social progress.  
I had hoped that the white moderate  
would understand that the present tension in the South  
is a necessary phase of the transition from a negative peace.  
Actually, we who engage in nonviolent direct action  
are not the creators of tension.  
We merely bring to the surface  
the hidden tension that is already alive.  
Oppressed people cannot remain oppressed forever.  
The yearning for freedom eventually manifests itself,  
and this is what has happened to the American Negro.  
I have not said to my people: "Get rid of this discontent."  
Rather, I have tried to say that this is normal  
and healthy discontent and it can be channeled  
into the creative outlet of nonviolent direct action.  
And now this approach is being termed extremist.  
But I thought though I was initially disappointed  
at being characterized as extremist,  
I continued to think about the matter  
and gradually gained a measure of satisfaction from the label.  
Was not Jesus an extremist for love?  
Was not Amos an extremist for justice?  
And was not Paul an extremist for the Gospel?  
And Abraham Lincoln and Martin Luther and Jefferson,  
we hold these truths to be self evident  
that all men are created equal.  
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 this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged the previous day's Martin Luther King Day commemoration. She pointed out that the Council stands with all New Yorkers in the fight to provide a living wage for all, to provide equity and justice, and to dedicate ourselves to making Dr. King's dream a reality. Also during this segment of the Meeting, the Speaker (Council Member Mark-Viverito) recognized Police Officer Sherrod Stuart who was shot in the line of duty on January 9, 2016 in the Bronx portion of the Speaker's district. She announced that he is expected to make a full recovery from his wounds. The Speaker (Council Member Mark-Viverito) thanked him for his service and thanked all NYPD officers who put their lives on the line for every New Yorker each and every day.

### **ADOPTION OF MINUTES**

Council Member Rosenthal moved that the Minutes of the Stated Meeting of December 16, 2015 and the Charter Meeting of January 6, 2016 be adopted as printed.

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

M-363

**Communication from the Mayor – Submitting the name of Shin-pei Tsay to the Council for its advice and consent regarding her appointment as a member of the New York City Art Commission, pursuant to Sections 31 and 851 of the New York City Charter.**

January 12, 2016

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

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 851 of the New York City Charter, I am pleased to present the name of Shin-pei Tsay to the City Council for advice and consent in anticipation of her appointment as a member of the New York City Art Commission, known as the Public Design Commission.

When appointed, Ms. Tsay will serve for the remainder of a three-year term expiring on Dec. 31, 2019.

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

Sincerely,

Bill de Blasio  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-364

**Communication from the Mayor – Submitting the report, and supporting the recommendations, of the Quadrennial Advisory Commission for the Review of Compensation Levels of Elected Officials.**

January 13, 2016

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

Dear Speaker Mark-Viverito,

On September 18, 2015, pursuant to § 3-601 of the City's Administrative Code, I appointed a Quadrennial Advisory Commission to review the compensation levels of New York City's elected officials. This independent three-member commission was comprised of leading experts in management and compensation. It was chaired by Frederick A.O. ("Fritz") Schwarz, Jr., the Chief Counsel at the Brennan Center for Justice and former Corporation Counsel for the City of New York, and also included Jill Bright, the Chief Administrative Officer of Conde Nast, and Paul Quintero, the Chief Executive Officer at ACCION EAST, Inc., a non-profit that works to empower low- to moderate-income business owners with access to capital and financial education.

The Commission was asked to study and potentially recommend changes to the compensation levels for the Mayor, Public Advocate, Comptroller, Borough Presidents, Council Members, and District Attorneys. The last commission was convened in 2006.

The Commission examined a wide variety of factors in evaluating compensation. Of particular interest is that this Commission, for the first time ever, considered elected official salaries as they relate to pay for working New Yorkers. They also studied traditional metrics like the responsibilities of each office and the number of employees they supervise. They evaluated the benefits package our public employees receive relative to their counterparts in other jurisdictions. The Commission's deliberations reflect a concern for ensuring fair wages and benefits for all public employees — a concern that this Administration shares. Just last week we increased the minimum wage for city employees to \$15 and offered 6 weeks paid parental leave to 20,000 city employees.

As the Commission noted in its report, they put a premium on transparency and solicited input from all New Yorkers while conducting its study. The feedback to the Commission included several proposals for reforming City Council compensation and a range of views on how those reforms should be valued as it relates to City Council raises, with some good government groups arguing for larger raises than this Commission recommended.

This Commission is also the first to recommend that being a Council Member should be formally recognized as a full-time position and that members should be largely prohibited from engaging in outside employment. Such a proposal would require all Council Members to wholly dedicate themselves to their office and forego any non-City employment that could require a significant amount of their time.

Accordingly, full-time status would preclude outside employment other than de minimis activities — such as writing an article or teaching as an adjunct professor — and would require Council Members to generally give up their ability to take on other occupations or assume duties beyond their office. However, passive income derived from investments or ownership interests would be permitted, provided that they do not involve active management on behalf of a Council Member. Moreover, a process should be established to ensure that outside activities do not interfere with the effective performance of official duties and that any potential conflict of interest should be reviewed by the Conflicts of Interest Board.

The loss of potential income from transitioning to a full-time status is not insignificant. However, should the City Council adopt this groundbreaking reform in New York City, it will have the dual benefit of allowing Council Members to fully commit their time and energy to their constituents and eliminating even the appearance of conflicts of interest.

I am grateful to Fritz Schwarz, Jill Bright, Paul Quintero and their staff for dedicating their expertise, time and energy to this extraordinary effort. The Commission, which has worked independently and tirelessly, took a comprehensive look at the issues of management and compensation in City government and their efforts resulted in thoughtful, well-reasoned recommendations. Pursuant to City law, the Commission will be impaneled in three years to continue the review of elected official compensation.

New York City is home to some of the best, hardest working public officials and I believe the Commission successfully balanced a variety of competing concerns in their recommendations. I forward you this report with my approval, and affirm the Commission's recommendation that, upon the City Council's action on these proposals, all changes be made retroactive to January 1, 2016.

Sincerely,

Bill de Blasio

Received, Ordered, Printed and Filed.

#### **LAND USE CALL-UPS**

M-365

By Council Member Chin:

**Pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 150384 ZSM shall be subject to Council Review.**

Coupled on Call-Up Vote.

M-366

By Council Member Chin:

**Pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 150385 ZSM shall be subject to Council Review.**

Coupled on Call-Up Vote.

M-367

By the Chair of the Land Use Committee Council Member Greenfield:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application Nos. C 150417 ZSM and C 150418 ZSM shall be subject to Council review. These items are related to Application No. N 150416 ZRM which is subject to Council review pursuant to Section 197-d(b)(1) of the New York City Charter.**

Coupled on Call-Up Vote.

#### **LAND USE CALL-UP VOTE**

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

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

At this point, the Public Advocate (Ms. James) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

#### **REPORTS OF STANDING COMMITTEES**

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

Report for Int No. 632-B

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring successor employers in the grocery industry to retain eligible employees for a transitional employment period.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on January 22, 2015 (Minutes, page 346), respectfully

## REPORTS:

### **INTRODUCTION**

On January 19, 2016 the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, will hold a second hearing on Proposed Int. No. 632-B, 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. The Committee held a first hearing on this legislation on September 25, 2015 during which it heard testimony from unions, the grocery industry, grocery workers, activists and other interested parties.

### **BACKGROUND**

Generally speaking, worker retention laws and policies are designed to protect workers when there is a change in ownership or contracts.<sup>1</sup> The Partnership for Working Families has stated that, “Worker retention policies protect the welfare of working families, they provide a stable and knowledgeable workforce for contractors or business owners, and thus maintain the provision of reliable service to clientele.”<sup>2</sup> Although the mechanisms vary, worker retention provisions operate to help employees keep their jobs, sometimes for a transitional period of time, if there is a change in ownership of a business or a contract holder.<sup>3</sup>

Referring to the new California statewide law that provides a retention period for private sector grocery workers, in a manner similar to this local legislation, Mickey Kasparian, President of the United Food and Commercial Workers Union Local 135 in San Diego, recently commented that the “grocery industry is changing at a fast and furious pace, and that can create a lot of uncertainty for the employees that have made these stores so profitable. It’s important that workers have a fair chance to keep their jobs.”<sup>4</sup> Proposed Int. No. 632-B was crafted to require successor employers in the grocery industry retain eligible employees for a transitional period of time.<sup>5</sup> A prior version of this local legislation was proposed in New York City in 2002, after the 9/11 attacks, and has been reintroduced and referred to this Committee over the years.

On a historical note, legislation that provided for a 90-day retention period and continued employment of building service workers in the City was enacted in 2002, as the Displaced Building Service Worker Protection Act (DBSWPA).<sup>6</sup> The DBSWPA has been enforced by the National Labor Relations Board, as recently as August of 2015.<sup>7</sup> However, New York City was not the first to pass legislation for the retention of workers.

In 1994, Washington, D.C. passed a worker retention law well before 9/11, referred to as the “Displaced Worker Protection Act,” that covered contractors who employed 25 or more persons and performed food, janitorial, maintenance, or nonprofessional health care services. The terms of the D.C. law are very similar to the DBSWPA, in that after a 90-day transition period, employees deemed satisfactory are to be kept. The D.C. law was challenged and upheld.<sup>8</sup> Since the DBSWPA, several other jurisdiction have put retention laws into effect, including numerous cities: Philadelphia, PA; Providence, RI; Los Angeles, CA; San Francisco, CA; Oakland, CA; Long Beach, CA; Berkeley, CA; San Jose, CA; Santa Cruz, CA; San Leandro,

<sup>1</sup> Partnership for Working Families, “Policy & Tools: Worker Retention Policies,” available at <http://www.forworkingfamilies.org/resources/policy-tools-worker-retention-policies>. (Last accessed on 09-22-2015.)

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

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

<sup>4</sup> “California enacts worker retention law,” Supermarket News, Aug 18, 2015, available at: <http://supermarketnews.com/retail-financial/california-enacts-worker-retention-law#ixzz3mTqYfXWO>.

<sup>5</sup> See <http://www.laborpress.org/sectors/union-retail/4966-inside-the-new-effort-to-protect-grocery-workers>. (Last accessed on 09-22-2015.)

<sup>6</sup> Local Law 39 of 2002 codified as N.Y.C. Admin Code § 22-505.

<sup>7</sup> *GVS Properties, LLC*, 29-CA-077359; 362 NLRB No. 194 (Aug. 27, 2015).

<sup>8</sup> *Washington Service Contractors Coalition v. District of Columbia*, 54 F.3d 811 (D.C. Cir. 1995).

CA; Gardena, CA; Emeryville, CA; and New Haven, CT; by the Counties of Los Angeles, CA; Santa Cruz, CA; and Westchester, NY; by the District of Columbia and the State of California.

## **BILL SUMMARY**

Proposed Int. No. 632-B would require new owners of grocery stores to retain the workers of the former grocery store it had purchased from for 90 days, after which time the owner must evaluate the employees and may offer such employees continued employment.

Section one of the bill would amend subdivision e of section 2203 of the New York City Charter. It would give the Commissioner of Consumer Affairs the authority to receive, investigate, and resolve complaints regarding the retention of grocery workers, and the power to conduct investigations regarding violations of section 22-507 of the Administrative Code (the Code) upon his or her own initiative.

Section two of the bill would create a new section 22-507 to chapter 5 of title 22 of the Code. Subdivision a of such section 22-507 would provide definitions for the law. For purposes of the section, the following terms would have the following meanings:

“Change in control” would mean any sale, assignment, transfer, contribution or other disposition of all or substantially all of the assets or a controlling interest, including by consolidation, merger or reorganization, of any grocery establishment.

“City” would mean the city of New York.

“Department” would mean the department of consumer affairs or any other agency or office designated by the mayor.

“Eligible grocery employee” would mean any person employed by a grocery establishment subject to a change in control, and who has been employed by such establishment on a full-time or a part-time basis for a period of at least six months prior to the effective date of the change in control; provided that such term shall not include persons who are managerial, supervisory or confidential employees or persons who on average regularly worked fewer than eight hours per week during such period.

“Grocery establishment” would mean any retail store in the city of New York in which the sale of food for off-site consumption comprises fifty percent or more of store sales and that exceeds 10,000 square feet in size, exclusive of any storage space, loading dock, food preparation space or eating area designated for the consumption of prepared food.

“Incumbent grocery employer” would mean any person that owns or controls a grocery establishment prior to any change in control.

“Person” would mean any individual, corporation, sole proprietorship, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality or any other legal or commercial entity, whether domestic or foreign.

“Successor grocery employer” would mean any person that owns or controls a grocery establishment after any change in control.

“Transitional employment period” would mean a 90 day period beginning upon the latter of the effective date of a change in control of a grocery establishment or the end of any period during which such grocery establishment was not open to the public during its normal business hours.

Subdivision b of section 22-507 of the Code relates to worker retention and a transition period. The first paragraph of this subdivision would require that no less than fifteen calendar days before the effective date of any change in control of a grocery establishment, an incumbent grocery employer to:

(A) provide to the successor grocery employer a full and accurate list containing the name, address, phone number, if known by such incumbent grocery employee, email address, if known by such incumbent grocery employer, date of hire and job category of each eligible grocery employee;

(B) post a notice in the same location and manner that other statutorily required notices to employees are posted at such grocery establishment, which would include:

(i) the effective date of such change in control;

(ii) the name and contact information for the successor grocery employer;

(iii) an explanation of the rights provided pursuant to this section, in a form prescribed by the department; and

(iv) the names and job categories of each eligible grocery employee.



(C) provide the list and notice required by subparagraphs (A) and (B) of this paragraph to the eligible grocery employees' collective bargaining representatives, if any.

Paragraph 2 of such subdivision b would require a successor grocery employer retain each eligible grocery employee for the transitional employment period and, except as provided in paragraph 3 of this subdivision, a successor grocery employer would be prohibited from discharging an eligible grocery employee retained pursuant to this section during the transitional employment period without cause.

Paragraph 3 of subdivision b of such section 22-507 would provide that if at any time during the transitional employment period a successor grocery employer determines that it requires fewer eligible grocery employees than were employed by the incumbent grocery employer, such successor grocery employer would be required to retain such eligible grocery employees by seniority within each job category. During the transitional employment period, the successor grocery employer would be required to maintain a preferential hiring list of any eligible grocery employees not retained by such successor grocery employer who would be required, by seniority within their job category, to be given a right of first refusal to any jobs that become available during such period within such job category.

The fourth paragraph of such subdivision b would state that a successor grocery employer shall retain written verification of any offer of employment made by such successor grocery employer to any eligible grocery employee for a period of no less than three years from the date such offer was made. Such verification would be required to include the name, address, date of offer and job category of each eligible grocery employee.

Paragraph five of such subdivision b would state that at the end of the transition employment period, a successor grocery employer would be required to complete a written performance evaluation for each eligible grocery employee retained pursuant to this section. If the eligible grocery employee's performance during such transition employment period was satisfactory, the successor grocery employer may offer such eligible grocery employee continued employment. A successor grocery employer would be required retain a record of the written performance evaluation for a period of no less than three years.

Subdivision c of section 22-507 relates to penalties. The first paragraph of this subdivision would state that any incumbent grocery employer who violates paragraph 1 of subdivision b of this section would be liable for a civil penalty of not more than \$1,000.

The second paragraph of such subdivision would state that any successor grocery employer who violates paragraph 2 of subdivision b of this section would be liable for a civil penalty of not more than \$750 for each employee not retained or terminated without cause during the transitional employment period.

The third paragraph of such subdivision would state that any successor grocery employer who violates paragraph 3 of subdivision b of this section for failing to maintain a preferential hiring list of any eligible grocery employees not retained by such successor grocery employer would be liable for a civil penalty of not more than \$750.

The fourth paragraph of such subdivision would state that any successor grocery employer who violates paragraph 4 of subdivision b of this section for failing to retain written verification of any offer of employment made by such successor grocery employer to any eligible grocery employee would be liable for a civil penalty of not more than \$500.

The fifth paragraph of such subdivision would state that any successor grocery employer who violates paragraph 5 of subdivision b of this section for failing to complete or retain written performance evaluations for each eligible grocery employee retained during the transitional employment period would be liable for a civil penalty of not more than \$500.

Subdivision d of section 22-507 would pertain to enforcement. The first paragraph of such section would state that any eligible grocery employee alleging a violation of this section may file a complaint with the department within 180 days of the date such eligible grocery employee knew or should have known of the alleged violation.

The provision would further state that the department would investigate any complaint it receives regarding an alleged violation of this section. The department would be required to maintain confidential the identity of any complainant unless disclosure of such complainant's identity is necessary for resolution of the investigation or otherwise required by law. The department would also, to the extent practicable, be required to notify such complainant that the department would be disclosing his or her identity prior to such disclosure.

In addition, it would state that the department would be able to, at any time after the filing of a

complaint, resolve the complaint by any method of dispute resolution, unless such complaint is withdrawn by the complainant.

Further, this subdivision would state that the department would be required to keep complainants reasonably notified regarding the status of their complaint and any resultant investigation.

In addition, this subdivision would state that a proceeding to recover any civil penalty authorized by this section would be commenced by the service of a notice of violation which would be returnable to the Office of Administrative Tribunals and Hearings (OATH). OATH would have the power to impose the penalties described by paragraphs 1 through 5 of subdivision c of this section and by paragraph 3 of subdivision d of section 22-507.

And, finally, this subdivision would state that the department would be empowered to settle a notice of violation at any time prior to the conclusion of an adjudication, provided that any complainant who opts out of such settlement would be permitted to withdraw his or her complaint and file a private right of action pursuant to paragraph 2 of this subdivision.

The second paragraph of subdivision d of section 22-507 would state that any eligible grocery employee alleging a violation of this section would be able to bring a civil action against an incumbent grocery employer for a violation of paragraph 1 of subdivision b of this section or against a successor grocery employer for a violation of paragraphs 2 through 5 of subdivision b of this section only if: such eligible grocery employee has filed a complaint with the department pursuant to paragraph 1 of this subdivision arising out of the same facts and circumstances, the department has not, within 120 days, either resolved such complaint or issued a notice of violation, and such employee has withdrawn such complaint with the department; or such eligible grocery employee has filed a complaint with the department pursuant to paragraph 1 of this subdivision arising out of the same facts and circumstances, has opted out of a settlement reached by the department pursuant to paragraph 1 of this subdivision, and has withdrawn his or her complaint with the department.

The third paragraph of subdivision d of section 22-507 would state that in addition to the penalties authorized by subdivision c of this section, the remedy in any administrative proceeding or civil action undertaken pursuant to this section could include:

(A) three times the pay for each day the eligible grocery employee was discharged or not retained in violation of paragraph 2 of subdivision b of this section, which would be calculated at a rate of compensation not less than the higher of:

(i) the average regular rate of pay received by the eligible grocery employee during the last three years of such eligible grocery employee's employment in the same job category, or

(ii) the most recent regular rate received by the eligible grocery employee while employed by either the incumbent grocery employer or the successor grocery employer, regardless whether such employee obtained an alternate source of income that was less than, equal to, or greater than the rate calculated pursuant to this paragraph;

(B) the value of the benefits the eligible grocery employee would have received under the successor grocery employer's benefit plan for those days such employee was discharged or was not retained in violation of paragraph 2 of subdivision b of this section;

(C) an order requiring that the successor grocery employer retain its eligible grocery employees during the transitional employment period, unless an eligible grocery employee is discharged pursuant to paragraph 3 of subdivision b of this section or with cause; and

(D) reasonable attorney's fees and costs incurred in maintaining a civil action for a violation of this section, provided the eligible grocery employee is the prevailing party in any such civil action.

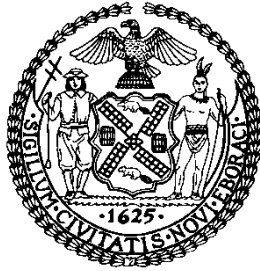
Subdivision e of section 22-507 pertains to collective bargaining agreements and would state that the provisions of this section would not apply to any successor grocery employer that, on or before the effective date of the transfer of control from a predecessor grocery employer to the successor grocery employer, enters into a collective bargaining agreement covering the eligible grocery employees or agrees to assume, or to be bound by, the collective bargaining agreement of the predecessor grocery employer covering the eligible grocery employees, provided that such collective bargaining agreement provides terms and conditions regarding the discharge or laying off of employees.

The third bill section of this legislation provides for a severability clause. It states that if any 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 should not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

The fourth section of the bill is the enactment clause. The clause would provide that this local law take effect 90 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int No. 632-B:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 632-B  
COMMITTEE: Civil Service and Labor**

**TITLE:** 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

**SPONSOR(S):** Council Members Miller, Johnson, Kallos, Lander, Chin, Rosenthal, King, Levine, Constantinides, Dromm, Williams, Menchaca, Ferreras-Copeland, Rodriguez, Torres, Koslowitz, Arroyo, Lancman, Levin, Richards, Barron, Van Bramer, Mealy, Dickens, Eugene, Maisel, Mendez, Koo, Gibson, Treyger, and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would require, upon any change in ownership, control or operation of a grocery store, a 90-day transitional period wherein employees are given the opportunity to demonstrate their value as employees and the new owners would consider keeping these workers as employees.

This legislation would require the incumbent grocery employer to provide a list to the successor grocery employer of each employee's name, address date of hire, and job category, and telephone number and email address if known. At least 15 days before the change in control, the incumbent grocery employer would be required to post a notice to employees, and provide to any collective bargaining representative, informing them of the effective date of the change in control, the name and contact information of the successor employer, an explanation of the employees' rights, and the names and job categories of each eligible grocery employee.

The successor grocery employer would be required to retain each eligible employee for the transitional period and not discharge them without cause. Eligible employees will retain their employment by the new owner for ninety days, after which the new employer must evaluate each employee and consider keeping them as employees. If during the transition period the successor employer determines it needs fewer employees than were required before, such successor employer would retain employees by seniority within each job classification.

The legislation would impose civil penalties for violation of the local law, ranging from \$500 to \$1,000, and would exempt successor employers who enter into or assume an existing collective bargaining contract covering the eligible grocery employees.

In addition, the legislation would confer enforcement authority on the Department of Consumer Affairs (DCA) which would allow DCA to receive, investigate, and resolve complaints and issue notices of violation returnable to the Office of Administrative Trials and Hearings (OATH). The legislation would also provide a legal private right of action to certain aggrieved eligible grocery store employees.

**EFFECTIVE DATE:** This local law would take effect 90 days after becomes law.

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

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**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 would be no impact on revenue resulting from this legislation because full compliance is expected.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from this legislation.

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

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

**ESTIMATE PREPARED BY:** Kendall Stephenson, Legislative Financial Analyst, Finance Division

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on January 22, 2015 as Intro. 632 and was referred to the Committee on Civil Service and Labor. This legislation was considered at a hearing of the Committee on Civil Service and Labor on September 25, 2015 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 632-B, will be considered by the Committee on January 19, 2016. Upon successful vote by the Committee, Proposed Intro. No.632-B will be submitted to the full Council for a vote on January 19, 2016.

**DATE PREPARED:** January 13, 2016

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

**(The following is the text of Int No. 632-B:)**

Int. No. 632-B

By Council Members Miller, Johnson, Kallos, Lander, Chin, Rosenthal, King, Levine, Constantinides, Dromm, Williams, Menchaca, Ferreras-Copeland, Rodriguez, Torres, Koslowitz, Lancman, Levin, Richards, Barron, Van Bramer, Mealy, Dickens, Eugene, Maisel, Mendez, Koo, Gibson, Treyger and Ulrich.

**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 transitional employment period.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 2203 of the charter of the city of New York, as amended by local law number 7 for the year 2014, is amended to read as follows:

(e) The commissioner shall have all powers as set forth in:

(1) chapter 8 of title 20 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, and the power to conduct investigations regarding violation of such chapter upon his or her own initiative; and

(2) section 22-507 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding the retention of grocery workers, and the power to conduct investigations regarding violations of such section upon his or her own initiative.

§ 2. Title 22 of the administrative code of the city of New York is amended by adding a new section 22-507 to read as follows:

§ 22-507 *Displaced Grocery Workers.* a. For purposes of this section, the following terms shall have the following meanings:

*Change in control.* The term “change in control” means any sale, assignment, transfer, contribution or other disposition of all or substantially all of the assets of, or a controlling interest in, including by consolidation, merger or reorganization, any grocery establishment.

*City.* The term “city” means the city of New York.

*Department.* The term “department” means the department of consumer affairs or any other agency or office designated by the mayor.

*Eligible grocery employee.* The term “eligible grocery employee” means any person employed by a grocery establishment subject to a change in control, and who has been employed by such establishment on a full-time or a part-time basis for a period of at least six months prior to the effective date of the change in control; provided that such term shall not include persons who are managerial, supervisory or confidential employees or persons who on average regularly worked fewer than eight hours per week during such period.

*Grocery establishment.* The term “grocery establishment” means any retail store in the city of New York in which the sale of food for off-site consumption comprises fifty percent or more of store sales and that exceeds 10,000 square feet in size, exclusive of any storage space, loading dock, food preparation space or eating area designated for the consumption of prepared food.

*Incumbent grocery employer.* The term “incumbent grocery employer” means any person that owns or controls a grocery establishment prior to any change in control.

*Person.* The term “person” means any individual, corporation, sole proprietorship, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality or any other legal or commercial entity, whether domestic or foreign.

*Successor grocery employer.* The term “successor grocery employer” means any person that owns or controls a grocery establishment after any change in control.

*Transitional employment period.* The term “transitional employment period” means a 90 day period beginning upon the latter of the effective date of a change in control of a grocery establishment or the end of any period during which such grocery establishment was not open to the public during its normal business hours.

b. Worker retention; transitional employment period.

1. No less than fifteen calendar days before the effective date of any change in control of a grocery establishment, the incumbent grocery employer shall:

(A) provide to the successor grocery employer a full and accurate list containing the name, address, phone number, if known by such incumbent grocery employee, email address, if known by such incumbent grocery employer, date of hire and job category of each eligible grocery employee;

(B) post a notice in the same location and manner that other statutorily required notices to employees are posted at such grocery establishment, which shall include:

(i) the effective date of such change in control;

(ii) the name and contact information for the successor grocery employer;

(iii) an explanation of the rights provided pursuant to this section, in a form prescribed by the department; and

(iv) the names and job categories of each eligible grocery employee.

(C) provide the list and notice required by subparagraphs (A) and (B) of this paragraph to the eligible grocery employees' collective bargaining representatives, if any.

2. A successor grocery employer shall retain each eligible grocery employee for the transitional employment period and, except as provided in paragraph 3 of this subdivision, a successor grocery employer shall not discharge an eligible grocery employee retained pursuant to this section during the transitional employment period without cause.

3. If at any time during the transitional employment period a successor grocery employer determines that it requires fewer eligible grocery employees than were employed by the incumbent grocery employer, such successor grocery employer shall retain such eligible grocery employees by seniority within each job category. During the transitional employment period, the successor grocery employer shall maintain a preferential hiring list of any eligible grocery employees not retained by such successor grocery employer who shall, by seniority within their job category, be given a right of first refusal to any jobs that become available during such period within such job category.

4. A successor grocery employer shall retain written verification of any offer of employment made by such successor grocery employer to any eligible grocery employee for a period of no less than three years from the date such offer was made. Such verification shall include the name, address, date of offer, and job category of each eligible grocery employee.

5. At the end of the transition employment period, a successor grocery employer shall complete a written performance evaluation for each eligible grocery employee retained pursuant to this section and may offer such eligible grocery employee continued employment. A successor grocery employer shall retain a record of the written performance evaluation for a period of no less than three years.

*c. Penalties.*

1. Any incumbent grocery employer who violates paragraph 1 of subdivision b of this section shall be liable for a civil penalty of not more than \$1,000.

2. Any successor grocery employer who violates paragraph 2 of subdivision b of this section shall be liable for a civil penalty of not more than \$750 for each employee not retained or terminated without cause during the transitional employment period.

3. Any successor grocery employer who violates paragraph 3 of subdivision b of this section for failing to maintain a preferential hiring list of any eligible grocery employees not retained by such successor grocery employer shall be liable for a civil penalty of not more than \$750.

4. Any successor grocery employer who violates paragraph 4 of subdivision b of this section for failing to retain written verification of any offer of employment made by such successor grocery employer to any eligible grocery employee shall be liable for a civil penalty of not more than \$500.

5. Any successor grocery employer who violates paragraph 5 of subdivision b of this section for failing to complete or retain written performance evaluations for each eligible grocery employee retained during the transitional employment period shall be liable for a civil penalty of not more than \$500.

*d. Enforcement.*

1. Any eligible grocery employee alleging a violation of this section may file a complaint with the department within 180 days of the date such eligible grocery employee knew or should have known of the alleged violation.

(A) The department shall investigate any complaint it receives regarding an alleged violation of this section. The department shall maintain confidential the identity of any complainant unless disclosure of such complainant's identity is necessary for resolution of the investigation or otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing his or her identity prior to such disclosure.

(B) *The department may, at any time after the filing of a complaint, resolve the complaint by any method of dispute resolution, unless such complaint is withdrawn by the complainant.*

(C) *The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation.*

(D) *A proceeding to recover any civil penalty authorized by this section shall be commenced by the service of a notice of violation which shall be returnable to the office of administrative tribunals and hearings. Such office shall have the power to impose the penalties described by paragraphs 1 through 5 of subdivision c of this section and by paragraph 3 of this subdivision.*

(E) *The department may settle a notice of violation at any time prior to the conclusion of an adjudication, provided that any complainant who opts out of such settlement may withdraw his or her complaint and file a private right of action pursuant to paragraph 2 of this subdivision.*

2. *Any eligible grocery employee alleging a violation of this section may bring a civil action against an incumbent grocery employer for a violation of paragraph 1 of subdivision b of this section or against a successor grocery employer for a violation of paragraphs 2 through 5 of subdivision b of this section only if:*

(A) *such eligible grocery employee has filed a complaint with the department pursuant to paragraph 1 of this subdivision arising out of the same facts and circumstances, the department has not, within 120 days, either resolved such complaint or issued a notice of violation, and such employee has withdrawn such complaint with the department; or*

(B) *such eligible grocery employee has filed a complaint with the department pursuant to paragraph 1 of this subdivision arising out of the same facts and circumstances, has opted out of a settlement reached by the department pursuant to subparagraph (E) of paragraph 1 of this subdivision, and has withdrawn his or her complaint with the department.*

3. *In addition to the penalties authorized by subdivision c of this section, the remedy in any administrative proceeding or civil action undertaken pursuant to this section may include:*

(A) *three times the pay for each day the eligible grocery employee was discharged or not retained in violation of paragraph 2 of subdivision b of this section, which shall be calculated at a rate of compensation not less than the higher of:*

(i) *the average regular rate of pay received by the eligible grocery employee during the last three years of such eligible grocery employee's employment in the same job category, or*

(ii) *the most recent regular rate received by the eligible grocery employee while employed by either the incumbent grocery employer or the successor grocery employer, regardless whether such employee obtained an alternate source of income that was less than, equal to, or greater than the rate calculated pursuant to this paragraph;*

(B) *the value of the benefits the eligible grocery employee would have received under the successor grocery employer's benefit plan for those days such employee was discharged or was not retained in violation of paragraph 2 of subdivision b of this section;*

(C) *an order requiring that the successor grocery employer retain its eligible grocery employees during the transitional employment period, unless an eligible grocery employee is discharged pursuant to paragraph 3 of subdivision b of this section or with cause; and*

(D) *reasonable attorney's fees and costs incurred in maintaining a civil action for a violation of this section, provided the eligible grocery employee is the prevailing party in any such civil action.*

e. *The provisions of this section shall not apply to any successor grocery employer that, on or before the effective date of the transfer of control from a predecessor grocery employer to the successor grocery employer, enters into a collective bargaining agreement covering the eligible grocery employees or agrees to assume, or to be bound by, the collective bargaining agreement of the predecessor grocery employer covering the eligible grocery employees, provided that such collective bargaining agreement provides terms and conditions regarding the discharge or laying off of employees.*

§ 3. *If any 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 the local law that added this section, which remaining portions shall remain in full force and effect.*

§ 4. *This local law shall take effect 90 days after it becomes law*

I. DANEEK MILLER, *Chairperson*; ELIZABETH S. CROWLEY, DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, January 19, 2016.

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 Education**

Report for Int. No. 771-A

#### **Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services.**

The Committee on Education, to which the annexed proposed amended local law was referred on April 28, 2015 (Minutes, page 1528), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On Tuesday, January 19, 2016, the Committee on Education, chaired by Council Member Daniel Dromm, will consider Proposed Int. No. 771-A, Proposed Int. No. 952-A, and Proposed Int. No. 957-A. The first hearing on all three bills was held on October 27, 2015 at which time the committee heard testimony from the Department of Education, parents and advocates.

#### **Proposed Int. No. 771-A - Bill Analysis**

Section one of Proposed Int. No. 771-A would provide the following definitions; “automated student health record database” would mean “a database maintained by the Department of Health and Mental Hygiene to record information about students’ medical care;” “NYC FITNESSGRAM” would mean “an annual fitness assessment used to determine students’ overall physical fitness;” “school based health center” would mean “means on-site health care services provided to students within the school building, which are operated by independent institutions including, but not limited to, hospitals and community based organizations;” “student” would mean “any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school or pre-kindergarten program in a district school within the city school district;” and “student health encounter” would mean “any student visit to a school medical room recorded in the automated student health record database.”

Section one would require annual reporting by the Department of Education to the Council on the provision of health services at public schools during the previous school year. The information would be required to be disaggregated by community school district, and demographic information for each school district would be required to be included in the report. The report would be due by April 30, 2017 and annually thereafter no later than April 30<sup>th</sup>.

Among the information required to be included in this report would be: a breakdown of full- and part-time nurses available at schools; the ratio on nurses to students in a school building; the number of health-related encounters between students and nurses, The total number of NYC FITNESSGRAMS performed, the amount of medication ordered, the number of students with reported conditions including allergies, asthma, diabetes type 1, and diabetes type 2; and the number of school based health centers, disaggregated by provider type, and the number of students enrolled in the schools served by the school based health center.



No information that would violate any applicable privacy provision, or that would interfere with law enforcement, would be included in the report.

Section two of Proposed Int. No. 771-A would make the bill effective immediately after it is enacted.

**Proposed Int. No. 952-A - Bill Analysis**

Section one of Proposed Int. No. 952-A would define “health education” as “health education instruction, including sexual health education and HIV/AIDS education, consistent with learning standards for health education found in regulations promulgated by the New York state commissioner of education and in the department’s requirements.

Section one of Proposed Int. 952-A would also require the DOE to report annually, starting on December 1<sup>st</sup> of 2016, and post on DOE’s website, the following information: (1) The total number and percentage of students in grades six through twelve who have completed at least one semester of comprehensive health education, (2) The total number and percentage of students in grade six who have completed at least 5 lessons in HIV/AIDS education, (3) The total number and percentage of students in grades seven through twelve who have completed at least 6 lessons in HIV/AIDS education, (4) Information regarding the implementation of health education instructions including, but not limited to: (i) how the department tracks compliance with the comprehensive health education and HIV/AIDS education requirements; (ii) how principals monitor teacher compliance with the sexual health knowledge benchmarks as outlined by the department and, (iii) how the efficacy of the comprehensive health education curriculum is evaluated. The bill would also require the DOE to report information regarding health education which specifically addresses lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students, including but not limited to, sexual health knowledge for same-sex relationships.

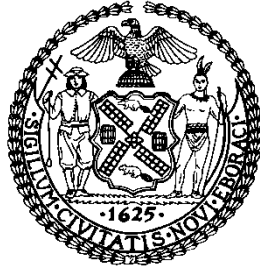
The bill would require the DOE to aggregate the information required to be reported by the bill citywide, and to disaggregate this information by City Council district, community school district and school.

**Proposed Int. No. 957-A - Bill Analysis**

Section one of Proposed Int. No. 957-A would define school as “a school of the city school district of the city of New York.” Section one would require the Department of Education (DOE ) to report annually, starting on December 1, 2016, information regarding instructors receiving training in sexual health education. The bill would require the following information to be disaggregated by instructors employed by the department for grades 6 through 8 and instructors employed by the department for grades 9 through 12: (i) the total number of licensed health instructor employed by the DOE, disaggregated by full-time and part-time instructors, (ii) the total number of instructors assigned to teach at least one health education class; (iii) the total number and percentage of instructors who received professional development training provided by the department on sexual health education in the preceding two school years; and, (iv) the total number and percentage of instructors who attended multiple sessions of professional development training provided by the department on sexual health education in the preceding two school years, disaggregated by the number of trainings attended.

The bill would require that all of the information reported be aggregated citywide and disaggregated by city council district, community school district and, when available, school.

**(The following is the Fiscal Impact Statement for Int No.771-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 771-A  
COMMITTEE: Education**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services.

**SPONSORS:** Council Members Johnson, Constantinides, Eugene, Gentile, Gibson, Koo, Richards, Rose, Rosenthal, Chin and Van Bramer

**SUMMARY OF LEGISLATION:** This legislation would require the Department of Education (DOE) to annually report to the Council information regarding health services provided to students the previous school year. The report must include, but not be limited to, (i) the number of school buildings where full- and part-time nurses are employed and the ratio of students to nurses in a school building; (ii) the average number of student health encounters per nurse in a school building; (iii) the total number of student health encounters; (iv) the number of NYC FITNESSGRAMS, the DOE’s annual student fitness assessment, performed including statistics regarding students’ body mass indices; (v) the number of students who have reported a diagnosis of allergies, diabetes type 1, or diabetes type 2; and (vi) the number of school-based health centers, disaggregated by the type of provider, and the total number of students enrolled in the schools served by each school-based health center.

The information in the report required by the legislation must also be disaggregated by school district. The first report would be due to the Council by April 30, 2017 and every April 30 thereafter.

**EFFECTIVE DATE:** This local law would take effect immediately

**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. DOE has indicated it will use existing staff and resources to complete this report.

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

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

**ESTIMATE PREPARED BY:** Elizabeth Hoffman, Principal Legislative Financial Analyst  
**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
 Tanisha Edwards, Chief Counsel  
 Rebecca Chasan, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on April 28, 2015 as Intro. 771 and referred to the Committee on Education. The legislation was considered by the Committee on Education at a hearing held jointly with the Committees on Health and Women's Issues on October 27, 2015 and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 771-A, will be voted on by the Committee on Education on January 19, 2016. Upon successful vote by the Committee, Proposed Intro. No. 771-A will be submitted to the full Council for a vote on January 19, 2016.

**DATE PREPARED:** January 13, 2016

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

**(The following is the text of Int No. 771-A:)**

Int. No. 771-A

By Council Members Johnson, Constantinides, Eugene, Gentile, Gibson, Koo, Richards, Rose, Rosenthal, Chin, Van Bramer, Lander, Cohen, Levin, Kallos, Williams and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student health services.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new chapter 8 to title 21-A to read as follows:

***Chapter 8 Student Health Services***

§ 21-965 *Student health services. a. Definitions. As used in this chapter, the following terms have the following meanings:*

*Automated student health record database. The term "automated student health record database" means a database maintained by the department of health and mental hygiene to record information about students' medical care.*

*NYC FITNESSGRAM. The term "NYC FITNESSGRAM" means an annual fitness assessment used to determine students' overall physical fitness.*

*School based health center. The term "school based health center" means on-site health care services provided to students within the school building, which are operated by independent institutions including, but not limited to, hospitals and community based organizations.*

*Student. "Student" shall mean any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school or pre-kindergarten program in a district school within the city school district.*

*Student health encounter. The term "student health encounter" means any student visit to a school medical room recorded in the automated student health record database.*

*b. Not later than April 30, 2017, and no later than April 30th annually thereafter, the department shall submit to the council a report regarding information on health services provided to students for the preceding school year. Such report shall include, but not be limited to:*

*1. The number of school buildings where full time nurses are employed by the office of school health and the number of school buildings where part time nurses are employed by such office; the ratio of students to*

nurses in such school buildings; and the average number of student health encounters per nurse in such school buildings;

2. The total number of student health encounters;

3. The total number of NYC FITNESSGRAMS performed, and the percentage of students assessed who had a body mass index: (i) below the 5th percentile; (ii) in the 5th to 84th percentile; (iii) in the 85<sup>th</sup> to 94th percentile; and (iv) equal to or above the 95th percentile.

4. The total number of medication orders reviewed by the office of school health and recorded in the automated student health record database;

5. The total number of students reported to the office of school health as having a diagnosis of allergies, asthma, diabetes type 1 or diabetes type 2; and

6. The total number of school based health centers disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; and the total number of students enrolled in the school or schools served by each school based health center.

d. All information required to be reported by this section shall be disaggregated by community school district.

e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law or the New York city health code relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between 0 and 9 students, or allows another category to be narrowed to be between 0 and 9 students, the number shall be replaced with a symbol.

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

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, ANDY L. KING, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, MARK LEVINE, ANTONIO REYNOSO; Committee on Education, January 19, 2016.

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. 952-A

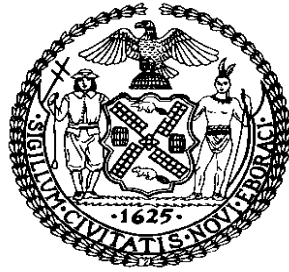
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding health education.**

The Committee on Education, to which the annexed proposed amended local law was referred on October 15, 2015 (Minutes, page 3693), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int No. 771-A printed above in these Minutes)**

*The following is the Fiscal Impact Statement for Int No. 952-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.:** 952-A  
**COMMITTEE:** Education

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding health education.

**SPONSORS:** Council Members Cumbo, Kallos, Eugene, Johnson, Koo, Mealy, Mendez, Palma, Richards, Cohen, Cornegy, Crowley, Espinal, Ferreras-Copeland, Garodnick, King, Lander, Levin, Levine, Maisel, Reynoso, Rodriguez, Torres, Treyger, Williams, Dickens, Gentile, Chin, Rose, Gibson, Miller, Menchaca, Van Bramer, Rosenthal and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would require the Department of Education (DOE) to annually report to the Speaker and post on its website information regarding health education instruction provided in the previous school year, including sexual health and HIV/AIDS education. The report must include, but would not be limited to, (i) the total number and percentage of students in grades six through twelve who have completed at least one semester of health education; (ii) the total number and percentage of students in grade six who have completed at least five lessons in HIV/AIDS; (iii) the total number and percentage of students in grades seven through twelve who have completed at least six lessons in HIV/AIDS education; (iv) information regarding the implementation of health education instruction, such as the DOE’s method of tracking compliance with applicable requirements and benchmarks and how the efficacy of the health education curriculum is evaluated; and (v) information regarding health education which specifically addresses non-heterosexual sexual orientations or non-cisgender gender identities, including sexual health knowledge for same-sex relationships.

The information in the report required by the legislation must be provided citywide, and disaggregated by Council district, school district, and school. The first report would be by December 1, 2016 and every December 1<sup>st</sup> thereafter.

**EFFECTIVE DATE:** This local law would take effect immediately

**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. DOE has indicated it will use existing staff and resources to complete this report.

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

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

**ESTIMATE PREPARED BY:** Elizabeth Hoffman, Principal Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Tanisha Edwards, Chief Counsel  
Rebecca Chasan, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 15, 2015 as Intro. 952 and referred to the Committee on Education. The legislation was considered by the Committee on Education at a hearing held jointly with the Committees on Health and Women's Issues on October 27, 2015 and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 952-A, will be voted on by the Committee on Education on January 19, 2016. Upon successful vote by the Committee, Proposed Intro. No. 952-A will be submitted to the full Council for a vote on January 19, 2016.

**DATE PREPARED:** January 13, 2016

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

**(The following is the text of Int No. 952-A:)**

Int. No. 952-A

By Council Members Cumbo, Kallos, Eugene, Johnson, Koo, Mealy, Mendez, Palma, Richards, Cohen, Cornegy, Crowley, Espinal, Ferreras-Copeland, Garodnick, King, Lander, Levin, Levine, Maisel, Reynoso, Rodriguez, Torres, Treyger, Williams, Dickens, Gentile, Chin, Rose, Gibson, Miller, Menchaca, Van Bramer, Rosenthal and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding health education.**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new section 21-966 to read as follows:

§21-966 *Reporting on health education.*

*a. For the purposes of this section, the following term has the following meaning:*

*Health education. The term "health education" means health education instruction, including sexual health education and HIV/AIDS education, consistent with learning standards for health education found in regulations promulgated by the New York state commissioner of education and in the department's requirements.*

*b. Not later than December 1, 2016, and on or before the December 1 annually thereafter, the department shall submit to the speaker and post conspicuously on the department's website in a manner*

searchable by individual school, a report for the preceding academic year for each community school district and school within such district, which shall include, but not be limited to the following:

1. The total number and percentage of students in grades six through twelve who have completed at least one semester of health education.

2. Starting in the report for the 2017-2018 school year and for every subsequent school year thereafter, the total number and percentage of students in grade six who have completed at least 5 lessons in HIV/AIDS education;

3. Starting in the report for the 2017-2018 school year and for every subsequent school year thereafter, the total number and percentage of students in grades seven through twelve who have completed at least 6 lessons in HIV/AIDS education;

4. Information regarding the implementation of health education instruction including, but not limited to: (i) how the department tracks compliance with health education and HIV/AIDS education requirements; (ii) how principals monitor teacher compliance with the sexual health knowledge benchmarks as outlined by the department and, and (iii) how the efficacy of the health education curriculum is evaluated;

5. Information regarding health education which specifically addresses lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students, and other non-heterosexual sexual orientations or non-cisgender gender identities, including but not limited to, sexual health knowledge for same-sex relationships;

c. All information required to be reported by this section shall be aggregated citywide, as well as disaggregated by city council district, community school district and school.

d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.

§2. This local law takes effect immediately.

DANIEL DROMM, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, ANDY L. KING, INEZ D. BARRON, BEN KALLOS, MARK LEVINE, ANTONIO REYNOSO; Committee on Education, January 19, 2016.

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. 957-A

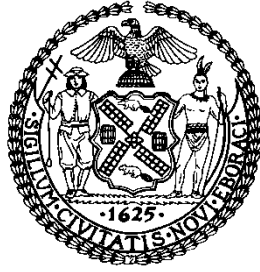
**Report of the Committee on Education in favor of approving and adopting, as amended, in relation to requiring transparency from the department of education on instructors receiving training in sexual health education.**

The Committee on Education, to which the annexed proposed amended local law was referred on October 15, 2015 (Minutes, page 3701), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int No. 771-A printed above in these Minutes)**

*The following is the Fiscal Impact Statement for Int No.957-A:*



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.:** 957-A  
**COMMITTEE:** Education

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring transparency from the department of education on instructors receiving training in sexual health education.

**SPONSORS:** Gibson, Chin, Cumbo, Johnson, Mendez, Palma, Lancman, Crowley and Van Bramer

**SUMMARY OF LEGISLATION:** This legislation would require the Department of Education (DOE) to annually report to the Speaker, and post on its website, information about the sexual health education training provided instructors in schools in the prior school year. The report must include, but would not be limited to, (i) the number of licensed health instructors, full-time and part-time, employed by the DOE; (ii) the number of instructors assigned to teach at least one health education class; (iii) the number and percentage of instructors who received professional development training, provided by the DOE, on sexual health education in the preceding two school years; and (iv) the total number and percentage of instructors who attended multiple sessions of professional development, provided by the DOE, on sexual health education in the preceding two school years.

The information in the report would be provided citywide and disaggregated by Council district, school district, and, when available, by school. The first report would be due to the Council and posted on the DOE's website by December 1, 2016 and every December 1<sup>st</sup> thereafter.

**EFFECTIVE DATE:** This local law would take effect immediately

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

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**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. DOE has indicated it will use existing staff and resources to complete this report.

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

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

New York City Department of Education



**ESTIMATE PREPARED BY:** Elizabeth Hoffman, Principal Legislative Financial Analyst  
**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
 Tanisha Edwards, Chief Counsel  
 Rebecca Chasan, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 15, 2015 as Intro. 957 and referred to the Committee on Education. The legislation was considered by the Committee on Education at a hearing held jointly with the Committees on Health and Women’s Issues on October 27, 2015 and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 957-A, will be voted on by the Committee on Education on January 19, 2016. Upon successful vote by the Committee, Proposed Intro. No. 957-A will be submitted to the full Council for a vote on January 19, 2016.

**DATE PREPARED:** January 13, 2016

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

**(The following is the text of Int No. 957-A:)**

Int. No. 957-A

By Council Members Gibson, Chin, Cumbo, Johnson, Mendez, Palma, Lancman, Crowley, Van Bramer, Lander, Cohen, Levin, Kallos, Williams and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring transparency from the department of education on instructors receiving training in sexual health education.**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new section 21-967 to read as follows:

§ 21-967 *Instructors receiving sexual health training. a. For the purposes of this section, “school” means a school of the city school district of the city of New York.*

*b. Not later than December 1, 2016, and on or before December 1 annually thereafter, the department shall submit to the speaker and post on the department’s website information regarding the provision of sexual health education training to instructors in schools for the preceding school year. Such information shall include: (i) the total number of licensed health instructors employed by the department, disaggregated by full-time and part-time instructors; (ii) the total number of instructors assigned to teach at least one health education class; (iii) the total number and percentage of instructors who received professional development training provided by the department on sexual health education in the preceding two school years; and (iv) the total number and percentage of instructors who attended multiple sessions of professional development training provided by the department on sexual health education in the preceding two school years, disaggregated by the number of trainings attended.*

*c. All information required to be reported by this section shall be aggregated citywide, as well as disaggregated by city council district and community school district and, when available, by school.*

§ 2. This local law takes effect immediately.

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, MARGARET S. CHIN, STEPHEN T. LEVIN, ANDY L. KING, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, MARK LEVINE, ANTONIO REYNOSO; Committee on Education, January 19, 2016.

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

Report on Int. No. 798-B

#### **Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring notice to certain tenants enrolled in the senior citizen rent increase exemption or disability rent increase exemption program.**

The Committee on Finance, to which the annexed proposed amended local law was referred on May 27 25, 2015 (Minutes, page 1975), respectfully

#### **REPORTS:**

#### **I. The NYC Rent Freeze Program**

##### ***A. Background***

The senior citizen rent increase exemption (“SCRIE”) program protects eligible renters from certain rent increases imposed by their landlords, effectively freezing their rents at the amount the tenant pays at the time he or she enters the program.<sup>1</sup> The disability rent increase exemption (“DRIE”) program does the same for renters with disabilities. In return, the landlords receive a tax abatement equal to the difference in the amount paid by the tenant and the total legal rent. Collectively, these programs are referred to as the NYC Rent Freeze Program.<sup>2</sup>

The current eligibility criteria for the SCRIE program are that a tenant must:

- 1) be 62 years of age or older;
- 2) be the leaseholder of a rent-controlled, rent-stabilized,<sup>3</sup> or Mitchell-Lama apartment, or a rent-regulated hotel unit;
- 3) have a total household income of no more than \$50,000;<sup>4</sup> and
- 4) have a maximum rent or legal regulated rent that is more than one-third of the total household income.<sup>5</sup>

The current eligibility criteria for the DRIE program are that a tenant must:

- 1) receive State or federal disability related assistance;
- 2) have a total household income of no more than \$50,000;

<sup>1</sup> See Chapter 689 of the Laws of 1972.

<sup>2</sup> See <http://www1.nyc.gov/site/finance/benefits/benefits-for-tenants.page> (last accessed on December 1, 2015).

<sup>3</sup> See Chapters 3 and 4 of Title 26 of the New York City Administrative Code. Rent control generally applies to residential buildings constructed before February 1947 in municipalities for which an end to the postwar rental housing emergency has not been declared. For an apartment to be rent-controlled, the tenant must generally have been living there continuously since before July 1, 1971 or for less time as a successor to a rent-controlled tenant. When a rent-controlled apartment becomes vacant, it either becomes rent-stabilized or is removed from regulation. Rent-stabilized apartments are generally those apartments in buildings of six or more units built between February 1, 1947 and January 1, 1974. Similar to rent control, stabilization provides other protections to tenants besides regulation of rental amounts. Tenants are entitled to receive required services, to have their leases renewed, and not to be evicted except on grounds allowed by law. Leases may be entered into and renewed for one- or two-year terms, at the tenant's choice.

<sup>4</sup> The total household income includes the income of every person who lives in the household less deductions for federal taxes paid, State taxes paid, local income taxes paid, Social Security taxes paid, and Medicare taxes paid.

<sup>5</sup> See §467-c of the New York Real Property Tax Law and §§26-405(m), 26-406, and 26-509 of the New York City Administrative Code.

- 3) reside in a rent controlled or rent stabilized apartment, rent regulated hotel, or an apartment owned by a Mitchell-Lama development; and
- 4) spend more than one-third of their monthly income on rent.<sup>6</sup>

### ***B. Legislative History***

The SCRIE program was first established by New York State law in 1970, for tenants living in rent-controlled and rent-stabilized apartments. Since 2009, as a result of a local law passed by the Council,<sup>7</sup> the Department of Finance (“DOF”) has administered the SCRIE program with respect to these types of apartments.<sup>8</sup> In 1976, eligibility for the SCRIE program was extended to tenants of Mitchell-Lama apartments and the Department of Housing Preservation and Development (“HPD”) has administers the program for these types of apartments.

The DRIE program was established in 2005, modeled after SCRIE, and is administered by DOF.<sup>9</sup>

Prior to State legislative action in 2014, in order to be eligible for SCRIE, the total household income of the eligible senior citizen could not exceed \$29,000. For DRIE, the total household income could not exceed \$20,412 for a single-person household or \$29,484 for households comprised of two or more people. In March 2014, the State passed a law authorizing the City of New York to increase the income threshold to \$50,000 per household for each program.<sup>10</sup> On May 14, 2014, the City Council passed a local law authorizing such an increase for SCRIE.<sup>11</sup> On July 24, 2014, the City Council passed a local law authorizing such an increase for DRIE.<sup>12</sup>

However, due to sunset language within the State’s authorizing law, the income threshold for both programs is set to revert back to the \$29,000 maximum on March 31, 2016 without further State action.

## **II. Preferential Rents**

### ***A. Background***

Preferential rent is a concept that applies to rent-stabilized apartments and, accordingly, to apartments that are eligible for the NYC Rent Freeze Program. Under New York City’s rent regulation laws, the amount of rent that landlords may lawfully charge for rent-stabilized units is determined by the increases authorized by the Rent Guidelines Board and any other increase or adjustment allowable by law.<sup>13</sup> A preferential rent is a rent which a landlord agrees to charge that is lower than the legal regulated rent that the landlord could lawfully collect.<sup>14</sup>

Whether to charge a preferential rent is within the discretion of the landlord and the offer of a preferential rent may be terminated at the landlord’s election upon the renewal of a lease or the permanent vacancy of the tenant.<sup>15</sup> However, the landlord must include the amount of the legal regulated rent that could lawfully be collected in the first lease where a preferential rent is charged and the State Division of Housing and Housing Community Renewal (“DHCR”) recommends that it be included in every renewal lease where a preferential rent is charged.<sup>16</sup> In addition, the maximum legal regulated rent and the preferential rent must be included in the required lease rider for rent-stabilized units.<sup>17</sup>

<sup>6</sup> See New York City Administrative Code §§ 26-405(m), 26-509, 26-601, and 26-617..

<sup>7</sup> See Local Law 44 of 2009.

<sup>8</sup> Prior to 2009, the Department of Aging (“DFTA”) administered the program for these apartments.

<sup>9</sup> Int. 667-2005, L.L. 2005/076.

<sup>10</sup> See Chapter 55 of the Laws of 2014.

<sup>11</sup> See Local Law 19 of 2014.

<sup>12</sup> See Local Law 39 of 2014.

<sup>13</sup> See DHCR Fact Sheet #1: Rent Stabilization and Rent Control, available at: <http://www.nyshcr.org/Rent/FactSheets/orafac1.pdf> (last accessed on December 3, 2015).

<sup>14</sup> See DHCR Fact Sheet #40: Preferential Rents, available at: <http://www.nyshcr.org/Rent/factsheets/orafac40.pdf> (last accessed on December 3, 2015).

<sup>15</sup> See *id.*

<sup>16</sup> See *id.*

<sup>17</sup> See New York City Lease Rider for Rent Stabilized Tenants, available at: <http://www.nyshcr.org/forms/rent/ralr1.pdf> (last accessed December 8, 2015).

A landlord could offer a preferential rent for the term of the lease only or for the life of the tenancy.<sup>18</sup> In the latter case, the preferential rent cannot be terminated during the tenancy and will serve as the basis for future rent increases.<sup>19</sup>

The New York City Independent Budget Office (“IBO”) recently opined that the use of preferential rents is extremely common in the City. Based on 2013 data, the most recent available, IBO estimated that of the 765,354 state-registered units subject to the traditional rent-regulation rules, 23 percent, or more than 175,000 apartments, were rented at a preferential rate.<sup>20</sup> The IBO found that the highest number of regulated units with preferential rents was in Brooklyn, while the largest median discount was offered in Manhattan, as per the table below:<sup>21</sup>

<b>Preferential Rents by Borough</b>		
<b>Borough</b>	<b>Number of Regulated Units with Preferential Rents</b>	<b>Median Preferential Rent Discount</b>
Bronx	42,209	\$307
Brooklyn	47,454	\$303
Manhattan	38,073	\$453
Queens	46,446	\$354
Staten Island	2,482	\$423
<i>New York City Independent Budget Office</i>		

### ***B. NYC Rent Freeze Tenants***

Tenants living in rent-regulated apartments and paying preferential rents frequently apply for the NYC Rent Freeze Program. However, if a tenant is otherwise found eligible for the program, rather than freezing the rent at the preferential rent the tenant is actually paying, DOF freezes the rent at the amount listed on the lease as the legal regulated rent that the landlord could lawfully collect.<sup>22</sup> The two exceptions to this rule are if a lease or preferential rent rider explicitly states that preferential rent will remain for the applicant’s entire tenancy or if a tenant’s rent is restricted because the building is in receipt of a federal Low-Income Housing Tax Credit.<sup>23</sup>

DOF applies this rule even where a tenant would qualify for the NYC Rent Freeze Program based on the preferential rent amount. For example, if the preferential rent paid by an otherwise eligible tenant is more than one-third of his or her monthly household income, DOF will still not freeze the tenant’s rent at this level, but rather will use the higher amount listed on the lease as the legal regulated rent that the landlord could lawfully collect. This can cause confusion for tenants who may not understand that they are paying a preferential rent or are unaware of the amount of their apartment’s legal regulated rent. In addition, for some tenants who are already struggling to pay the preferential rent amount, even a rent that is frozen may be unaffordable if it is frozen at the higher rent amount. In these cases, the City is missing an opportunity to protect a rent-burdened, vulnerable tenant at a rent that is affordable to them.

### **III. December 9, 2015 Hearing**

While an overhaul of the NYC Rent Freeze Program to permit freezing rents at the preferential rent amount would require a change in State law, Council Member Cornegy has introduced legislation that would help provide clarity and an explanation to NYC Rent Freeze Program applicants who may not understand why their rents are not frozen at the amount they are actually paying.

<sup>18</sup> See *id.*

<sup>19</sup> See *id.*

<sup>20</sup> See IBO Report: *How Many Rent-Regulated Units Are Rented at Preferential Rates and Where Are They Located*, available at: <http://www.ibo.nyc.ny.us/iboreports/printnycbtn48.pdf> (last accessed December 3, 2015).

<sup>21</sup> See *id.*

<sup>22</sup> See NYC Rent Freeze Program: A Guide for Tenants, at pg. 8, available at:

<http://www1.nyc.gov/assets/finance/downloads/pdf/brochures/scriedrie brochure.pdf> (last accessed on December 3, 2015).

<sup>23</sup> See *id.*

At a hearing on December 9, 2015 held jointly with the Committee on Aging, the Committee on Finance considered that legislation, Proposed Int. 798-A, in relation to requiring DOF to include a notice on certain NYC Rent Freeze Program-related documents that it produces regarding preferential rent.

**IV. Proposed Int. 798-B, A local law to amend the administrative code of the city of New York, in relation to requiring notice to certain tenants enrolled in the senior citizen rent increase exemption or disability rent increase exemption program**

After the hearing, and after negotiations with the Administration, the legislation was amended. The amended legislation, Proposed Int. 798-B, would require the DOF to include the following information on certain NYC Rent Freeze Program-related documents:

- the rent amount on which the benefit calculation was based;
- an explanation that the rent amount on which the benefit calculation was based is the legal regulated rent, except:
  - where the landlord has agreed in writing that a preferential rent will be charged for the life of the tenancy; or
  - for tenants whose rents are restricted because the building they live in has received a federal Low-Income Housing Tax Credit;
- the legal regulated rent amount;
- an explanation that the tenant may continue to pay the preferential rent even once enrolled in the program;
- a statement that tenants can obtain a rent registration history or file a complaint of rent overcharge with DHCR; and
- the telephone number and email address of DHCR at which the tenant can make an inquiry or file a complaint regarding rent administration.

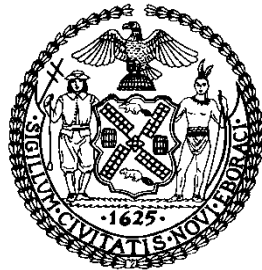
The documents on which the above-described notice would have to be included are:

- the approval of a tenant's initial application;
- the approval of a tenant's application for an apartment benefit transfer;
- the approval of a tenant's application for benefit takeover;
- any notice of a tax abatement credit adjustment sent to the tenant;
- the approval of a tenant's application for a redetermination; and
- any other document deemed appropriate by DOF.

In addition, beginning in January 2018, DOF's databases must also begin to track both the preferential and legal rents provided in applications and, where a tenant pays a preferential rent, such rent amount must also be included in the notice referenced above.

The Committee on Finance will consider Proposed Intro. 798-B at today's hearing and, upon successful vote by the Committee, the legislation will be submitted to the full Council for a vote on January 19, 2016.

**(The following is the text of the Fiscal Impact Statement for Int No. 798-B:)**



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 798-B**

**COMMITTEE: Finance**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring notice to certain tenants enrolled in the senior citizen rent increase exemption or disability rent increase exemption program.

**Sponsor:** By Council Members Cornegy, Chin, Constantinides, Cumbo, Eugene, Gentile, Gibson, Johnson, King, Koo, Koslowitz, Mendez, Rose, Rosenthal, Vallone, Cohen, Menchaca, Dromm, Cabrera, Levin, Miller, Kallos, Lancman and Van Bramer

**SUMMARY OF LEGISLATION:** This bill would require the Department of Finance to include a notice regarding legal and preferential rents on certain documents related to the senior citizen rent increase exemption or disability rent increase exemption program (known as the NYC Rent Freeze Program). Specifically, the notice must include the rent amount on which the benefit calculation was based, an explanation of why that amount was used in the calculation, the legal regulated rent, an explanation that the tenant may continue to pay a preferential rent even once enrolled in the program, a statement that the tenant can obtain a rent registration history and file a complaint with the State Division of Housing and Community Renewal, and a telephone number and email address for that agency.

In addition, by 2018, the legislation would require the Department of Finance to include both the preferential and legal regulated rents of applicants to the NYC Rent Freeze Program in its database and include the preferential rent amount in the notice described above.

**EFFECTIVE DATE:** This local law would take effect ninety days after becoming law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY2018

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

**IMPACT ON EXPENDITURES:** Because the Department of Finance would use existing resources to implement this local law, it is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

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

**SOURCE OF INFORMATION:** NYC Council Finance Division  
Department of Finance

**ESTIMATE PREPARED BY:** Maria Enache, Legislative Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 798 by the Council on May 27, 2015 and referred to the Committee on Finance. The legislation was subsequently amended and the Committee on Finance, jointly with the Committee on Aging, considered the amended legislation, Proposed Intro. No. 798-A, at a hearing on December 9, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 798-B, will be will be considered by the Committee on Finance on January 19, 2016. Upon a successful vote by the Committee, Proposed Intro. 798-B will be submitted to the full Council for a vote on January 19, 2016.

**DATE PREPARED:** January 13, 2016

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

**(The following is the text of Int No. 798-B:)**

Int. No. 798-B

By Council Members Cornegy, Chin, Constantinides, Cumbo, Eugene, Gentile, Gibson, Johnson, King, Koo, Koslowitz, Mendez, Rose, Rosenthal, Vallone, Cohen, Menchaca, Dromm, Cabrera, Levin, Miller, Kallos, Lancman, Van Bramer, Lander, Ferreras-Copeland and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring notice to certain tenants enrolled in the senior citizen rent increase exemption or disability rent increase exemption program.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 11-138 to read as follows:

§ 11-138 *Notice to senior citizen rent increase exemption and disability rent increase exemption program tenants regarding legal regulated and preferential rents.*

*a. Definitions. For purposes of this section, the term “preferential rent” means the amount of rent charged to and paid by a tenant that is less than the legal regulated rent.*

*b. The department of finance shall provide any tenants enrolled in the senior citizen rent increase exemption or disability rent increase exemption program pursuant to section 26-509 with the following information:*

*1. the rent amount on which the benefit calculation is based;*

*2. an explanation that the benefit calculation is based on the legal regulated rent, except that the benefit calculation may be based on a preferential rent in the following cases: (a) the tenant pays a preferential rent pursuant to a written agreement with the landlord that states that the preferential rent will be charged for the life of the tenancy; or (b) the tenant lives in a building that has received a tax credit pursuant to section 42 of the internal revenue code;*

*3. the legal regulated rent amount;*

*4. an explanation that the tenant may continue to pay the preferential rent, in accordance with the terms of the lease, even after enrolling in the program; and*

*5. beginning January 1, 2018, in cases where a tenant who pays a preferential rent submits an initial or renewal application for the senior citizen rent increase exemption or disability rent increase exemption program, the preferential rent amount.*

*c. 1. The information required pursuant to subdivision b of this section shall be included in any notice issued by the department of finance pertaining to the senior citizen rent increase exemption or disability rent increase exemption program where such notice is related to:*

- (a) the approval of such application;*
- (b) the approval of a tenant's application for an apartment benefit transfer;*
- (c) the approval of a tenant's application for benefit takeover;*
- (d) any notice of a tax abatement credit adjustment sent to the tenant;*
- (e) the approval of a tenant's application for a redetermination; and*
- (f) any other document deemed appropriate by the department of finance.*

*2. Any such notice shall also include a statement that such tenant can obtain a rent registration history from, and file a complaint of rent overcharge with, the state division of housing and community renewal should such tenant believe his or her landlord has charged or registered more than the regulated rent amount the landlord could lawfully collect from such tenant. Such statement shall also include a telephone number and email address for the state division of housing and community renewal at which inquiries or complaints regarding rent administration can be received.*

*d. No later than January 1, 2018, in cases where a tenant who pays a preferential rent submits an initial or renewal application for the senior citizen rent increase exemption or disability rent increase exemption program, the department of finance shall ensure that any computer system or database used by the department of finance for the purpose of maintaining or compiling information about applicants and beneficiaries of the program contains both the legal regulated and preferential rents.*

§ 2. This local law takes effect 90 days after it becomes law.

JULISSA FERRERAS-COPELAND, *Chairperson*; VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, January 19, 2016.

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. 1007-A

**Report of the Committee on Finance 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 authorizing an increase in the amount to be expended annually in the Metrotech Area business improvement district, an extension of the Metrotech Area business improvement district, and a change in the method of assessment upon which the district charge in the Metrotech Area business improvement district is based.**

The Committee on Finance, to which the annexed proposed amended local law was referred on November 24, 2015 (Minutes, page 4136), respectfully

## **REPORTS:**

### **BACKGROUND**

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the "Law"), the Mayor and the Council are authorized to establish and extend Business Improvement Districts (hereinafter "BIDs") in New York City and thereafter amend each BID's district plan or authorize an increase in annual expenditures. BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of



security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The District Management Association of a BID carries out the activities described in the BID's district plan.

Under the process established by the Law, the City Council adopted Resolution 911, which set a public hearing date of Monday, December 7, 2015 for the legislation that would authorize an increase in the amount to be expended annually in the Metrotech Area BID, an extension of the Metrotech Area BID, and a change in the method of assessment upon which the district charge in the Metrotech Area BID is based.

Prior to the Council's action, the Community Board for the district in which the proposed BID extension is located -- Community Board 2 of Brooklyn -- voted to approve the extended district on May 13, 2015. The City Planning Commission ("CPC") also reviewed the amended district plan and held a public hearing on the amended district plan on June 17, 2015. The CPC approved a resolution on July 15, 2015 (Calendar No. 5), which certified the CPC's unqualified approval of the amended district plan.

Resolution 911 also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The Metrotech Area District Management Association was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants of each building within the proposed extended district, also not less than 10 nor more than 30 days before the public hearing. Finally, the Metrotech Area Business District Management Association was also directed to publish in a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the District not less than 10 days prior to the hearing.

The public hearing to consider both the amended district plan and the enacting legislation must be closed without a vote. The Committee must then wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after the hearing serves as an objection period. Any property owner may, during this time period, formally object to the amended district plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the proposed extended district object to the plan, then the City Council may not approve the extended district plan.

When the Committee and the full Council considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the extended district's boundaries benefit from the extension of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the extension of the district included within the proposed extension?; and
4. Is the extension of the district in the best interests of the public?

If the Committee and the full Council finds in the affirmative on these four questions and the number of objections required to prevent the extension of such district are not filed, then the legislation can be adopted.

In addition, pursuant to Section 25-410(b) of the Administrative Code, a BID may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the adoption of a local law amending the BID's district plan. So, in addition to the four questions outlined above, the Committee and the full Council must also determine that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded.

This local law takes effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2015, provided that the portion of the legislation extending the BID's boundaries

shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of Administrative Code and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2015.

### **METROTECH AREA BID DETAILS**

The Metrotech Area BID was first established in 1991 and was centered on the City-sponsored Metrotech Office Development. The BID's main focus at that time was to provide services to the office development and on the blocks that surrounded the complex. In 2004, the City Planning Commission created a new plan for the area, including zoning changes, new public open spaces, and pedestrian and transit improvements. One other provision of the plan was to create a cultural district centering around the Brooklyn Academy of Music that would provide new performance and rehearsal spaces, office space for a diverse group of local arts organizations, public plazas, a library, a cinema, and housing.

The Metrotech Area BID is requesting that the Council approve amendments to its district plan so that it can provide services to the business, cultural, and arts organizations in this cultural district. Specifically, the BID is requesting the following changes:

- 1) an expansion of its boundaries to include ten new blocks surrounding the Brooklyn Academy of Music, other cultural facilities, and the Atlantic Center Mall;
- 2) a change in the method by the assessments are calculated by creating two assessment sub-districts; and
- 3) a \$1 million increase in its annual assessment from \$2,624,492 to \$3,624,492.

#### *Boundary Expansion*

The BID is proposing to include ten new blocks in the BID surrounding the Brooklyn Academy of Music, other cultural facilities, and the Atlantic Center Mall. There are currently 1,154 properties within the existing BID boundaries, and there are an additional 306 properties in the proposed expansion area. The proposed expansion area contains a mix of building types, including large and small mixed-use complexes, large and small commercial properties, and residential owner-occupied units. The Metrotech Expansion Steering Committee conducted outreach to the property owners and tenants who would be part of the expanded BID, including going door-to-door to the businesses, working with residential property owners to inform tenants, attending residential building meetings, working with commercial landlords to connect with national store management when applicable, conducting telephone and digital outreach, and posting information in public places.

#### *Change in Method of Assessment*

The Metrotech Area BID is proposing to create two sub-districts within the BID, each of which would have its own budgets and be assessed using its own formula. Specifically, the BID is proposing that the existing boundaries of the BID would comprise a North Sub-district and the newly expanded area within the BID would comprise a South Sub-district. In both sub-districts, both commercial and residential properties would be fully assessed.

The method of assessment of the North Sub-district would be the same formula currently used, which means that the assessment amounts of the property owners in this area would remain the same. Currently, development sites/utility properties are assessed using a formula based upon assessed value and zoning floor area, commercial/industrial and residential properties are assessed using a formula based upon assessed value, vacant land and unbuilt City development sites are assessed \$1.00, and not-for-profit and government-owned properties are exempt from assessment.

The method of assessment of the South Sub-district would be a new formula based on assessed value, specifically a rate of approximately 0.0023 per dollar of assessed value. All commercial and residential properties within the South Sub-district would be assessed using this formula, while not-for-profit and government-owned properties would be exempt from assessment.

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

	<b>North Sub-district</b>	<b>South Sub-district</b>
High	\$292,743.18	\$59,185.76
Low	\$24.71	\$0.61
Median	\$182.77	\$65.99

*Increase in Annual Expenditures*

The Metrotech Area BID is proposing to increase its annual expenditures from \$2,624,492 to \$3,624,492. The \$1 million increase would represent the budget of the South Sub-district whereas the budget of the North Sub-district would be \$2,624,492. The increase would be phased in over a period of five years as follows:

<b>Year</b>	<b>Annual Maximum Budget of North Sub-District</b>	<b>Annual Maximum Budget of South Sub-District</b>	<b>Annual Budget of Entire District</b>
1-2	\$2,624,492	\$553,183	\$3,177,675
3-4	\$2,624,492	\$771,553	\$3,396,045
5+	\$2,624,492	\$1,000,000	\$3,624,492

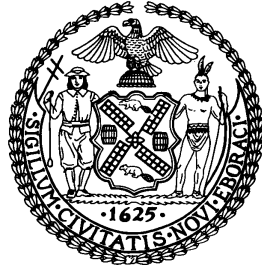
**DECEMBER 7, 2015 HEARING**

On December 7, 2015, as set forth in Resolution 911, the Finance Committee held a public hearing to consider the legislation that would amend the district plan of the Metrotech BID to expand its boundaries, increase its annual assessment, and change the method of assessment. Representatives of the Department of Small Business Services and the Metrotech BID testified in support of the BID's district plan amendment. As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the amended district plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

**JANUARY 19, 2016 HEARING**

The objection period for the establishment of the BID closed on January 6, 2016 at 5:00 p.m. According to the City Clerk, out of the 1,459 property owners located in the proposed BID, none filed an objection to the establishment of the BID. Since the number of objections required to prevent the expansion of the BID have not been filed with the City Clerk, at today's hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined above, then the legislation can be adopted, and the BID will be extended and the district plan will be amended.

(The following is the text of the Fiscal Impact Statement for Int No. 1007-A:)



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1007-A  
COMMITTEE: Finance**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Metrotech Area business improvement district, an extension of the Metrotech Area business improvement district, and amending the district plan of the Metrotech Area business improvement district to change the method of assessment upon which the district charge is based.

**Sponsor:** By Council Members Ferreras-Copeland, Eugene, Cumbo and Deutsch (by request of the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would amend Chapter 4 of title 25 of the Administrative Code by 1) amending section 25-421.1 to increase the amount to be expended annually in a business improvement district (“BID”) in the borough of the Brooklyn known as the Metrotech Area BID; 2) adding a new section 25-421.3 to extend the boundaries of the BID; and 3) adding a new section 25-421.4 to change the method of assessment upon which the district charge is based.

### 1. Increasing the Amount to be Expended Annually

Currently, the maximum amount that can be expended by the District annually is \$2,624,492. This legislation would authorize an increase in that amount to \$3,624,492.

### 2. Extending the Boundaries of the BID

The expansion would redraw the boundary lines of the Metrotech Area BID to include ten new blocks surrounding the Brooklyn Academy of Music, other cultural facilities, and the Atlantic Center Mall. The ten new blocks would add 306 properties to the existing number of 1,154. The new properties consist of a mix of building types, including large and small mixed-use complexes, large and small commercial properties, and residential owner-occupied units.

### 3. Change in Assessment

The Metrotech BID is proposing the creation of a North sub-district and a South sub-district within the BID, with separate budgets and method of assessment formulas for each of the two. The North sub-district would comprise the existing boundaries of the BID, with its method of assessment being the same formula currently used. The South sub-division would comprise the newly expanded area within the BID, with a new formula for the method of assessment. This new formula would apply a rate of 0.0023 per dollar of assessed value. Under both sub-districts, government and not-for-profit owned property devoted to public or not-for-profit use would remain exempt from assessment.

**EFFECTIVE DATE:** This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and effect as of July 1, 2015, provided that sections one and three of this local law take effect immediately and are retroactive to and deemed to have been in full force and effect as of July 1, 2015.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2016

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY15</b>	<b>FY Succeeding Effective FY16</b>	<b>Full Fiscal Impact FY15</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES AND EXPENDITURES:** This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Administrative Code, proceeds authorized to be assessed by Metrotech Area BID are collected by the City on behalf of the BID. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID's District Plan. The Metrotech Area BID will continue to be funded through a self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2016 will be no more than \$3,624,492. This amount will cover the BID's expenses, as proposed by its amended budget. This assessment is not funded by the City, and therefore will have no impact on the City's expenditures.

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

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

**ESTIMATE PREPARED BY:** William Kyeremateng, Legislative Financial Analyst, Finance Division

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director, Finance Division  
Rebecca Chasan, Assistant Counsel, Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council as Intro. No. 1007 on November 24, 2015 and referred to the Committee on Finance. A hearing was held by the Committee on December 7, 2015 and the legislation was laid over to allow for the statutory 30-day objection period. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1007-A, will be considered again by the Committee on Finance on January 19, 2016. Upon successful vote by the Committee, Intro. No. 1007-A will be submitted to the full Council for a vote on January 19, 2016.

**DATE PREPARED:** January 15, 2016

**(For text of the B.I.D. Plan, please refer to the Office of the City Clerk at 141 Worth Street, Executive Offices, First Floor, New York, N.Y. 10013)**

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

**(The following is the text of Int No. 1007-A:)**

## Int. No. 1007-A

By Council Members Ferreras-Copeland, Eugene, Cumbo, and Deutsch (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Metrotech Area business improvement district, an extension of the Metrotech Area business improvement district, and a change in the method of assessment upon which the district charge in the Metrotech Area business improvement district is based.**

*Be it enacted by the Council as follows:*

§ 1. Subdivision a of section 25-421.1 of the administrative code of the city of New York, as amended by local law number 133 for the year 2005, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Metrotech Area business improvement district beginning on July 1, [2005] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million six hundred twenty-four thousand four hundred ninety-two dollars (\$2,624,492)] *three million six hundred twenty-four thousand four hundred ninety-two dollars (\$3,624,492)*.

§ 2. Section 25-421.3 of the administrative code of the city of New York, as added by local law number 35 for the year 2002, is amended to read as follows:

§ 25-421.3 Metrotech Area business improvement district; extension of district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Metrotech Area business improvement district in the borough of Brooklyn is hereby extended. Such district is extended in accordance with the amended district plan *of 2015* required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan *of 2015* upon which the Metrotech Area business improvement district, and the extension thereof, is based.

c. The amended district plan *of 2015* shall not be further amended except in accordance with chapter four of this title.

§ 3. Section 25-421.4 of the administrative code of the city of New York, as added by local law number 92 for the year 2005, is amended to read as follows:

§ 25-421.4 Metrotech Area business improvement district; amendment of the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Metrotech Area business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan *of 2015* required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan of 2015 containing the change in the method of assessment authorized by subdivision a of this section.

§ 4. This local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and

effect as of July 1, 2015, provided that sections one and three of this local law take effect immediately and are retroactive to and deemed to have been in full force and effect as of July 1, 2015.

JULISSA FERRERAS-COPELAND, *Chairperson*; VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, January 19, 2016.

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. 1030-A

**Report of the Committee on Finance in favor of approving and adopting, as amended, in relation to authorizing an increase in the amount to be expended annually in nine business improvement districts**

The Committee on Finance, to which the annexed proposed amended local law was referred on December 16, 2015 (Minutes, page 4539), respectfully

**REPORTS:**

On January 6, 2016, the Finance Committee adopted Proposed Resolution 933-A that set January 19, 2016 as the date to consider a local law that would increase the annual expenditures for nine Business Improvement Districts (“BIDs”), effective as of July 1, 2015. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the nine BIDs.

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

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

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

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

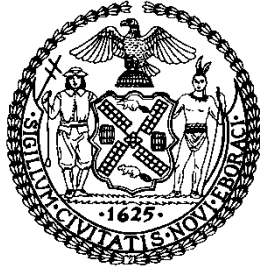
**BID ASSESSMENT INCREASE REQUESTS**  
**FISCAL 2016**

BID Name	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request	CM District (s)	Increase Justification
	Increase Amount			% Increase	Supporting Councilmember	
180th Street	FY '04	\$60,000	\$78,000	\$18,000	27	The 180th Street BID plans to increase security patrols from 3 to 5 days per week, commission a study on increasing parking in the BID and increase funding for capital improvements in the district (e.g., tree gates/guards). The increase will also cover costs that have increased since the BID's inception in FY '97.
	N/A			30.0%	I. Daneek Miller	
Bay Ridge 5th Ave	None	\$338,000	\$427,000	\$89,000	43	Bay Ridge/Fifth Avenue plans to increase funding for sanitation and security services in the district, seasonal programming, as well as hire additional part-time staff. The increase also includes a new office rental expense (previously their space was donated) and allocation of expenses that have increased over time (e.g., insurance).
	N/A			26.3%	Vincent Gentile	
Belmont	None	\$340,000	\$440,000	\$100,000	15	The Belmont BID plans to significantly increase security services in the district (from a 10 hrs/wk to 40 hrs/wk), increase staff capacity for sanitation, and increase marketing efforts in the district (e.g. district guide, advertising). Remaining funds will be allocated toward administrative costs that have increased since the BID was formed.
	N/A			29.4%	Ritchie Torres	
Bryant Park	FY '13	\$1,100,000	\$1,600,000	\$500,000	4	Bryant Park plans to increase its marketing/promotion and retail services for the district, increase funding for public events (hosts 800+ free events annually), and increase staff capacity for sanitation services in order to keep up with growing use of its space.
	\$200,000			45.5%	Daniel Garodnick	



Columbus Ave	FY '09	\$308,800	\$458,800	\$150,000	6	Columbus Avenue plans to make streetscape improvements in the BID over the next five years, (i.e. replace perennials, solar lights, add plantings to tree pits), add holiday lighting, increase marketing services for the district, allocate funds to sanitation for new minimum wage requirements, and increase salaries according to changes in cost of living.
	\$100,000			48.6%	Helen Rosenthal	
Montague St	FY '10	\$175,000	\$210,000	\$35,000	33	Montague Street is requesting a minimal increase in assessment in order to install more tree pit signage, repair trash receptacles, and keep up with increasing tree maintenance and rent/utility costs.
	\$51,000			20.0%	Stephen Levin	
Myrtle Ave (Qu)	FY '09	\$406,141	\$507,676	\$101,535	34	Myrtle Avenue plans to increase beautification services (plaza maintenance and seasonal plantings), marketing and social media outreach for the district, and increase staff capacity and salaries to reflect cost of living increases.
	\$105,296			25.0%	Antonio Reynoso	
14 <sup>th</sup> Street Union Square	FY '10	\$2,000,000	\$2,600,000	\$600,000	2	Union Square Partnership is increasing holiday lighting and landscape/beautification services, hiring an event management firm to increase community programming, and increasing marketing, which will include a comprehensive district rebranding effort. The increase will also be used to keep up with increasing costs due to inflation and changes in minimum wage policy.
	\$560,500			30.0%	Rosie Mendez	
Village Alliance	FY '09	\$984,900	\$1,400,000	\$415,100	1,2,3	The Village Alliance is requesting an increase to take on management of a new public plaza, Astor Place. The Alliance plans to provide sanitation services, add daytime security (services are currently nighttime only), add capital improvements, and implement marketing/promotion services for the plaza. Funds will also be used to add a Director of Operations to the BID staff and cover increases in costs due to changes in the minimum wage.
	\$249,900			42.1%	Margaret Chin, Rosie Mendez, Corey Johnson	

(The following is the text of the Fiscal Impact Statement for Int No. 1030-A:)



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
**LATONIA MCKINNEY, DIRECTOR**  
**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 1030-A**

**COMMITTEE: Finance**

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

**SPONSORS:** Council Members Ferreras-Copeland, Chin, Gentile and Rose (by request of the Mayor)

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

**EFFECTIVE DATE:** This local law would take effect immediately and is retroactive to and deemed to have been in full effect as of July 1, 2015.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2016

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES AND EXPENDITURES:** There will be no net impact on revenues or expenditures resulting from the enactment of this legislation. The BID assessments are charges separate from the City’s property tax levy and thus do not impact the General Fund. The assessments are levied on the businesses located in the impacted BIDs. The BIDs’ budgets for Fiscal Year 2016 will increase from the Fiscal Year 2015 amounts (see below) as a result of this legislation.

<b>BID Name</b>	<b>Authorized Assessment</b>	<b>Requested Assessment</b>
<b>180<sup>th</sup> Street</b>	<b>\$60,000</b>	<b>\$78,000</b>
<b>Bay Ridge 5<sup>th</sup> Ave</b>	<b>\$338,000</b>	<b>\$427,000</b>
<b>Belmont</b>	<b>\$340,000</b>	<b>\$440,000</b>
<b>Bryant Park</b>	<b>\$1,100,000</b>	<b>\$1,600,000</b>
<b>Columbus Ave</b>	<b>\$308,800</b>	<b>\$458,800</b>
<b>Montague Street</b>	<b>\$175,000</b>	<b>\$210,600</b>
<b>Myrtle Avenue (Qu)</b>	<b>\$406,141</b>	<b>\$507,676</b>
<b>14<sup>th</sup> Street - Union Square</b>	<b>\$2,000,000</b>	<b>\$2,600,000</b>
<b>Village Alliance</b>	<b>\$984,900</b>	<b>\$1,400,000</b>

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** BID special assessments

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

**ESTIMATE PREPARED BY:** William Kyeremateng, Legislative Financial Analyst, Finance Division

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director, Finance Division  
Rebecca Chasan, Assistant Counsel, Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1030 on December 16, 2015 and referred to Committee on Finance. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1030–A, will be considered by the Committee on Finance on January 19, 2015. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on January 19, 2015.

**DATE PREPARED:** January 15, 2016

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

**(The following is the text of Int No. 1030-A:)**

Int. No. 1030-A

By Council Members Ferreras-Copeland, Chin, Gentile and Rose (by request of the Mayor).

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

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 25-424 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Myrtle Avenue business improvement district beginning on July 1, [2008] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four hundred six thousand one hundred forty-one dollars (\$406,141)] *five hundred seven thousand six hundred seventy-six dollars (\$507,676)*.

§ 2. Subdivision a of section 25-438.1 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Village Alliance business improvement district beginning on July 1, [2008] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine hundred eighty-four thousand nine hundred dollars (\$984,900)] *one million four hundred thousand dollars (\$1,400,000)*.

§ 3. Subdivision a of section 25-441 of the administrative code of the city of New York, as amended by local law number 3 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Bryant Park business improvement district beginning on July 1, [2012] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million one hundred thousand dollars (\$1,100,000)] *one million six hundred thousand dollars (\$1,600,000)*.

§ 4. Subdivision a of section 25-444.1 of the administrative code of the city of New York, as amended by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 14<sup>th</sup> Street-Union Square business improvement district beginning on July 1, [2009] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million dollars (\$2,000,000)] *two million six hundred thousand dollars (\$2,600,000)*.

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-448.1 to read as follows:

§ 25-448.1 *180<sup>th</sup> Street business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 180<sup>th</sup> Street business improvement district beginning on July 1, 2015, and the council having determined further that the tax and debt limits prescribed in*

*section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of seventy-eight thousand dollars (\$78,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the 180<sup>th</sup> Street business improvement district plan.*

§ 6. Subdivision a of section 25-454.1 of the administrative code of the city of New York, as amended by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Montague Street business improvement district beginning on July 1, [2009] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one hundred seventy-five thousand dollars (\$175,000)] *two hundred ten thousand dollars (\$210,000).*

§ 7. Subdivision a of section 25-455.1 of the administrative code of the city of New York, as added by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Columbus Avenue business improvement district beginning on July 1, [2008] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three hundred eight thousand eight hundred dollars (\$308,800)] *four hundred fifty-eight thousand eight hundred dollars (\$458,800).*

§ 8. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-471.1 to read as follows:

§ 25-471.1 *Bay Ridge 5<sup>th</sup> Avenue business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Bay Ridge 5<sup>th</sup> Avenue business improvement district beginning on July 1, 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of four hundred twenty-seven thousand dollars (\$427,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Bay Ridge 5<sup>th</sup> Avenue business improvement district plan.*

§ 9. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-477.1 to read as follows:

§ 25-477.1 *Belmont business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Belmont business improvement district beginning on July 1, 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of four hundred forty thousand dollars (\$440,000).*

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

§ 10. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2015.

JULISSA FERRERAS-COPELAND, *Chairperson*; VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, January 19, 2016.

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

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

Report for Res No. 957

**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 January 19, 2016, 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”). On June 26, 2014, the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”).

Analysis. This Resolution, dated January 19, 2016, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, approves the new designation of certain organizations receiving local funding in accordance with the Fiscal 2015 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 youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, new designations of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as well as amendments to the Description/Scope of Services of certain organizations receiving local and aging discretionary funding and funding for a certain initiative in accordance with the Fiscal 2016 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2016 Expense Budget, as described in Chart 1; sets forth the changes in the designation of certain organizations receiving youth 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 3-32; sets forth the new designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 33; 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 34.

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, and Adjustments Summary/Schedule C/Fiscal 2015 Expense Budget, dated June 26, 2014.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2016 Expense Budget.

Chart 3 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 4 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Initiative to Address Borough-Wide Needs in accordance with the Fiscal 2016 Expense Budget.

Chart 5 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 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 7 sets forth the new designation of a certain organization receiving funding pursuant to the Speaker's Initiative in accordance with the Fiscal 2016 Expense Budget. This designation will be effectuated upon a budget modification.

Chart 8 sets forth the change in the designation, specifically a name change, of a certain organization receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 9 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 10 sets forth the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 11 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.

Chart 12 sets forth the changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 13 sets forth the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 14 sets forth the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2016 Expense Budget. All of these changes will be effectuated upon a budget modification.

Chart 15 sets forth the change in the designation, specifically the removal of funds, of the administering agency receiving funding pursuant to the Participatory Budgeting at NYCHA Initiative in accordance with the Fiscal 2016 Expense Budget. This change will be effectuated upon a budget modification.

Chart 16 sets forth the new designation of certain organizations receiving funding pursuant to the Restorative Justice Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 17 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 18 sets forth the new designation of certain organizations receiving funding pursuant to the New York Immigrant Family Unity Project Initiative in accordance with the Fiscal 2016 Expense Budget. These designations will be effectuated upon a budget modification.

Chart 19 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 20 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 21 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Communities for Healthy Food Initiative in accordance with the Fiscal 2016 Expense Budget.

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

Chart 23 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Art a Catalyst for Change in accordance with the Fiscal 2016 Expense Budget.

Chart 24 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Community-Based Programs Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 25 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Social Adult Day Care Enhancement 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 – Mental Health Providers Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 27 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Hepatitis B/C Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 28 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the City's First Readers (Formerly Known as Early Childhood Literacy) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 29 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Access Health NYC Initiative in accordance with the Fiscal 2016 Expense Budget.



Chart 30 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 31 sets forth the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the COMPASS Slot Restoration Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 32 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 33 sets forth the new designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 34 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.

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 and Fiscal 2015 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 957:)**

Preconsidered Res. No. 957

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

By Council Member Ferreras-Copeland.

**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**, On June 26, 2014 the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the "Fiscal 2015 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2015 and Fiscal 2016 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving

the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving 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 change in the designation of a certain organization receiving funding pursuant to the Initiative to Address Borough-Wide Needs 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 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 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) 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 of a certain organization receiving funding pursuant to the Speaker's 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 change in the designation of a certain organization 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 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 9; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries 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 NYC Cleanup 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 changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based 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 change in the designation of a certain organization receiving funding pursuant to the Cultural Immigrant 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 certain organizations receiving funding pursuant to the SU-CASA 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 change in the designation of the administering agency receiving funding pursuant to the Participatory Budgeting at NYCHA 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 certain organizations receiving funding pursuant to the Restorative Justice 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 change in the designation 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 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the New York Immigrant Family Unity Project 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 and the changes in the designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color 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 and the changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness 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 new designation and the changes in the designation of certain organizations receiving funding pursuant to the Communities for Healthy Food 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 and the changes in the 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 22; 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 – Art a Catalyst for Change 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 and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Community-Based Programs 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 Social Adult Day Care Enhancement 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 – Mental Health Providers 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 changes in the designation of certain organizations receiving funding pursuant to the Hepatitis B/C 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 and the changes in the designation of certain organizations receiving funding pursuant to the City's First Readers (Formerly Known as Early Childhood Literacy) 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 designation and the changes in the 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 29; 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 Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the COMPASS Slot Restoration Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 31; 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 Geriatric Mental Health Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 32; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 33; 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 for certain initiatives in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 34.

**ATTACHMENT:****CHART 1: Local Initiatives - Fiscal 2016**

Member	Organization -Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Eugene	Friends of Brooklyn Community Board 12, Inc. **	20-4531249	DSBS	(\$5,500.00)	801	002			
Eugene	Friends of Brooklyn Community Board 12, Inc. **	20-4531249	DYCD	\$5,500.00	260	005			
Kallos	Friends of the Upper East Side Historic Districts **	13-3193351	DOE	(\$10,000.00)	040	402			
Kallos	Friends of the Upper East Side Historic Districts **	13-3193351	DCLA	\$10,000.00	126	003			
Kallos	Manhattan Chamber of Commerce Foundation, Inc.	13-4016593	DSBS	(\$3,500.00)	801	002			
Kallos	Manhattan Chamber of Commerce Foundation, Inc.	13-4016593	DSBS	\$1,000.00	801	002			
Kallos	Manhattan Chamber of Commerce Foundation, Inc.	13-4016593	DSBS	\$2,500.00	801	002			
Ferreras-Copeland	Citizens Committee for New York City, Inc. **	51-0171818	DYCD	(\$7,500.00)	260	005			
Ferreras-Copeland	Library Action Committee of Corona-East Elmhurst, Inc. **	11-2228514	DCLA	\$7,500.00	126	003			*
Koo	FAN4Kids A NJ Nonprofit Corporation	26-0092086	DOE	(\$5,000.00)	040	402			
Koo	FAN4Kids A NJ Nonprofit Corporation - PS 244Q	26-0092086	DOE	\$5,000.00	040	402			
Arroyo	FAN4Kids A NJ Nonprofit Corporation	26-0092086	DOE	(\$10,000.00)	040	402			
Arroyo	FAN4Kids A NJ Nonprofit Corporation - PS 157X	26-0092086	DOE	\$10,000.00	040	402			
Gibson	FAN4Kids A NJ Nonprofit Corporation	26-0092086	DOE	(\$8,000.00)	040	402			
Gibson	FAN4Kids A NJ Nonprofit Corporation - PS 73X	26-0092086	DOE	\$8,000.00	040	402			
Palma	FAN4Kids A NJ Nonprofit Corporation	26-0092086	DOE	(\$7,000.00)	040	402			
Palma	FAN4Kids A NJ Nonprofit Corporation - PS 69X	26-0092086	DOE	\$7,000.00	040	402			
Richards	Rockaway Development and Revitalization Corporation	11-2575794	DYCD	(\$9,375.00)	260	005			
Richards	Ocean Bay Community Development Corporation	84-1 622031	DYCD	\$9,375.00	260	005			
Matteo	Staten Island Employment Education Consortium	13-3097367	DYCD	(\$4,000.00)	260	005			
Matteo	Staten Island Employment Education Consortium	13-3097367	DYCD	\$4,000.00	260	005	United Activities Unlimited, Inc.	13-2921483	
Rose	Staten Island Sports Alliance Corp	27-21 52528	DYCD	(\$3,700.00)	260	312	United Activities Unlimited, Inc.	13-2921483	
Rose	Staten Island Sports Alliance Corp	27-2152528	DYCD	\$3,700.00	260	312	Jewish Community Center of Staten Island, Inc.	13-5562256	
Vacca	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DYCD	(\$60,500.00)	260	005			
Vacca	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DYCD	\$60,500.00	260	312			

\* Indicates pending completion of pre-qualification review.

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

**CHART 2: Youth Discretionary - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Rose	Staten Island MakerSpace	46-2793482	DYCD	(\$3,000.00)	260	312	United Activities Unlimited, Inc.	13-2921483	
Rose	Staten Island MakerSpace	46-2793482	DYCD	\$3,000.00	260	312	Jewish Community Center of Staten Island, Inc.	13-5562256	
Matteo	Staten Island United Federation Baseball, Inc.	20-0007086	DYCD	(\$2,000.00)	260	312	United Activities Unlimited, Inc.	13-2921483	
Matteo	Staten Island United Federation Baseball, Inc.	20-0007086	DYCD	\$2,000.00	260	312	Jewish Community Center of Staten Island, Inc.	13-5562256	

\* Indicates pending completion of pre-qualification review.

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

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

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Torres	FAN4Kids A NJ Nonprofit Corporation	26-0092086	DOE	(\$10,000.00)	040	402			
Torres	FAN4Kids A NJ Nonprofit Corporation - PS 54X	26-0092086	DOE	\$10,000.00	040	402			
Rose	Christ Church New Brighton	13-5596815	DYCD	(\$5,000.00)	260	005			*
Rose	Christ Church New Brighton	13-5596851	DYCD	\$5,000.00	260	005			

\* Indicates pending completion of pre-qualification review.

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

**CHART 4: Initiative to Address Borough-Wide Needs - Fiscal 2016**

Delegation	Organization	EIN Number	A g e n c y	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Bronx Delegation	FAN4Kids A NJ Nonprofit Corporation	26-0092086	DOE	(\$9,500.00)	040	402			
Bronx Delegation	FAN4Kids A NJ Nonprofit Corporation - PS 157X	26-0092086	DOE	\$9,500.00	040	402			

\* Indicates pending completion of pre-qualification review.

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



**CHART 5: Cultural After School Adventure (CASA) - Fiscal 2016**

Member	Organization - School	EIN Number	Agency	Amount	Agy #	U/A	*
Barron	Man Up!, Inc. - Van Siclen Community School	030553092	DCLA	(\$20,000.00)	126	003	
Barron	Man Up!, Inc. - PATH (Performing Arts and Technology High School) at Thomas Jefferson High School Campus	030553092	DCLA	\$20,000.00	126	003	
Chin	Notes in Motion, Inc - Manhattan Early College of Advertising (MECA)	32-0005633	DCLA	(\$20,000.00)	126	003	
Chin	Notes in Motion, Inc - Manhattan Early College of Advertising (MECA) & Murray Bergtrum High School	32-0005633	DCLA	\$20,000.00	126	003	
Torres	Center for Urban Pedagogy - Jonas Bronck Academy	11-3625306	DCLA	(\$20,000.00)	126	003	
Torres	Center for Urban Pedagogy - KAPPA International High School	11-3625306	DCLA	\$20,000.00	126	003	
Eugene	Purelements: An Evolution in Dance - P.S. 6	20-5332584	DCLA	(\$20,000.00)	126	003	*
Eugene	Dancewave, Inc. - P.S. 6	11-2726558	DCLA	\$20,000.00	126	003	*
Cornegy	Shadow Box Theatre, Inc., The - Public School 373K	13-2725580	DCLA	(\$20,000.00)	126	003	
Cornegy	Shadow Box Theatre, Inc., The - Public School 138K	13-2725580	DCLA	\$20,000.00	126	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 6: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Gentile	Lutheran Medical Center	11-1839567	MOCJ	(\$26,963.00)	098	002	
Gentile	Sunset Park Health Council, Inc. d.b.a. NYU Lutheran Family Health Centers	20-2508411	MOCJ	\$26,963.00	098	002	
Menchaca	Lutheran Medical Center	11-1839567	MOCJ	(\$43,148.00)	098	002	
Menchaca	Sunset Park Health Council, Inc. d.b.a. NYU Lutheran Family Health Centers	20-2508411	MOCJ	\$43,148.00	098	002	
Treyger	Urban Neighborhood Services, Inc.	14-1997299	MOCJ	(\$10,000.00)	098	002	
Treyger	SBH Community Service Network, Inc. (Sephardic Bikur Cholim)	23-7406410	MOCJ	\$10,000.00	098	002	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 7: Speaker's Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Speaker	City University of New York School of Law Foundation, Inc., The **	11-3235349	CUNY	\$10,000.00	042	001	*

\* 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 #	U/A	*
Mealy	Wayside Out-Reach Development, Inc. (WORD) - Tilden Senior Center	11-3528680	DFTA	(\$25,000.00)	125	003	
Mealy	Wayside Out-Reach Development, Inc. (WORD) - Mt. Ararat Senior Center	11-3528680	DFTA	\$25,000.00	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 9: Neighborhood Development Grant Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Crowley	Ridgewood Local Development Corporation	11-2483351	DSBS	(\$22,000.00)	801	002	
Crowley	Queens Chamber of Commerce dba Chamber of Commerce Borough of Queens	11-0559220	DSBS	\$22,000.00	801	002	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 10: Food Pantries Initiative - Fiscal 2016**

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
SI Delegation	Christ Church New Brighton	13-5596815	DYCD	(\$2,000.00)	260	005	*
SI Delegation	Christ Church New Brighton	13-559685 1	DYCD	\$2,000.00	260	005	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 11: NYC Cleanup Initiative - Fiscal 2016**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Greenfield	Association of Community Employment Programs for the Homeless (ACE)	13-384643 1	DYCD	(\$25,000.00)	260	005	
Greenfield	Kings Highway Beautification Association, Inc	20-4986882	DYCD	\$25,000.00	260	005	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 12: HIV/AIDS Faith Based Initiative - Fiscal 2016**

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Brooklyn	Berean Community Family Life Center	11-1660857	DOHMH	(\$6,400.00)	816	112	*
Brooklyn	Berean Community Family Life Center	11-2870465	DOHMH	\$6,400.00	816	112	*
Manhattan	Project Street Beat	13-262 1497	DOHMH	(\$6,400.00)	816	112	*
Manhattan	Planned Parenthood of New York City, Inc. - Project Street Beat	13-262 1497	DOHMH	\$6,400.00	816	112	*

\* Indicates pending completion of pre-qualification review.

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



**CHART 13: Cultural Immigrant Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Matteo	Casa Belvedere, The Italian Cultural Foundation	26-4411729	DCLA	(\$15,625.00)	126	003	*
Matteo	Casa Belvedere, The Italian Cultural Foundation	26-4411728	DCLA	\$15,625.00	126	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 14: SU-CASA Initiative - Fiscal 2016**

Member	Organization - Senior Center	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Cultural Affairs**	13-6400434	DCLA	(\$96,000.00)	126	003	*
Mendez	West Side Federation for Senior and Supportive Housing, Inc. - Sirovich ISC**	13-2926433	DFTA	\$2,000.00	125	003	*
Johnson	Encore West Residence Housing Development Fund Corporation - Enore NSC**	16-1665310	DFTA	\$2,000.00	125	003	*
Johnson	VISIONS/Services for the Blind and Visually Impaired - VISIONS**	13-1624210	DFTA	\$2,000.00	125	003	*
Garodnick	Lenox Hill Neighborhood House, Inc. - Lenox Hill Neighborhood Center**	13-1 628180	DFTA	\$2,000.00	125	003	*
Kallos	Stanley M. Isaacs Neighborhood Center, Inc. - Stanley M. Isaacs NSC**	13-2572034	DFTA	\$2,000.00	125	003	*
Rosenthal	Lincoln Square Neighborhood Center, Inc. - West 65th Street Senior Center**	13-1825918	DFTA	\$2,000.00	125	003	*
Levine	West Side Federation for Senior and Supportive Housing, Inc. - The Center At the Read Oak NSC**	13-2926433	DFTA	\$2,000.00	125	003	*
Dickens	Lower Manhattan Cultural Council, Inc. - A. Philip Randolph NSC**	23-7348782	DFTA	\$2,000.00	125	003	*
Rodriguez	YM-YMHA of Washington Heights and Inwood - YM YWHA ISC**	13-1 635308	DFTA	\$2,000.00	125	003	*
Cohen	Young Men's and Young Women's Hebrew Association of the Bronx - Riverdale Y NSC**	13-1740507	DFTA	\$2,000.00	125	003	*
Cabrera	Regional Aid for Interim Needs, Inc. - RAIN Tolentine**	13-62 13586	DFTA	\$2,000.00	125	003	*
Torres	SEBCO Development, Inc. - SEBCO Mt. Carmel Senior Center**	13-2944013	DFTA	\$2,000.00	125	003	*
Torres	Neighborhood Self Help by Older Persons Project, Inc. - Thomas Guess NSC**	13-3077047	DFTA	\$2,000.00	125	003	*
Gibson	Hope of Israel Senior Center, Inc. - Hope of Israel Senior Center**	13-2749857	DFTA	\$2,000.00	125	003	*
Gibson	Presbyterian Senior Services - PSS Highbridge SC**	13-1 981482	DFTA	\$2,000.00	125	003	*
Palma	Regional Aid for Interim Needs, Inc. - RAIN Parkchester**	13-62 13586	DFTA	\$2,000.00	125	003	*
Vallone	Selfhelp Community Services, Inc. - Selfhelp Clearview NSC**	13-1 624178	DFTA	\$2,000.00	125	003	*
Koo	Selfhelp Community Services, Inc. - Selfhelp Latimer Gardens NSC**	13-1 624178	DFTA	\$2,000.00	125	003	*
Ferreras-Copeland	Institute for the Puerto Rican/Hispanic Elderly, Inc. - IPRHE Corona NSC**	13-2987263	DFTA	\$2,000.00	125	003	*
Grodenschik	Catholic Charities Neighborhood Services, Inc. - CCNS Bayside NSC**	11-2047151	DFTA	\$2,000.00	125	003	*
Grodenschik	Services Now for Adult Persons (SNAP), Inc. - SNAP ISC**	11-2591783	DFTA	\$2,000.00	125	003	*
Lancman	Pomonok Neighborhood Center, Inc. - Pomonok NSC**	11-2414848	DFTA	\$2,000.00	125	003	*
Lancman	Young Israel Of Queens Valley Senior League - Young Israel Of Queens Valley NSC**	13-3613262	DFTA	\$2,000.00	125	003	*
Dromm	Jewish Center of Jackson Heights, Inc. - Queens Center for Gay Seniors**	11-1681124	DFTA	\$2,000.00	125	003	*
Dromm	New York Irish Center, Inc. - New York Irish Center**	55-086915 1	DFTA	\$2,000.00	125	003	*
Van Bramer	Jacob A. Riis Neighborhood Settlement, Inc. - Queensbridge Riis NSC**	11-1729398	DFTA	\$2,000.00	125	003	*
Van Bramer	Sunnyside Community Service, Inc. - Sunnyside Community NSC**	51-0189327	DFTA	\$2,000.00	125	003	*
Miller	Alpha Phi Alpha Senior Citizens Center, Inc. - Alpha phi Alpha**	23-7436147	DFTA	\$2,000.00	125	003	*
Richards	Merrill Park Civic Association of Springfield Gardens, Inc. - Robert Couche NSC**	11-2304928	DFTA	\$2,000.00	125	003	*
Ulrich	Catholic Charities Neighborhood Services, Inc. - CCNS Howard Beach NSC**	11-2047151	DFTA	\$2,000.00	125	003	*
Cumbo	Fort Greene Council, Inc. - Ft. Greene Grace Agard**	11-2300840	DFTA	\$2,000.00	125	003	*
Cornegy	Fort Greene Council, Inc. - Albany Neighborhood**	11-2300840	DFTA	\$2,000.00	125	003	*
Cornegy	Fort Greene Council, Inc. - Stuyvesant Heights NSC**	11-2300840	DFTA	\$2,000.00	125	003	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 14: SU-CASA Initiative - Fiscal 2016 (Continued)**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Espinal	Cypress Hills-Fulton Street Senior Citizens Center, Inc. - Cypress Hills Fulton Street NSC**	11-2297647	DFTA	\$2,000.00	125	003	*
Menchaca	United Senior Citizens of Sunset Park, Inc. - Sunset Park NSC**	11-2358277	DFTA	\$2,000.00	125	003	*
Menchaca	United Senior Citizens of Sunset Park, Inc. - United NSC**	11-2358277	DFTA	\$2,000.00	125	003	*
Mealy	Fort Greene Council, Inc. - Hugh Gilroy NSC**	11-2300840	DFTA	\$2,000.00	125	003	*
Mealy	Wayside Out-Reach Development, Inc. (WORD) - Tilden NSC**	11-3528680	DFTA	\$2,000.00	125	003	*
Barron	Cypress Hills-Fulton Street Senior Citizens Center, Inc. - Cypress Hills Houses Senior Center**	11-2297647	DFTA	\$2,000.00	125	003	*
Greenfield	Young Men's and Young Women's Hebrew Association of Boro Park, Inc. - Boro Park Neighborhood Center**	11-1630917	DFTA	\$2,000.00	125	003	*
Williams	Catholic Charities Neighborhood Services, Inc. - CCNS Glenwood NSC**	11-2047151	DFTA	\$2,000.00	125	003	*
Maisel	Hebrew Educational Society - HES NSC**	11-1642720	DFTA	\$2,000.00	125	003	*
Treyger	Jewish Community Council of Greater Coney Island, Inc. - Haber House Senior Center**	11-2665181	DFTA	\$2,000.00	125	003	*
Deutsch	Jewish Association for Services for the Aged (JASA) - Senior Alliance NSC**	13-2620896	DFTA	\$2,000.00	125	003	*
Deutsch	Young Israel Senior Services, Inc. - Young Israel Sr. Services NSC**	13-4136312	DFTA	\$2,000.00	125	003	*
Rose	Community Agency for Senior Citizens, Inc. - Anderson NSC**	13-3263537	DFTA	\$2,000.00	125	003	*
Rose	Catholic Charities Community Services, Archdiocese of New York - West Brighton NSC**	13-5562 185	DFTA	\$2,000.00	125	003	*
Borelli	Staten Island Community Services Friendship Clubs, Inc. - GreatKills Friendship Club**	13-2778244	DFTA	\$2,000.00	125	003	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 15: Participatory Budgeting at NYCHA Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
New York City Housing Authority **	13-6400434	NYCHA	(\$10,000.00)	098	002	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 16: Restorative Justice Program Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Department of Education	13-6400434	DOE	(\$300,000.00)	040	402	
New York Peace Institute, Inc. - The Urban Assembly School for Global Commerce	45-1964622	DOE	\$50,000.00	040	402	*
YPIS of Staten Island, Inc. - Manhattan Business Academy	23-7085239	DOE	\$50,000.00	040	402	*
YPIS of Staten Island, Inc. - Brooklyn School for Music & Theatre	23-7085239	DOE	\$50,000.00	040	402	*
YPIS of Staten Island, Inc. - The Heritage School	23-7085239	DOE	\$50,000.00	040	402	*
YPIS of Staten Island, Inc. - Academy for College Preparation and Career Exploration	23-7085239	DOE	\$50,000.00	040	402	*
YPIS of Staten Island, Inc. - New Dorp High School	23-7085239	DOE	\$50,000.00	040	402	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 17: Bail Fund Initiative - Fiscal 2016**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Mayor's Office of Criminal Justice **	13-6400434	MOCJ	(\$330,000.00)	098	002	

\* Indicates pending completion of pre-qualification review.

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

**CHART 18: New York Immigrant Family Unity Project Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Brooklyn Defender Services **	11-3305406	DSS/HRA	\$110,000.00	069	103	*
Legal Aid Society **	13-5562265	DSS/HRA	\$110,000.00	069	103	*
Bronx Defenders, The **	13-3931074	DSS/HRA	\$110,000.00	069	103	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 19: Coalition Theaters of Color Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
ID Studio Theater Performance and Research Center, Inc.	71-0991159	DCLA	(\$14,600.00)	126	003	*
Calliope Creative Foundation	13-4158092	DCLA	\$14,600.00	126	003	*

\* Indicates pending completion of pre-qualification review.

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



**CHART 20: Autism Awareness Initiative - Fiscal 2016**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Labor and Industry for Education, Inc.	11-4088055	DOHMH	(\$70,031.00)	816	121	
My Time, Inc.	68-0646329	DOHMH	\$35,016.00	816	121	*
Shorefront YM-YWHA of Brighton-Manhattan Beach, Inc.	11-3070228	DOHMH	\$35,015.00	816	121	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 21: Communities for Healthy Food Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
West Harlem Group Assistance, Inc.	23-7169558	DYCD	(\$375,000.00)	260	005	
Cypress Hills Local Development Corporation	11-2683663	DYCD	\$125,000.00	260	005	*
Crenulated Company LTD, The	14-1719016	DYCD	\$125,000.00	260	005	*
Northeast Brooklyn Housing Development Corporation	11-2737223	DYCD	\$125,000.00	260	005	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 22: Immigrant Health Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
New York and Presbyterian Hospitals Healthcare System, Inc.	13-3792361	DOHMH	(\$50,000.00)	816	117	
Young Men's Clinic, The	13-3957095	DOHMH	\$50,000.00	816	117	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 23: Anti-Gun Violence - Art a Catalyst for Change Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Education Through Music, Inc.	13-36132 10	DCLA	(\$18,000.00)	126	003	
Enact, Inc.	13-3422660	DCLA	\$18,000.00	126	003	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 24: Anti-Gun Violence - Community-Based Programs Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Administration for Children's Services	13-6400434	ACS	(\$250,000.00)	068	004	
Life Camp, Inc.	20-0814999	ACS	\$50,000.00	068	004	*
Good Shepherd Services, Inc.	13-5598710	ACS	\$50,000.00	068	004	*
Getting Out and Staying Out, Inc.	06-1711370	ACS	\$50,000.00	068	004	*
Central Family Life Center	13-3626127	ACS	\$50,000.00	068	004	*
Gangstas Making Astronomical Community Changes, Inc.	45-3359451	ACS	\$50,000.00	068	004	*
Jamaica Hospital Medical Center	11-1631788	DOHMH	(\$90,000.00)	816	114	*
Urban Neighborhood Services, Inc.	14-1997299	DOHMH	\$90,000.00	816	114	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 25: Social Adult Day Care Enhancement Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Lutheran Medical Center	11-1839567	DFTA	(\$95,000.00)	125	003	
Sunset Park Health Council, Inc. d.b.a. NYU Lutheran Family Health Centers	20-2508411	DFTA	\$95,000.00	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 26: MHy Services - Mental Health Providers Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Lutheran Medical Center	11-1839567	DOHMH	(\$268,000.00)	816	120	
Sunset Park Health Council, Inc. d.b.a. NYU Lutheran Family Health Centers	20-2508411	DOHMH	\$268,000.00	816	120	

\* Indicates pending completion of pre-qualification review.

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

**CHART 27: Hepatitis B/C Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
NYU Lutheran Medical Center	11-1839567	DOHMH	(\$40,410.00)	816	112	
Sunset Park Health Council, Inc. d.b.a. NYU Lutheran Family Health Centers	20-2508411	DOHMH	\$40,410.00	816	112	

\* Indicates pending completion of pre-qualification review.

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



**CHART 28: City's First Readers (Formerly Known as Early Childhood Literacy) Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Lutheran Family Health Center's Family Support Center	11-1839567	DYCD	(\$47,000.00)	260	005	
Sunset Park Health Council, Inc. d.b.a. NYU Lutheran Family Health Centers	20-2508411	DYCD	\$47,000.00	260	005	

\* Indicates pending completion of pre-qualification review.

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

**CHART 29: Access Health NYC Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
NYU Lutheran Medical Center	11-1839567	DOHMH	(\$52,692.00)	816	117	
Sunset Park Health Council, Inc. d.b.a. NYU Lutheran Family Health Centers	20-2508411	DOHMH	\$52,692.00	816	117	

\* Indicates pending completion of pre-qualification review.

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

**CHART 30: Senior Centers for Immigrant Populations Initiative - Fiscal 2016**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Lutheran Family Health Center's Family Support Center	11-1839567	DFTA	(\$10,000.00)	125	003	
Sunset Park Health Council, Inc. d.b.a. NYU Lutheran Family Health Centers	20-2508411	DFTA	\$10,000.00	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 31: COMPASS Slot Restoration Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Women's Housing and Economic Development Corporation (WHEDco)	13-2675560	DYCD	(\$330,400.00)	260	312	*
Women's Housing and Economic Development Corporation (WHEDco)	11-3099604	DYCD	\$330,400.00	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART 32: Geriatric Mental Health Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)	13-5564937	DOHMH	(\$84,000.00)	816	120	
Riverdale Mental Health Association, Inc.	13-1930700	DOHMH	\$44,000.00	816	120	*
St. Barnabas Hospital	13-1740122	DOHMH	\$40,000.00	816	120	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 33: Local Initiatives - Fiscal 2015**

Member	Organization	EIN Number	A g e n c y	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Matteo	DOE-District 31, Region 7	13-6400434	DOE	(\$14,000.00)	040	402			
Matteo	Public School 9R	13-6400434	DOE	\$2,000.00	040	402			
Matteo	Public School 52R	13-6400434	DOE	\$2,000.00	040	402			
Matteo	Public School 11 R	13-6400434	DOE	\$2,000.00	040	402			
Matteo	Public School 38R	13-6400434	DOE	\$2,000.00	040	402			
Matteo	Public School 46R	13-6400434	DOE	\$2,000.00	040	402			
Matteo	Public School 39R	13-6400434	DOE	\$2,000.00	040	402			
Matteo	Public School 26R	13-6400434	DOE	\$2,000.00	040	402			

\* Indicates pending completion of pre-qualification review.

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

**CHART 34: Purpose of Funds Changes - Fiscal 2016**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds *
Local	Kallos	Participatory Politics Foundation	26-2296822	DOITT	(\$5,000.00)	To bring Councilmatic, as a free and open-source public resource using open civic data from the New York City Council. Councilmatic will be maintained and operated by PPDF to provide an independent user-friendly and more-accessible portal to the NYC legislative process, serving as a transparency resource and the foundation for a unique engagement platform. Councilmatic will offer pages for every council member and legislative item, to track and share official information about issues and committees in the NYC Council. Councilmatic will enable
Local	Kallos	Participatory Politics Foundation	26-2296822	DOITT	\$5,000.00	To improve and implement Councilmatic, an open source tool that is available for free download by all New Yorkers as an educational resource using open civic
Local	Kallos	Manhattan Chamber of Commerce Foundation, Inc.	13-4016593	DSBS	(\$4,000.00)	To support an economic development program to identify empty storefronts, analyze industry sectors, identify MMBE owned businesses and provide resources and education to the business owners in supporting their long term success both from a technical perspective and marketing perspective to attract new customers and tourist. The program's data will be made available to the public and will allow to trends to be monitored in a proactive versus reactive manner.
Local	Kallos	Manhattan Chamber of Commerce Foundation, Inc.	13-401 6593	DSBS	\$4,000.00	To support children's activities at Ruppert Park and E91st play street. *
NYC Cleanup	Chin	Alliance for Downtown New York	13-3791550	DYCD	(\$7,500.00)	Recycling pickups in Lower Manhattan.
NYC Cleanup	Chin	Alliance for Downtown New York	13-3791550	DYCD	\$7,500.00	Funds will be used to purchase 2 Billy Goat hard surface street vacuums. *
Aging	King	Retirees of Dreiser Loop , Inc., The	010677804	DFTA	(\$30,000.00)	To support workshops, forums and travel opportunities. Funds will also be used to maintain the van which transports members to events; in addition, funds are used for rent, utilities and insurance.
Aging	King	Retirees of Dreiser Loop , Inc., The	010677804	DFTA	\$30,000.00	To support workshops, forums and travel opportunities. Funds will also be used to maintain the van which transports members to events; to purchase materials, supplies and any items for recreational and games activities; in addition, funds are used for rent, utilities and insurance. *
Big Brothers and Big Sisters of New York City		Big Brothers Big Sisters of New York City, Inc.	13-5600383	DYCD	(\$850,000.00)	This allocation represents a restoration of \$400,000 from Fiscal 2015, as well as an enhancement of \$450,000. Funds support the provision of mentoring services to New York City youth. Many participants are disabled, pregnant or parenting, immigrants, or have been detained by law enforcement. Funds also contribute to the provision of educational support and training for other youth organizations across the five boroughs.
Big Brothers and Big Sisters of New York City		Big Brothers Big Sisters of New York City, Inc.	13-5600383	DYCD	\$850,000.00	This allocation represents a restoration of \$400,000 from Fiscal 2015, as well as an enhancement of \$450,000. Funds support the provision of mentoring services to New York City youth. Funds also contribute to the provision of educational
Local	Cohen	Summer on the Hill	65-1 232087	DYCD	(\$10,000.00)	Funding will help cover expenses of recreational and social programming for seniors.
Local	Cohen	Summer on the Hill	65-1232087	DYCD	\$10,000.00	Funding will cover expenses of academic enrichment and guidance for talented New York City public school students in grades 3 - 12. *

\* Indicates pending completion of pre-qualification review.

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

**CHART 35: Purpose of Funds Changes - Fiscal 2016 (Continued)**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds *
Local	Dickens	Lincoln Center for the Performing Arts, Inc.	13-1847137	DCLA	(\$5,000.00)	Funds to provide free arts and cultural programming during the summer as well as digital screenings of Lincoln Center collection for school aged children and schools.
Local	Dickens	Lincoln Center for the Performing Arts, Inc.	13-1847137	DCLA	\$5,000.00	To support the long term, successful partnership with Lincoln Center Education and Frederick Douglass Academy II, to provide professional development for teachers to build their capacity to integrate the arts, and inquiry-based learning * into their daily classroom practice, and to provide direct arts education services to
Local	Crowley	Ridgewood Local Development Corporation	11-2483351	DSBS	(\$15,000.00)	Funding to defray costs of a feasibility study regarding creation of new BID along Myrtle Avenue in Glendale.
Local	Crowley	Ridgewood Local Development Corporation	11-2483351	DSBS	\$15,000.00	Funding to support general operating, staffing and administrative costs, (rent/OTPS, consultants, marketing promo items for special events and *
Local	Speaker	Hispanic Federation, Inc.	13-3573852	DYCD	(\$100,000.00)	Funding to support Esperanza Azteca Youth Orchestra's program, defray the costs of purchasing musical instruments and pay for instructors that will provide the homework assistance and educate the youth on how to read music and play their instrument.
Local	Speaker	Hispanic Federation, Inc.	13-3573852	DYCD	\$100,000.00	Funding will be used to support the Hispanic Federation's community education initiatives and programs. To hire a Director of Health Advocacy to play a key role in coordinating its health advocacy, community programs and events. This * individual would be responsible for managing advocacy coalitions and key
Local	Ulrich	Roxbury Volunteer Emergency Services, Inc.	11-3084367	FDNY	(\$5,000.00)	Funding to be used for Tree Stump Removal Program and sidewalk repairs in District 32
Local	Ulrich	Roxbury Volunteer Emergency Services, Inc.	11-3084367	FDNY	\$5,000.00	Funds to be used to purchase new equipment and supplies and to support operational expenses. *
Aging	Miller	Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DFTA	(\$10,000.00)	Funds requested will support program and operating activities, including recreational activities for seniors (bus rentals), program consultants, program and office supplies, equipment rental.
Aging	Miller	Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DFTA	\$10,000.00	Funding will support the Senior Employment program including general operating costs, salaries, mailings and office supplies. *

\* Indicates pending completion of pre-qualification review.

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



JULISSA FERRERAS-COPELAND, *Chairperson*; VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, January 19, 2016.

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

### **Report of the Committee on Housing and Buildings**

Report on Int. No. 49-A

#### **Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 26, 2014 (Minutes, page 387), respectfully

#### **REPORTS:**

##### **Introduction**

On January 14, 2016, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 49-A.

The Committee originally heard Int. No. 49 on September 16, 2015 and received testimony from the Department of Buildings (DOB) and other interested members of the public.

##### **Proposed Int. No. 49-A**

Proposed Int. No. 49-A would require DOB to notify Council Members and Community Boards of applications for new building construction or substantial alterations that will require a new certificate of occupancy for a building filed, approved or rejected.

Section one of Proposed Int. No. 49-A would amend section 28-103.11 of the administrative code, which addresses applications and permits, to require DOB to notify Council Members and Community Boards on a weekly basis, by electronic mail, of applications for new building construction or substantial alterations that will require a new certificate of occupancy for a building filed with DOB, disaggregated by community board. Additionally, section one would require DOB to post such information on their website each week.

Section two of Proposed Int. No. 49-A would amend article 104 of the administrative code to add a new section 28-104.2.7.1, which would address notifications of approval of construction documents, to require DOB to notify Council Members and Community Boards on a weekly basis, by electronic mail, of applications for new building construction or substantial alterations that will require a new certificate of occupancy for a building approved by DOB, disaggregated by community board. Additionally, section two would require DOB to post such information on their website each week.

Section three of Proposed Int. No. 49-A would amend section 28-104.2.8 of the administrative code, which addresses notifications of rejection of construction documents, to require DOB to notify Council Members and Community Boards on a weekly basis, by electronic mail, of applications for new building construction or substantial alterations that will require a new certificate of occupancy for a building rejected

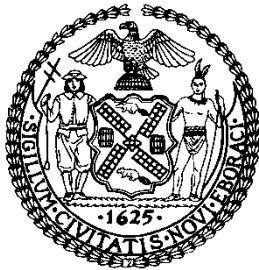
for the first time by DOB, disaggregated by community board. Additionally, section three would require DOB to post such information on their website each week.

Section four of Proposed Int. No. 49-A contains the enactment clause and provides that the local law take effect 90 days after its enactment, except that DOB may take measures necessary for its implementation (e.g. promulgate rules) before the effective date.

**Changes to Int. No. 49**

- In addition to notifying Council Members and Community Boards of applications for new building construction or substantial alterations that will require a new certificate of occupancy for a building filed or rejected by DOB, Proposed Int. No. 49-A would also require DOB to notify Council Members and Community Boards of applications for new building construction or substantial alterations that will require a new certificate of occupancy for a building approved by DOB.
- In addition to sending the required information to Council Members and Community Boards, Proposed Int. No. 49-A would require DOB to post the information on their website.

**(The following is the text of the Fiscal Impact Statement for Int No. 49-A:)**



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 49-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the provision of notice to council members and community boards of applications filed with and rejected by the department of buildings

**SPONSOR(S):** Council Members Cabrera, Cumbo, Dickens, Koo, Lancman, Rose, Vacca, Rosenthal, Reynoso, Richards, Koslowitz, Miller, Crowley, Espinal, Greenfield, King, Maisel, Mealy, Vallone, Gibson, Cohen, Chin, Constantinides, Cornegy, Palma, Rodriguez, Torres, Wills and Ulrich

**SUMMARY OF LEGISLATION:** For a new building or an alteration that would require a new certificate of occupancy, the proposed legislation would require the Department of Buildings (DOB) to e-mail on a weekly basis, and post on DOB’s website, copies of completed applications, notices of approval, and notices of first rejection for a new building or an alteration that would require a new certificate of occupancy to affected council members and community boards. The information would be disaggregated by community board.

**EFFECTIVE DATE:** This legislation would take effect 90 days after it becomes law, except that DOB would take actions necessary for implementation, including the promulgation of rules, prior to its effective date.

**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 there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law.

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

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Senior Legislative Financial Analyst  
Emre Edev, Assistant Director

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel  
Tanisha Edwards, Chief Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 26, 2014 as Intro. 49 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on September 16, 2015 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 49-A, will be considered by the Committee on Housing and Buildings on January 14, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on January 19, 2016

**DATE PREPARED:** January 14, 2016

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

**(The following is the text of Int No. 49-A:)**

Int. No. 49-A

By Council Members Cabrera, Cumbo, Dickens, Koo, Lancman, Rose, Vacca, Rosenthal, Reynoso, Richards, Koslowitz, Miller, Crowley, Espinal, Greenfield, King, Maisel, Mealy, Vallone, Gibson, Cohen, Chin, Constantinides, Cornegy, Palma, Rodriguez, Torres, Wills, Gentile, Lander, Deutsch, Levin, Kallos and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of notice to council members and community boards of applications filed with and rejected by the department of buildings.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-103.11 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:

**§ 28-103.11 Applications and permits.** The department shall receive and review applications, construction documents, and other related documents and shall issue permits, in accordance with the provisions of this code. *The department shall, on a weekly basis, send council members and community boards, by electronic mail, a copy of all completed applications for a new building or an alteration that will require a new certificate of occupancy for a building, received during the prior week, disaggregated by community board. In addition, the department shall post such information on its website on a weekly basis.*

§ 2. Article 104 of the administrative code of the city of New York is amended by adding a new section 28-104.2.7.1 to read as follows:

**§ 28-104.2.7.1 Notification of approval.** *The department shall, on a weekly basis, send council members and community boards, by electronic mail, a copy of all notices of approval for applications for a new building or an alteration that will require a new certificate of occupancy for a building, sent to applicants during the prior week, disaggregated by community board. In addition, the department shall post such information on its website on a weekly basis.*

§ 3. Section 28-104.2.8 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:

**§ 28-104.2.8 Notification of rejection.** Applications failing to comply with the provisions of this code and other applicable laws and rules shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than the date required in section 28-104.2.7. *The department shall, on a weekly basis, send council members and community boards, by electronic mail, a copy of all notices of a first rejection for applications for a new building or an alteration that will require a new certificate of occupancy for a building, sent to applicants during the prior week, disaggregated by community board. In addition, the department shall post such information on its website on a weekly basis.*

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

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ERIC A. ULRICH; Committee on Housing and Buildings, January 6, 2016. *Other Council Members Attending: Dromm and Johnson.*

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

## Report of the Committee on Land Use

Report for L.U. No. 299

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20165077 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Bar Giacosa Corp., d/b/a Il Pittino for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 270 6th Avenue, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 29, 2015 (Minutes, page 3899), and which same item was coupled with the resolution shown below, respectfully

### REPORTS:

#### SUBJECT

**MANHATTAN CB - 02**

**20165077 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Bar Giacosa Corp., d/b/a Il Pittino, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 270 6<sup>th</sup> Avenue, Borough of Manhattan.

By a letter dated November 16, 2015, and submitted to the City Council on November 16, 2015, the applicant withdrew the application submitted to the Department of Consumer Affairs for recommendation for approval for the revocable consent.

#### SUBCOMMITTEE RECOMMENDATION

**DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Williams, Reynoso Torres.

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

#### COMMITTEE ACTION

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

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

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

Res No. 959

**Resolution approving a motion to file pursuant to withdrawal of the application for a revocable consent for an unenclosed sidewalk café located at 270 6<sup>th</sup> Avenue, Borough of Manhattan (20165077 TCM; L.U. No. 299).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on October 16, 2015 its approval dated October 15, 2015 of the petition of Bar Giacosa Corp., d/b/a Il Pittino, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 270 6<sup>th</sup> Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, by letter dated November 16, 2015, and submitted to the City Council on November 16, 2015, the Applicant withdrew the Application submitted to the Department of Consumer Affairs for recommendation for approval for the revocable consent.

**RESOLVED:**

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 300

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20165089 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 643 Broadway Holdings LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 643 Broadway, Borough of Manhattan, Community Board 2, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2015 (Minutes, page 3995), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 02**

**20165089 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 643 Broadway Holdings, LLC, d/b/a Bleecker Kitchen & Co., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 643 Broadway, Borough of Manhattan.

By a letter dated November 19, 2015, and submitted to the City Council on November 19, 2015, the applicant withdrew the application submitted to the Department of Consumer Affairs for recommendation for approval for the revocable consent.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Williams, Reynoso, Torres.

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

**COMMITTEE ACTION**

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res No. 960

**Resolution approving a motion to file pursuant to withdrawal of the application for a revocable consent for an unenclosed sidewalk café located at 643 Broadway, Borough of Manhattan (20165089 TCM; L.U. No. 300).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on October 26, 2015 its approval dated October 23, 2015 of the petition of 643 Broadway Holdings, LLC, d/b/a Bleecker Kitchen & Co., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 643 Broadway, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, by letter dated November 19, 2015, and submitted to the City Council on November 19, 2015, the Applicant withdrew the Application submitted to the Department of Consumer Affairs for recommendation for approval for the revocable consent.

**RESOLVED:**

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. Other Council Members Attending: Council Members Eugene and Matteo.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 315

**Report of the Committee on Land Use in favor of approving Application No. 20165181 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Haru Gramercy Park Corp., d/b/a Haru for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 220 Park Avenue South, Borough of Manhattan, Community Board 5, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 16, 2015 (Minutes, page 4575), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 5**

**20165181 TCM**



Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Haru Gramercy Park Corp., d/b/a Haru, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 220 Park Avenue South.

### **INTENT**

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

### **PUBLIC HEARING**

**DATE:** January 12, 2016

**Witnesses in Favor:** One

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Williams, Reynoso, Torres.

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

### **COMMITTEE ACTION**

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res No. 961

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 220 Park Avenue South, Borough of Manhattan (20165181 TCM; L.U. No. 315).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on December 1, 2015 its approval dated November 30, 2015 of the petition of Haru Gramercy Park Corp., d/b/a Haru, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 220 Park Avenue South, Community District 5, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on January 12, 2016; and

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

**RESOLVED:**

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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. 316

**Report of the Committee on Land Use in favor of approving Application No. 20165189 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of La Meridiana I, Ltd., d/b/a Numero 28 for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 176 2nd Avenue, Borough of Manhattan, Community Board 3, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 16, 2015 (Minutes, page 4575), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 3**

**20165189 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of La Meridiana I, Ltd., d/b/a Numero 28, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 176 2<sup>nd</sup> Avenue.

### **INTENT**

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

### **PUBLIC HEARING**

**DATE:** January 12, 2016

**Witnesses in Favor:** One

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Williams, Reynoso, Torres.

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

### **COMMITTEE ACTION**

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res No. 962

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 176 2nd Avenue, Borough of Manhattan (20165189 TCM; L.U. No. 316).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on December 8, 2015 its approval dated December 7, 2015 of the petition of La Meridiana I, Ltd., d/b/a Numero 28, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 176 2nd Avenue,

Community District 3, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on January 12, 2016; and

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

**RESOLVED:**

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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. 317

**Report of the Committee on Land Use in favor of approving Application No. 20165190 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 4N Corp., d/b/a Blind Pig for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 233 East 14th Street, Borough of Manhattan, Community Board 6, Council District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 16, 2015 (Minutes, page 4576), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 6**

**20165190 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 4N Corp., d/b/a Blind Pig, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 233 East 14th Street.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** January 12, 2016

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Williams, Reynoso, Torres.

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

**COMMITTEE ACTION**

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res No. 963

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 233 East 14th Street, Borough of Manhattan (20165190 TCM; L.U. No. 317).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on December 8, 2015 its approval dated December 7, 2015 of the petition of 4N Corp., d/b/a Blind Pig, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located 233 East 14th Street, Community District 6, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on January 12, 2016; and

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

**RESOLVED:**

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. Other Council Members Attending: Council Members Eugene and Matteo.

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. 318

**Report of the Committee on Land Use in favor of approving Application No. 20165168 HKM (N 160068 HKM), pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Mount Morris Park Historic District Extension (Designation List 484/ LP No. 2571), Borough of Manhattan, Community Board 10, Council District 9, as an historic district.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 16, 2015 (Minutes, page 4576), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 10**

**20165168 HKM (N 160068 HKM)**

Designation by the Landmarks Preservation Commission [DL-484/LP-2571] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Mount Morris Park Historic District Extension, as a historic district.

**PUBLIC HEARING****DATE:** January 12, 2016**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** January 12, 2016

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

**In Favor:** Koo, Palma, Levin, Barron, Kallos.**Against:** *None*      **Abstain:** *None***COMMITTEE ACTION****DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.**Against:** *None*      **Abstain:** *None*

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

Res No. 964

**Resolution affirming the designation by the Landmarks Preservation Commission of the Mount Morris Park Historic District Extension, Borough of Manhattan, Designation List No. DL-484/LP-2571 (L.U. No. 318; 20165168 HKM; N 160068 HKM).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on October 2, 2015 a copy of its designation dated September 22, 2015 (the "Designation"), of the Mount Morris Park Historic District Extension, Community District 10, Borough of Manhattan, with the following district boundaries:**Section 1** of the Mount Morris Park Historic District Extension consists of the property bounded by a line beginning at the intersection of the western curblineline of Lenox Avenue and the northern curblineline of West 118th Street, extending westerly along the northern curblineline of West 118th Street to a point formed by its intersection with a line extending northerly from the eastern property line of 102 West 118th Street, southerly along said property line to the southern property line of 102 West 118th Street, westerly along said property line and along the southern property lines of 104 West 118th Street through 158 West 118th Street to the western property line of 158 West 118th Street, northerly along said property line to the southern curblineline of West 118th Street, easterly along said property line to a point formed by its intersection with a line extending southerly from the western property line of 157 West 118th Street, northerly along said property line, the western property line of 158 West 119th Street, and across the roadbed to the northern curblineline of West 119th

Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 157 West 119th Street, northerly along said property line to the southern property line of 166 West 120th Street, westerly along said property line to the western property line of 166 West 120th Street, northerly along said property line and across the roadbed to the northern curblineline of West 120th Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 159 West 120th Street, northerly along said property line and the western property line of 164 West 121st Street to the southern curblineline of West 121st Street, easterly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 159 West 121st Street, across the roadbed and along said property line to the northern property line of 159 West 121st Street, easterly along said property line to the western property line of 164 West 122nd Street, northerly along said property line and across the roadbed to the northern curblineline of West 122nd Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 165 West 122nd Street, northerly along said property line and along the western property line of 168 West 123rd Street to the southern curblineline of West 123rd Street, easterly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 111 West 123rd Street, northerly along said property line, easterly along the northern property lines of 111 through 107 West 123rd Street, southerly along the eastern property line of 107 West 123rd Street and across the roadbed to the southern curblineline of West 123rd Street, easterly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 102 West 123rd Street, southerly along said property line and along the eastern property line of 103 West 122nd Street to the center of the roadbed of West 122nd Street, westerly along the center of said roadbed to a point formed by its intersection with a line extending northerly from the eastern property line of 147 West 121st Street southerly along said property line to the center of the roadbed of West 121st Street, easterly along the center of said roadbed to a point formed by its intersection with a line extending northerly from the eastern property line of 102 West 121st Street, southerly along said property line to the southern property line of 102 West 121st Street, westerly along said property line to the eastern property line of 103 West 120th Street, southerly along said property line to the center of the roadbed of 120th Street, easterly along the center of said roadbed to a point formed by its intersection with a line extending northerly from the western property line of 199 Lenox Avenue, southerly along the western property lines of 199 to 181 Lenox Avenue to the center of the roadbed of West 119th Street, easterly along the center of said roadbed to the center of the roadbed of Lenox Avenue, southerly along said roadbed to a point formed by its intersection with a line extending easterly from the northern curblineline of West 118th Street, westerly along said curblineline to the point of the beginning.

**Section 2** of the Mount Morris Park Historic District Extension consists of the property bounded by a line beginning at the southwest corner of Fifth Avenue and West 120th Street, westerly along the southern curblineline of West 120th Street, southerly along the western property line of 1490-1500 Fifth Avenue (aka 2 West 120th Street), easterly along the southern property line of 1490-1500 Fifth Avenue (aka 2 West 120th Street) to the western curblineline of Fifth Avenue, northerly along said curblineline to the point of the beginning.

**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 December 4, 2015, its report on the Designation dated December 2, 2015 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on January 12, 2016; 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.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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. 321

**Report of the Committee on Land Use in favor of approving Application No. N 150340 ZRR submitted by BIRB Realty Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix A of Article X, Chapter 7, concerning the boundaries of Designated Open Space, within the Special South Richmond Development District, Borough of Staten Island, Community Board 3, Council District 51.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2016 (Minutes, page 3995), and which same item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**STATEN ISLAND - CB 3**

**N 150340 ZRR**

City Planning Commission decision approving an application submitted by BIRB Realty Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying Appendix A of Article X, Chapter 7, concerning the boundaries of Designated Open Space, within the Special South Richmond Development District.

#### **INTENT**

To amend the Zoning Resolution in order to facilitate development of three, two-family homes located at 521-529 Durant Avenue (Block 5120, Lot 62).

#### **PUBLIC HEARING**

**DATE:** January 12, 2016

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Williams, Reynoso, Torres.

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

**COMMITTEE ACTION**

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

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

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

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

Res No. 965

**Resolution approving the decision of the City Planning Commission on Application No. N 150340 ZRR, for an amendment of the Zoning Resolution of the City of New York, to modify Appendix A of Article X, Chapter 7, concerning the boundaries of Designated Open Space, within the Special South Richmond Development District in Community District 3, Borough of Staten Island (L.U. No. 321).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on December 18, 2015 its decision dated December 16, 2015 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by BIRB Realty Inc., for an amendment of the text of the Zoning Resolution of the City of New York, to modify Appendix A of Article X, Chapter 7, concerning the boundaries of Designated Open Space along Durant Avenue and Ocean Road in the Great Kills neighborhood of Staten Island, within the Special South Richmond Development District, to facilitate development of three, two-family homes located at 521-529 Durant Avenue (Block 5120, Lot 62), (Application No. N 150340 ZRR), Community District 3, Borough of Staten Island (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 12, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the conditional negative declaration (CEQR No. 15DCP154R) issued on December 14, 2015, which reflects the modified application (the “Conditional Negative Declaration”);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 150340 ZRR, incorporated by reference herein, the Council approves the Decision.

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

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

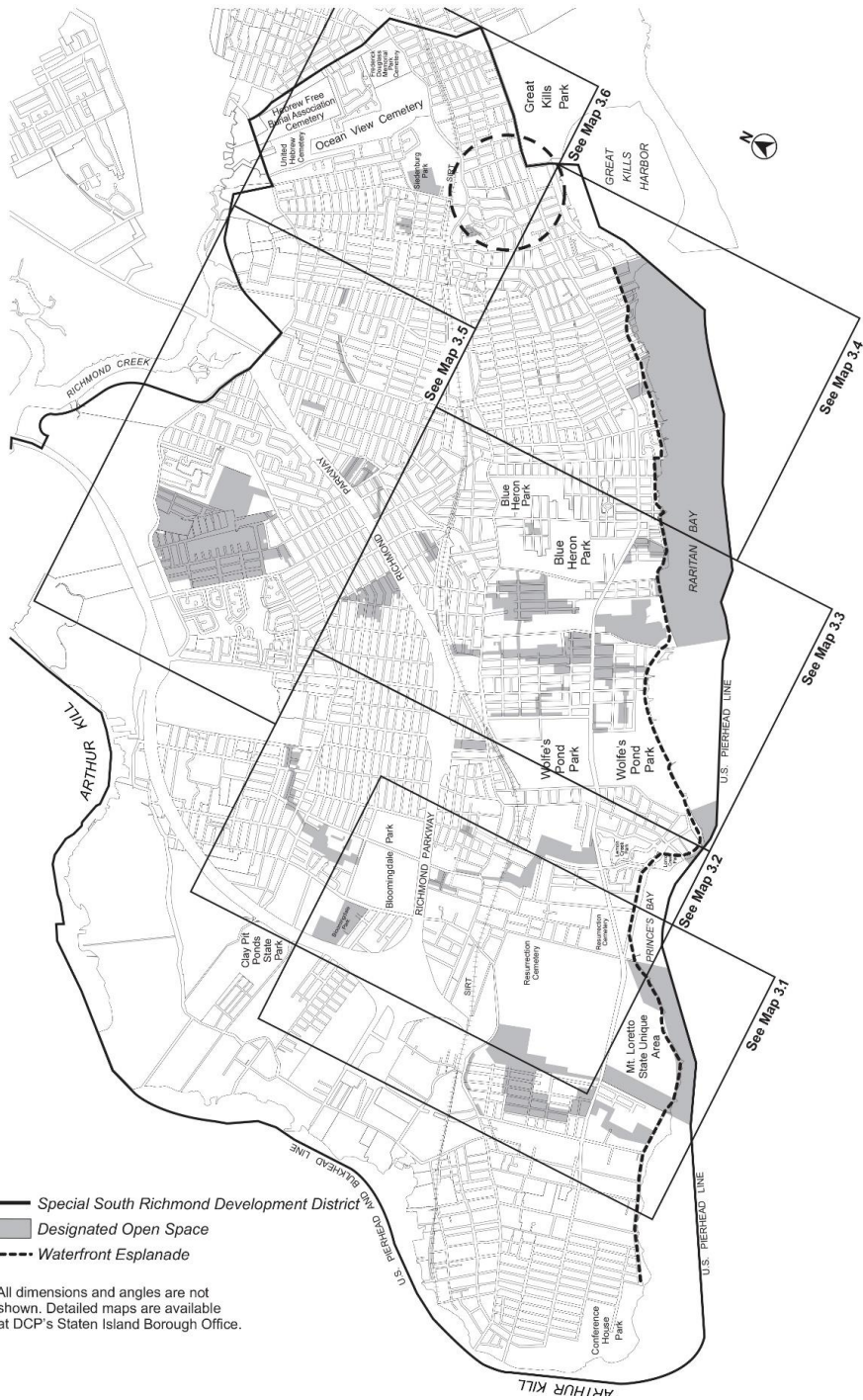
Chapter 7  
Special South Richmond Development District

\* \* \*

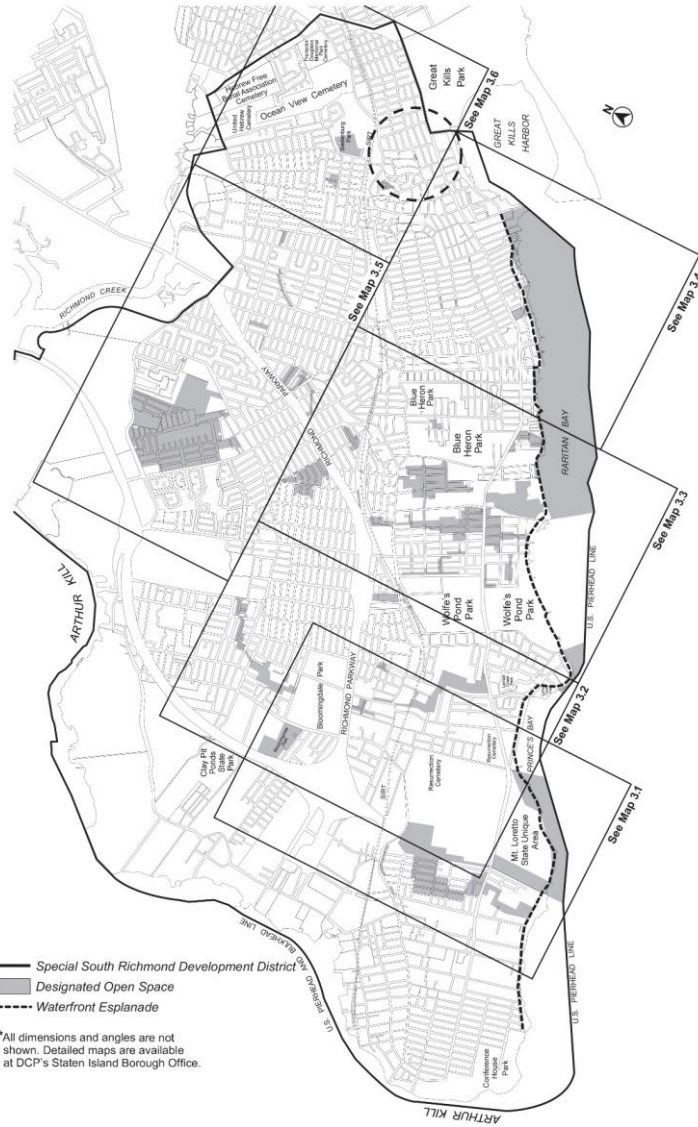
Appendix A  
Special South Richmond Development District Plan

\* \* \*

Map 3: Open Space Network [Existing]



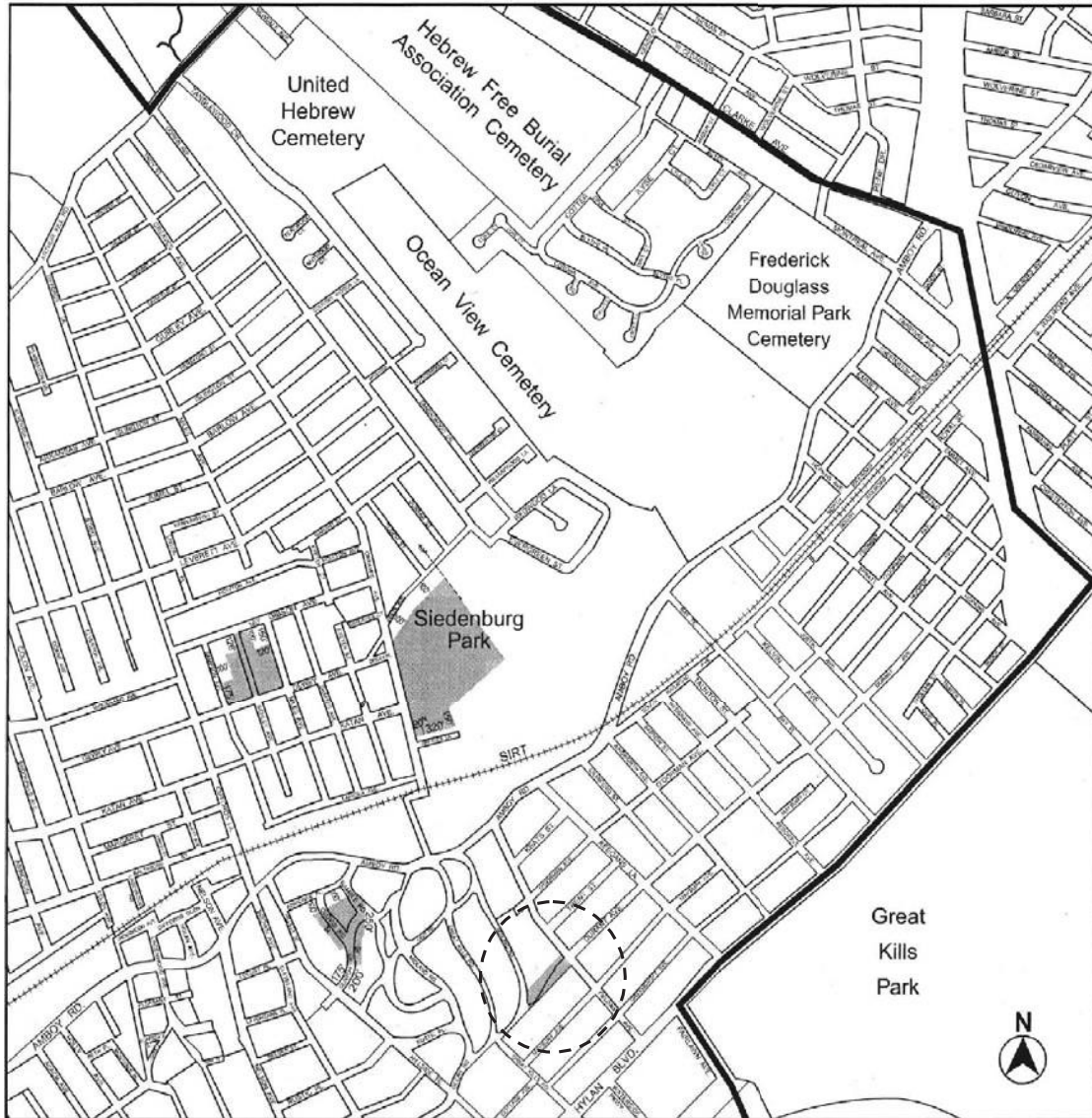
Map 3: Open Space Network [Proposed]





\* \* \*

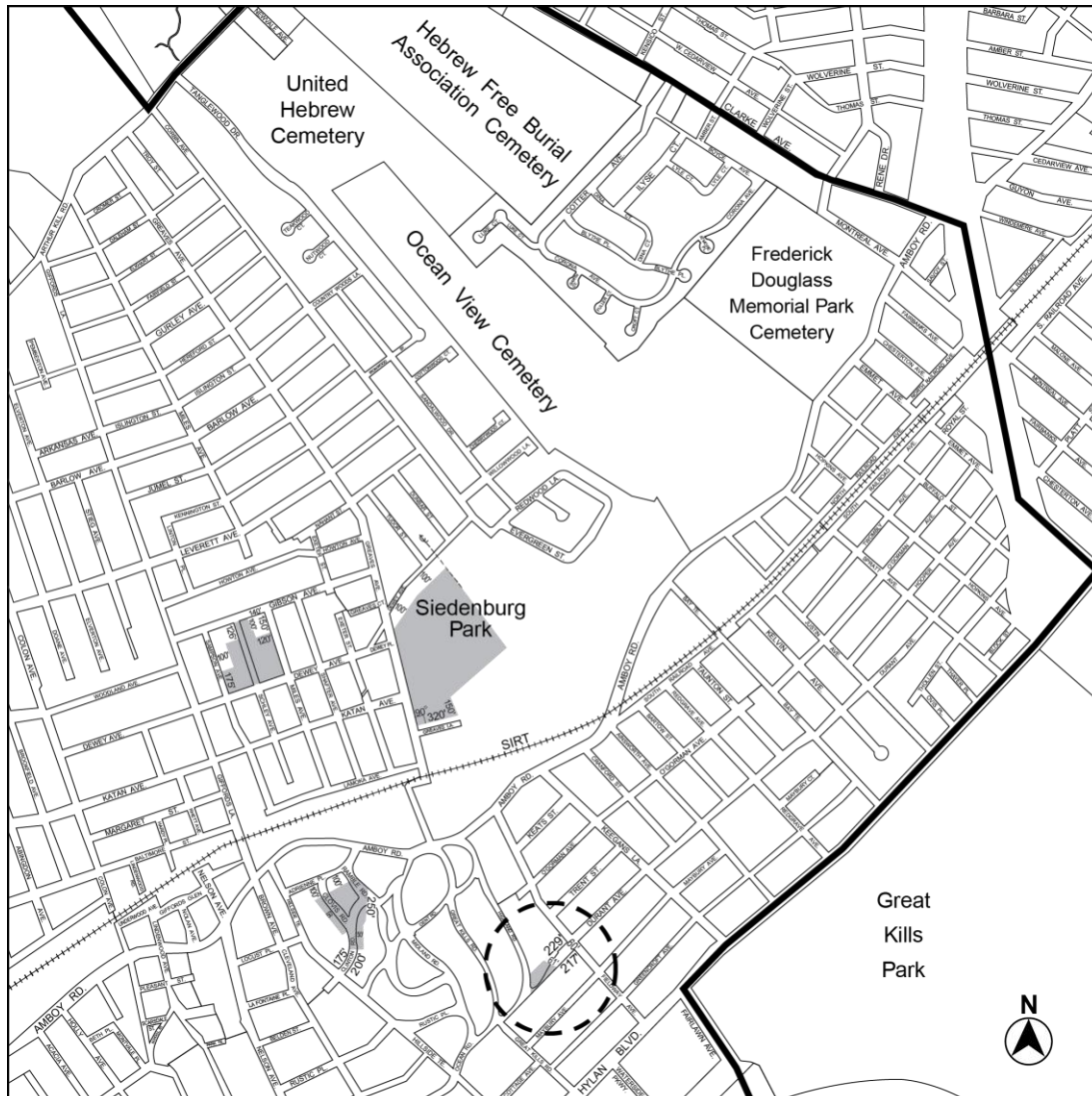
Map 3.6: Open Space Network [Existing]

- Special South Richmond Development District
- Designated Open Space



Map 3.6: Open Space Network [Proposed]

-  *Special South Richmond Development District*
-  *Designated Open Space*



\* \* \*

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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. 322

**Report of the Committee on Land Use in favor of approving Application No. N 150421 ZRR submitted by NFC Associates, LLC and New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article X Chapter 5, and related sections, concerning the bulk, parking, grading, and private roads regulations in a Tier I site within the Special Natural Area District and the New York City Farm Colony-Seaview Hospital Historic District, Borough of Staten Island, Community Board 2, Council District 50.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2016 (Minutes, page 34), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****STATEN ISLAND - CB 2****N 150421 ZRR**

City Planning Commission decision approving an application submitted by NFC Associates, LLC and New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 5, and related sections, concerning the bulk, parking, grading, and private roads regulations in a Tier I site within the Special Natural Area District and the New York City Farm Colony-Seaview Hospital Historic District.

**INTENT**

This zoning text amendment, in conjunction with the other related actions, would facilitate the development of a mixed-use community with 344 home-ownership units, including 34 affordable units, retail and community facility space, publicly accessible open space and parking at 475 Brielle Avenue (Block 1955, p/o Lot 1) located in the New York City Farm Colony-Seaview Hospital Historic District

**PUBLIC HEARING****DATE:** January 12, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Reynoso. Torres.**Against:** *None*      **Abstain:** Williams



**COMMITTEE ACTION**

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

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

**Against:** *None*      **Abstain:** Williams, Barron.

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

Res No. 966

**Resolution approving the decision of the City Planning Commission on Application No. N 150421 ZRR, for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 5, and related sections, concerning the bulk, parking, grading, and private roads regulations in a Tier I Site within the Special Natural Area District and the New York City Farm Colony-Seaview Hospital Historic District in Community District 2, Borough of Staten Island (L.U. No. 322).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on December 18, 2015 its decision dated December 16, 2015 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by NFC Associates, LLC and the New York City Economic Development Corporation, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article X, Chapter 5, and related sections, concerning the bulk, parking, grading, and private roads regulations in a Tier I site within the Special Natural Area District and the New York City Farm Colony-Seaview Hospital Historic District, (Application No. N 150421 ZRR), Community District 2, Borough of Staten Island (the "Application");

**WHEREAS**, the Application is related to applications C 150422 ZMR (L.U. No. 323), an amendment to the Zoning Map to establish within an existing R3-2 District a C1-3 District; and C 150428 PPR (L.U. No. 324), a disposition of city-owned property located at 475 Brielle Avenue (Block 1955, p/o Lot1), pursuant to zoning;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 12, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on October 15, 2015, and revised negative declaration (CEQR No. 15DME006R) issued on November 16, 2015 (together the "CEQR Determination");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 150421 ZRR, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

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

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

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

**Article X****Special Purpose Districts****Chapter 5****Special Natural Area District**

\* \* \*

**105-023****Relationship to public improvement projects**

In all cases, the City Planning Commission shall deny an application, whenever the #development#, #enlargement# or #site alteration# will interfere with a public improvement project (including highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) that has been approved by the City Council or the City Planning Commission.

**105-03****District Plan**

The regulations of this Chapter are designed to implement the #Special Natural Area District# Plan. The District Plan includes the following maps in Appendix A, a glossary in Appendix B and plant lists in Appendices C, D and E:

<u>Appendix A</u>	<u>Map 1 - Special Fort Totten Natural Area District-4 Plan Map</u>
	<u>Map 2 - New York City Farm Colony-Seaview Hospital Historic District</u>
<u>Appendix B</u>	<u>Glossary</u>
<u>Appendix C</u>	<u>Selection List for Ground Covers and Shrubs</u>
<u>Appendix D</u>	<u>Tree Selection List for On-site Trees</u>
<u>Appendix E</u>	<u>Tree Selection List for Street Trees</u>

These maps and lists are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

**105-10  
NATURAL FEATURES**

\* \* \*

**105-43  
Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations**

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

- (a) modification of #lot coverage# controls in accordance with the provisions of Section 105-431;
- (b) modification of underlying district regulations relating to #bulk# or #parking# in accordance with the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations);
- (c) modification of grading controls in accordance with the provisions of Section 105-433; and
- (d) modification of requirements for driveways and private roads on #Tier I sites# and #Tier II sites# in accordance with the provisions of Section 105-434.

\* \* \*

**105-434  
Modification of requirements for private roads and driveways**

For any #development#, #enlargement# or #site alteration#:

- (a) the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 105-35 (Tier II Site Requirements for Driveways and Private Roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts); provided that:

~~In order to grant such authorizations, the Commission shall find that:~~

- (a~~1~~) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b~~2~~) such modification is the least modification required to achieve the purpose for which it is granted;
- (c~~3~~) the modification will not disturb the drainage pattern and soil conditions of the area;
- (d~~4~~) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e~~5~~) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#; or

For any #development#, #enlargement# or #site alteration#:

- (b) located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital Historic District, as shown on

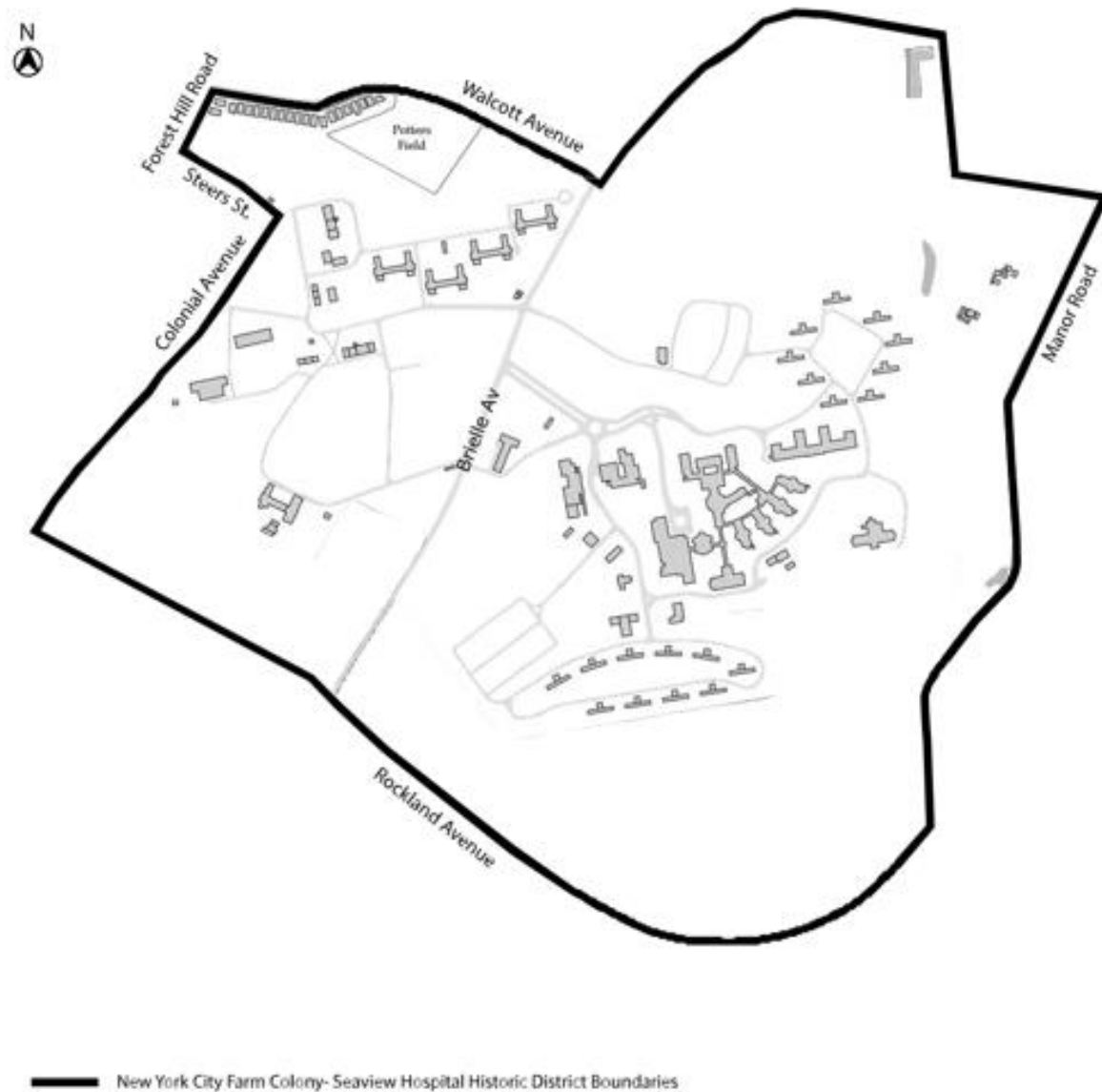
Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-35 (Screening), inclusive, provided that such modification or waiver:

- (1) results in greater environmental conservation or preservation of existing natural features;
- (2) results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;
- (3) results in greater preservation of historic #buildings# or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;
- (4) enhances vehicular and pedestrian connections between #buildings# on the site and the surrounding neighborhood;
- (5) will not impair the essential character of the Historic District and the surrounding area;
- (6) is the least required to achieve the purpose for which it is granted; and
- (7) will not reduce the required minimum width of the #private road# to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.

\* \* \*

**Appendix A**  
**Map 1. - Special Fort Totten Natural Area District-4 Plan Map**

\* \* \*

**[PROPOSED – NEW MAP]****Map 2. – New York City Farm Colony-Seaview Hospital Historic District**

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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. 323

**Report of the Committee on Land Use in favor of approving Application No. C 150422 ZMR submitted by NFC Associates, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 26c and 27a, to establish within an existing R3-2 District a C1-3 District near the intersection of Brielle Avenue and Walcott Avenue in the New York City Farm Colony-Seaview Hospital Historic District, Borough of Staten Island, Community Board 2, Council District 50.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2016 (Minutes, page 34), and which same item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**STATEN ISLAND - CB 2**

**C 150422 ZMR**

City Planning Commission decision approving an application submitted by NFC Associates, LLC and the NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 26c and 27a, by establishing within an existing R3-2 District a C1-3 District bounded by Walcott Avenue, Brielle Avenue, a line 635 feet southwesterly of Walcott Avenue, a line 130 feet northwesterly of Brielle Avenue, a line 450 feet southwesterly of Walcott Avenue, a line 160 feet northwesterly of Brielle Avenue, a line 410 feet southwesterly of Walcott Avenue, a line 250 feet northwesterly of Brielle Avenue, a line 230 feet southwesterly of Walcott Avenue, and a line 160 feet northwesterly of Brielle Avenue.

#### **INTENT**

This zoning map amendment, in conjunction with the other related actions, would facilitate the development of a mixed-use community with 344 home-ownership units, including 34 affordable units, retail and community facility space, publicly accessible open space and parking at 475 Brielle Avenue (Block 1955, p/o Lot 1) located in the New York City Farm Colony-Seaview Hospital Historic District.

#### **PUBLIC HEARING**

**DATE:** January 12, 2016

**Witnesses in Favor:** Four

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Reynoso, Torres.

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

### **COMMITTEE ACTION**

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

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

**Against:** *None*      **Abstain:** Williams, Barron.

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

Res No. 967

### **Resolution approving the decision of the City Planning Commission on ULURP No. C 150422 ZMR, a Zoning Map amendment (L.U. No. 323).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on December 18, 2015 its decision dated December 16, 2015 (the "Decision"), on the application submitted by NFC Associates, LLC and the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 26c and 27a, by establishing within an existing R3-2 District a C1-3 District. The zoning text amendment along with the other related actions would facilitate the development of a mixed-use community with 344 home-ownership units, including 34 affordable units, retail and community facility space, publicly accessible open space and parking at 475 Brielle Avenue (Block 1955, p/o Lot 1) located in the New York City Farm Colony-Seaview Hospital Historic District, Community District 2, (ULURP No. C 150422 ZMR), Borough of Staten Island (the "Application");

**WHEREAS**, the Application is related to applications N 150421 ZRR (L.U. No. 322), an amendment to the text of the Zoning Resolution, Sections 105-03 (District Plan) and 105-43 (Authorization to Modify Bulk, Parking, Grading and Private Roads Regulations) and related sections to allow modifications of private roads regulations on a Tier I site; and C 150428 PPR (L.U. No. 324), a disposition of city-owned property located at 475 Brielle Avenue (Block 1955, p/o Lot 1), pursuant to zoning;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 12, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on October 15, 2015, and revised negative declaration (CEQR No. 15DME006R) issued on November 16, 2015 (together the “CEQR Determination”);

**RESOLVED:**

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 150422 ZMR, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 26c and 27a, by establishing within an existing R3-2 District a C1-3 District bounded by Walcott Avenue, Brielle Avenue, a line 635 feet southwesterly of Walcott Avenue, a line 130 feet northwesterly of Brielle Avenue, a line 450 feet southwesterly of Walcott Avenue, a line 160 feet northwesterly of Brielle Avenue, a line 410 feet southwesterly of Walcott Avenue, a line 250 feet northwesterly of Brielle Avenue, a line 230 feet southwesterly of Walcott Avenue, and a line 160 feet northwesterly of Brielle Avenue, as shown on a diagram (for illustrative purposes only) dated October 19, 2015, Community District 2, Borough of Staten Island.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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. 324

**Report of the Committee on Land Use in favor of approving Application No. C 150428 PPR submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 475 Brielle Avenue (Block 1955, p/o Lot 1) Borough of Staten Island, Community Board 2, Council District 50. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2016 (Minutes, page 34), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**



**SUBJECT****STATEN ISLAND - CB 2****C 150428 PPR**

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 475 Brielle Avenue (Block 1955, p/o Lot 1), pursuant to zoning.

**INTENT**

This disposition of city-owned property, in conjunction with the other related actions, would facilitate the development of a mixed-use community with 344 home-ownership units, including 34 affordable units, retail and community facility space, publicly accessible open space and parking at 475 Brielle Avenue (Block 1955, p/o Lot 1) located in the New York City Farm Colony-Seaview Hospital Historic District

**PUBLIC HEARING****DATE:** January 12, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** January 14, 2016

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

**In Favor:** Richards, Gentile, Garodnick, Reynoso, Torres.**Against:** *None*      **Abstain:** Williams**COMMITTEE ACTION****DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

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

**Against:** *None*      **Abstain:** Williams, Barron.

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

Res No. 968

**Resolution approving the decision of the City Planning Commission on ULURP No. C 150428 PPR, for the disposition of one (1) city-owned property located at 475 Brielle Avenue (Block 1955, p/o Lot 1), in Community District 2, Borough of Staten Island (L.U. No. 324).**

By Council Members Greenfield and Richards.

**WHEREAS**, the City Planning Commission filed with the Council on December 18, 2015 its decision dated December 16, 2015 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services, for the disposition of one (1) city-owned property located at 475 Brielle Avenue (Block 1955, p/o Lot 1), pursuant to zoning, Community District 2, Borough of Staten Island (ULURP No. C 150428 PPR) (the "Application");

**WHEREAS**, the Application is related to applications N 150421 ZRR (L.U. No. 322), an amendment to the text of the Zoning Resolution, Sections 105-03 (District Plan) and 105-43 (Authorization to Modify Bulk, Parking, Grading and Private Roads Regulations) and related sections to allow modifications of private roads regulations on a Tier I site; and C 150422 ZMR (L.U. No. 323), an amendment to the Zoning Map to establish within an existing R3-2 District a C1-3 District;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 12, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on October 15, 2015, and revised negative declaration (CEQR No. 15DME006R) issued on November 16, 2015 (together the "CEQR Determination");

**RESOLVED:**

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

Pursuant to Section 197-d of the City Charter and on the basis of the Application and the Decision, the Council approves the Decision.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 150428 PPR, incorporated by reference herein, the Council approves the Decision for the disposition of city-owned property located at 475 Brielle Avenue (Block 1955, p/o Lot 1), Borough of Staten Island.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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. 325

**Report of the Committee on Land Use in favor of approving Application No. C 160002 ZMK submitted by the Department of Housing Preservation and Development and New Van Sinderen Lots LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of Zoning Map, Section No. 17d, changing from an M1-1 District to an R7A/C2-4 District property bounded by a line 185 feet southerly of Newport Avenue, a line midway between Van Sinderen Avenue and Snediker Avenue, 430 feet northerly of Linden Avenue, and Van Sinderen Avenue, Borough of Brooklyn, Community Board 5, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2016 (Minutes, page 34), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN - CB 5****C 160002 ZMK**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development and New Van Sinderen Lots LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of Zoning Map, Section No. 17d:

1. changing from an M1-1 District to an R7A District property bounded by a line 185 feet southerly of Newport Avenue, a line midway between Van Sinderen Avenue and Snediker Avenue, 430 feet northerly of Linden Avenue, and Van Sinderen Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line 185 feet southerly of Newport Avenue, a line midway between Van Sinderen Avenue and Snediker Avenue, 430 feet northerly of Linden Avenue, and Van Sinderen Avenue.

**INTENT**

This zoning map amendment, along with the related UDAAP designation, project approval and disposition of city-owned property, would facilitate the construction of two, new seven-story mixed-use residential buildings, known as Van Sinderen Plaza, containing approximately 130 affordable rental units with ground floor commercial space and accessory below-grade parking.

**PUBLIC HEARING****DATE:** January 12, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** January 12, 2016

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

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

### **COMMITTEE ACTION**

**DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger.  
**Against:** *None*      **Abstain:** Cohen.

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

Res No. 969

### **Resolution approving the decision of the City Planning Commission on ULURP No. C 160002 ZMK, a Zoning Map amendment (L.U. No. 325).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on December 18, 2015 its decision dated December 16, 2015 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and New Van Sinderen Lots, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17d, to change an existing M1-1 district to R7A/C2-4 on two block fronts along New Lots Avenue, which in conjunction with the related action would facilitate the development of Van Sinderen Plaza, a mixed-use development to include affordable housing, commercial and community facility space and accessory below-grade parking, Community District 5, (ULURP No. C 160003 ZMK), Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to Application C 160003 HAK (L.U. No. 326), an Urban Development Action Area designation and project and disposition of city-owned properties;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 12, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 15HPD054K) issued July 8, 2015 (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160002 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17d:

1. changing from an M1-1 District to an R7A District property bounded by a line 185 feet southerly of Newport Avenue, a line midway between Van Sinderen Avenue and Snediker Avenue, 430 feet northerly of Linden Avenue, and Van Sinderen Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line 185 feet southerly of Newport Avenue, a line midway between Van Sinderen Avenue and Snediker Avenue, 430 feet northerly of Linden Avenue, and Van Sinderen Avenue.

as shown on a diagram (for illustrative purposes only) dated August 3, 2015, Community District 5, Borough of Brooklyn.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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. 326

**Report of the Committee on Land Use in favor of approving Application No. C 160003 HAK submitted by NYC Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the designation of property located at 679, 669 Van Sinderen Avenue, and 169-182 New Lots Avenue (Block 3850, Lot 1 and Block 3865, Lots 24, 25, 26, 27, 128 and 129), as an Urban Development Action Area and Project and pursuant to Section 197-c of the New York City Charter for the disposition of such property, Borough of Brooklyn, Community Board 5, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2016 (Minutes, page 35), and which same item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN - CB 5****C 160003 HAK**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of properties located at 679, 669 Van Sinderen Avenue, and 169-182 New Lots Avenue (Block 3850, Lot 1 and Block 3865, Lots 24, 25, 26, 27, 128 and 129), as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the construction of two, new 7-story mixed-use residential buildings consisting of approximately 130 affordable rental units with ground floor commercial space and accessory below-grade parking pursuant for the Extremely Low and Low Income Affordability Program.

**INTENT**

This UDAAP designation, project approval and disposition of city-owned property, along with the related zoning map amendment, would facilitate the construction of two, new seven-story mixed-use residential buildings, known as Van Sinderen Plaza, containing approximately 130 affordable rental units with ground floor commercial space and accessory below-grade parking.

**PUBLIC HEARING****DATE:** January 12, 2016**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** January 12, 2016

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

**In Favor:** Dickens, Rodriguez, Treyger.**Against:** *None*      **Abstain:** Cohen.**COMMITTEE ACTION****DATE:** January 14, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield, Gentile, Palma, Dickens, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Richards, Barron, Kallos, Reynoso, Torres, Treyger.

**Against:** *None*      **Abstain:** Cohen.

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

Res No. 970

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development and the decision of the City Planning Commission, ULURP No. C 160003 HAK, approving the designation of properties located at 679, 669 Van Sinderen Avenue, and 169-182 New Lots Avenue (Block 3850, Lot 1 and Block 3865, Lots 24, 25, 26, 27, 128 and 129), Borough of Brooklyn, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned properties located at 679 and 669 Van Sinderen Avenue, and 169-182 New Lots Avenue (Block 3850, Lot 1 and Block 3865, Lots 24, 25, 26, 27, 128 and 129) to a developer selected by HPD (L.U. No. 326; C 160003 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on December 18, 2015 its decision dated December 16, 2015 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of properties located at 679, 669 Van Sinderen Avenue, and 169-182 New Lots Avenue (Block 3850, Lot 1 and Block 3865, Lots 24, 25, 26, 27, 128 and 129), as an Urban Development Action Area; as an Urban Development Action Area (the "Project Area");
- b) an Urban Development Action Area Project for the Area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of city-owned of properties located at 679, 669 Van Sinderen Avenue, and 169-182 New Lots Avenue (Block 3850, Lot 1 and Block 3865, Lots 24, 25, 26, 27, 128 and 129), to a developer to be selected by HPD to facilitate development of a two, new seven-story buildings with 130 affordable rental units, ground floor commercial space and below-grade parking pursuant to the Extremely Low and Low Income Affordability Program, Community District 5, Borough of Brooklyn (ULURP No. C 160003 HAK) (the "Application");

**WHEREAS**, the application is related to Application C 160002 ZMK (L.U. No. 325), an amendment to the Zoning Map to change an existing M1-1 district to R7A with C2-3 overlay;

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

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

**WHEREAS**, by letter dated December 14, 2015 and submitted to the Council on December 23, 2015, HPD submitted its requests (the "HPD Requests") respecting the Application including a project summary (the

“Project Summary”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on January 12, 2016;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 15HPD054K) issued July 8, 2015 (the “Negative Declaration”);

**RESOLVED:**

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 160003 HAK) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

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

The Project shall be developed in a manner consistent with the Project Summary submitted by HPD on December 23, 2015, a copy of which is attached hereto and made a part hereof.

The Council approves the disposition of 679, 669 Van Sinderen Avenue, and 169-182 New Lots Avenue (Block 3850, Lot 1 and Block 3865, Lots 24, 25, 26, 27, 128 and 129), to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, January 14, 2016. *Other Council Members Attending: Council Members Eugene and Matteo.*

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 Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Camille Jones	2890 Frederick Douglas Blvd #3E New York, N.Y. 10039	9
Jessica Diaz	769 Arnow Avenue #4B Bronx, N.Y. 10467	15
Quiana Wiggins	1139 Longfellow Avenue #4 Bronx, N.Y. 10459	17
Brenda Lissette Hernandez Avila	1420 27th Avenue #4M Astoria, N.Y. 11102	22
Tony Lee	67-07 223rd Place #A Oakland Gardens, N.Y. 11364	23
Damien Quintyne	819 Linden Blvd #1 Brooklyn, N.Y. 11203	41

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Robert Castro	77 Columbia Street #9G New York, N.Y. 10002	2
Arnold M. Wachtel	244 5th Avenue #2940 New York, N.Y. 10001	2
Yuliya Slavinskaya	625 Main Street #643 New York, N.Y. 10044	5
Calvin C. Bass	788 Riverside Drive #7A New York, N.Y. 10032	7
Mildred Marcelino	853 Riverside Drive #3E New York, N.Y. 10032	7

Omayra Nunez	146 West 111th Street #5B New York, N.Y. 10026	9
Margaritz Mendez	901 Neill Avenue Bronx, N.Y. 10462	13
Mildred Rodriguez	3555 Bruckner Blvd #5G Bronx, N.Y. 10461	13
Kisha Vice	2220 Wallace Avenue #3A Bronx, N.Y. 10467	13
Wanda Herndor	500 East 171st Street #14E Bronx, N.Y. 10457	16
Lashawnda Sterling	721 White Plains Road #4F Bronx, N.Y. 10473	18
Adalgisa Gomez-Lopez	97-11 Horace Harding Expressway #16C Queens, N.Y. 11368	21
Yelena Aronova	153-07 77th Road Flushing, N.Y. 11367	24
Jeraldine Baichoo	80-08 168th Street Queens, N.Y. 11432	24
Aisha Padgett	72-49 153rd Street #3F Flushing, N.Y. 11367	24
Vinodkumar C. Shingwani	36-39 30th Street #2 Long Island City, N.Y. 11106	26
Thelma Lynch	109-49 167th Street Jamaica, N.Y. 11433	27
Noemi Quesada-Santos	91-47 195th Street Bstm Hollis, N.Y. 11423	27
Raymond E. Gazer	64-04 Hull Avenue #2 Maspeth, N.Y. 11378	30
Jackson Quinones, Jr.	231 Maujer Street #2L Brooklyn, N.Y. 11206	34
Lilia Dwyer	1047 President Street Brooklyn, N.Y. 11225	35
William Mathews	326 A Greene Avenue Brooklyn, N.Y. 11238	35

Susan J. Murrain	21 St. James Place #11J Brooklyn, N.Y. 11205	35
Germain Tillery	642 Monroe Street #2 Brooklyn, N.Y. 11221	36
Hui Z. Li	6214 10th Avenue #1 Brooklyn, N.Y. 11219	38
Janice L. Mann	350 East 19th Street #4H Brooklyn, N.Y. 11226	40
Perlese E. Steed	672 Empire Blvd #5A Brooklyn, N.Y. 11213	41
Alice L. Cox	1355 East 40th Street Brooklyn, N.Y. 11234	45
Valerie Robbins	1625 Rockaway Parkway #7G Brooklyn, N.Y. 11236	46
Annette Wesley	2805 West 37th Street Brooklyn, N.Y. 11224	47
Kristel Lynn Simmonds-Cobb	3845 Shore Parkway #2E Brooklyn, N.Y. 11235	48
Mason R. Logie, Jr.	20 Sylva Lane #20 Staten Island, N.Y. 10305	49
Lisa Anderson	320 Adams Avenue Staten Island, N.Y. 10306	50
Angelo J. D'Acunto	52 Amsterdam Place Staten Island, N.Y. 10314	50
Anthony Maddaluno	46 Hamden Avenue Staten Island, N.Y. 10306	50
Linda Westgate	1981 South Railroad Avenue Staten Island, N.Y. 10306	50
Ana I. Cruzado	3534 Amboy Road #A1 Staten Island, N.Y. 10306	51
Jessica Schrader	9 Pleasant Plains Avenue Staten Island, N.Y. 10309	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 49-A -** Notice of applications filed with and rejected by the DOB.
- (2) **Int 632-B -** Transitional employment period in the grocery industry.
- (3) **Int 771-A -** Student health services.
- (4) **Int 798-B -** Notice to tenants enrolled in the SCRIE or DRIE program.
- (5) **Int 952-A -** Health education.
- (6) **Int 957-A -** Training in sexual health education.
- (7) **Int 1007-A -** Metrotech Area BID.
- (8) **Int 1030-A -** Various BIDs.
- (9) **Res 957 -** New and changed designations of certain organizations to receive funding (**Transparency Resolution**).
- (10) **L.U. 299 & Res 959 -** App. **20165077 TCM**, Bar Giacosa Corp., d/b/a Il Pittino, sidewalk café, Manhattan, Community Board 2, Council District 3 (**Coupled to be Filed**).
- (11) **L.U. 300 & Res 960 -** App. **20165089 TCM**, 643 Broadway Holdings LLC, sidewalk café, Manhattan, Community Board 2, Council District 1 (**Coupled to be Filed**).
- (12) **L.U. 315 & Res 961 -** App. **20165181 TCM**, Haru Gramercy Park Corp., d/b/a Haru, sidewalk café, Manhattan, Community Board 5, Council District 2.
- (13) **L.U. 316 & Res 962 -** App. **20165189 TCM**, La Meridiana I, Ltd., d/b/a Numero 28, sidewalk café, Manhattan, Community Board 3, Council District 2.
- (14) **L.U. 317 & Res 963** App. **20165190 TCM**, 4N Corp., d/b/a Blind Pig, sidewalk café, Manhattan, Community Board 6, Council District 2.
- (15) **L.U. 318 & Res 964 -** App. **20165168 HKM** (N 160068 HKM), Mount Morris Park Historic District Extension, Manhattan, Community Board 10, Council District 9, as an historic district.
- (16) **L.U. 321 & Res 965 -** App. N **150340 ZRR**, Zoning Resolution, South Richmond Development District, Staten Island, Community Board 3, Council District 51.

- (17) **L.U. 322 & Res 966 -** App. N **150421 ZRR**, Zoning Resolution, Farm Colony-Seaview Hospital Historic District, Staten Island, Community Board 2, Council District 50.
- (18) **L.U. 323 & Res 967 -** App. C **150422 ZMR**, Zoning Map, Farm Colony-Seaview Hospital Historic District, Staten Island, Community Board 2, Council District 50.
- (19) **L.U. 324 & Res 968 -** App. C **150428 PPR**, 475 Brielle Avenue, Staten Island, Community Board 2, Council District 50.
- (20) **L.U. 325 & Res 969 -** App. C **160002 ZMK**, Zoning Map, Brooklyn, Community Board 5, Council District 42.
- (21) **L.U. 326 & Res 970 -** App. C **160003 HAK**, Urban Development Action Area and Project, Brooklyn, Community Board 5, Council District 42.
- (22) **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** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **47**.

**The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 632-B**:

**Affirmative** – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Eugene, Ferreras-Copeland, Gentile, Gibson, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Richards, Rosenthal, Torres, Treyger, Ulrich, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **40**.

**Negative** – Borelli, Espinal, Garodnick, Greenfield, Reynoso, Vacca, and Matteo - **7**.

The following was the vote recorded for **Int No. 952-A**:

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**Abstention** – Deutsch - **1**.

The following was the vote recorded for **LU No. 322 & Res No. 966, LU No. 323 & Res No. 967, and LU No. 324 & Res No. 968:**

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**Abstention** – Williams – **1**.

The following was the vote recorded for **LU No. 325 & Res No. 969 and LU No. 326 & Res No. 970:**

**Affirmative** – Barron, Borelli, Cabrera, Chin, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**Abstention** – Cohen - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int Nos.49-A, 632-B, 771-A, 798-B, 952-A, 957-A, 1007-A, and 1030-A.*

## **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 item Res No. 909

**Report of the Committee on Recovery and Resiliency in favor of approving a Resolution calling on the United States Department of Housing and Urban Development to support New York City's application for National Disaster Resilience Competition funding.**

The Committee on Recovery and Resiliency, to which the annexed resolution was referred on November 24, 2015 (Minutes, page 4128), respectfully

**REPORTS:**

## Introduction

On January 15, 2016 the Committee on Recovery and Resiliency, chaired by Council Member Mark Treyger, will hold a vote on Res. No. 909, calling on the United States Department of Housing and Urban Development to support New York City's application for National Disaster Resilience Competition funding.

## Background

On October 29, 2012, Superstorm Sandy hit New York with unprecedented force, causing record breaking flooding across many sections of the City. The storm's impacts were devastating: 44 New Yorkers lost their lives; \$19 billion in damages and lost economic activity were caused within the City; 88,700 buildings were flooded; 23,400 businesses were impacted; subway tunnels were flooded; 2,000,000 residents were without power, in some cases, for weeks; and severe widespread gas shortages lasted for more than a month.<sup>1</sup> Superstorm Sandy exposed some of the City's vulnerabilities to severe coastal storms and potential future impacts of climate change and rising sea levels.

In the aftermath of Superstorm Sandy, in December 2012, then-Mayor Michael Bloomberg convened the New York City Special Initiative for Rebuilding and Resiliency (SIRR) to address how the City would rebuild to be more resilient in the future. The SIRR focused on two tasks: rebuilding locally by creating localized plans to build communities in a resilient way, and improving infrastructure and building resilience Citywide. The SIRR's work culminated in June 2013 with the release of a final report, "A Stronger, More Resilient New York," which contained a comprehensive plan and recommendations for rebuilding communities impacted by the storm and for increasing the resilience of infrastructure and buildings. The SIRR report catalogued impacts Superstorm Sandy had on various sectors of the City, pointed out vulnerabilities in the City revealed by the storm, analyzed projected climate change impacts that will pose a risk to the City over the long-term, and put forward dozens of initiatives and recommendations with respect to increasing the resilience of the City's infrastructure and built environment.<sup>2</sup>

Since release of the SIRR report, based largely on the Initiative's work, the City has advanced several studies, projects and plans to support the City's recovery and resiliency. Among these, the City committed \$100 million to help protect Lower Manhattan from flooding by building an integrated flood protection system around the southern tip of Manhattan, stretching from the Two Bridges neighborhood on the Lower East Side, down and around to the northern end of Battery Park City. This flood protection system will include coastal protection, stormwater management, housing resiliency and community co-benefits, including a focus on New York City Housing Authority developments and multifamily buildings. At the time when the City announced this \$100 million commitment, it noted that this investment would bolster the City's application to the National Disaster Resilience Competition.<sup>3</sup>

## National Disaster Resilience Competition

Of the original \$16 billion federal Community Development Block Grant – Disaster Recovery (CDBG-DR) Congressional appropriation to United States Department of Housing and Urban Development (HUD) after Superstorm Sandy (\$4.21 billion of which has been allocated to New York City), approximately \$1 billion remains unallocated. This nearly \$1 billion will be distributed by HUD through the National Disaster Resilience Competition (NDRC). All states with counties that experienced a Presidentially Declared Major Disaster in 2011, 2012 or 2013 were eligible to apply to the NDRC. This includes 48 of 50 states plus Puerto Rico and Washington, DC. Additionally, 17 local governments that have received funding under Public

<sup>1</sup> I New York City Special Initiative for Rebuilding and Resiliency, chapter on "Sandy and Its Impacts," available at [http://www.nyc.gov/html/sirr/downloads/pdf/final\\_report/Ch\\_1\\_SandyImpacts\\_FINAL\\_singles.pdf](http://www.nyc.gov/html/sirr/downloads/pdf/final_report/Ch_1_SandyImpacts_FINAL_singles.pdf)

<sup>2</sup> New York City Special Initiative for Rebuilding and Resiliency, final report, "A Stronger, More Resilient New York," available at <http://www.nyc.gov/html/sirr/html/report/report.shtml>

<sup>3</sup> Office of New York City Mayor Bill de Blasio, press release, "Mayor de Blasio, Lower Manhattan Leaders Announce New \$100 million City Commitment to Coastal Resiliency," available at <http://www1.nyc.gov/office-of-the-mayor/news/579-15/mayor-de-blasio-lower-manhattan-leaders-new-100-million-city-commitment-coastal>

Law 113-2 were also eligible. The competition is intended to help successful applicants recover from recent, past disasters, as well as increase their ability to withstand and recover from future disasters.<sup>4</sup>

The NDRC process is structured in two phases: Phase 1, a framing phase; and Phase 2, an implementation phase. During Phase 1, applicants were required to submit proposals or concepts that would (1) help the impacted area recover from the effects of the recent disaster, (2) advance community development objectives such as economic revitalization, and (3) improve the impacted area's ability to withstand or rapidly recover from the effects of future disasters. HUD reviewed all Phase 1 applications and selected the highest scoring applicants to continue on to Phase 2. New York City was one such applicant selected to move on to Phase 2.

In Phase 2 of the competition, applicants were invited to fully articulate a resilience-enhancing disaster recovery or revitalization project or program. HUD only invited applicants to participate in Phase 2 if they were committed to taking a permanent resilience-enhancing action. At the end of Phase 2, HUD anticipates awarding grants to multiple winning applications, with funding levels ranging from \$1 million to \$500 million. Phase 2 applications were due October 27, 2015. HUD is currently reviewing applications and is expected to announce successful applicants in January or February 2016.

### **New York City's Application**

New York City's final application to the NDRC is viewable online.<sup>5</sup> In Phase 1 of the NDRC, the City described its unmet resiliency needs in connection to Superstorm Sandy. The City drew from its resilience plan, the SIRR final report, "A Stronger, More Resilient New York" during this phase. In June 2015, HUD announced that the City was selected to advance to Phase 2 of the NDRC.

During Phase 2, the City submitted an application for \$500 million to support its implementation of the "Lower Manhattan Protect and Connect Project" through three Project Activities: (1) *Coastal Protection*, extending south from Montgomery Street to N Moore Street at the north of Battery Park City with measures including physical coastal protection structures such as fixed walls, deployable panels, a levee system, stormwater drainage, new recreational space, walkways, bicycle paths, and retail space to connect communities to and along the waterfront; (2) *New York City Housing Authority's Stormwater Management through Placemaking*, which provides green and gray stormwater management that addresses upland flooding in the target area through placemaking solutions across nine NYCHA developments from 14<sup>th</sup> Street to the Brooklyn Bridge; and (3) the *Multi-Family Housing Retrofit Program* which includes building upgrades to five Housing Preservation and Development affordable housing complexes. According to the City's application, the estimated cost of these three Project Activities is \$608 million.<sup>6</sup>

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 909:)**

Res. No. 909

### **Resolution calling on the United States Department of Housing and Urban Development to support New York City's application for National Disaster Resilience Competition funding.**

By Council Members Chin, Treyger, Eugene, Gentile, Johnson, Richards, Rose, Lander, Cohen, Kallos and Ulrich (by request of the Manhattan Borough President).

<sup>4</sup> United States Department of Housing and Urban Development, National Disaster Resilience Competition, "Phase 2 Fact Sheet," June 2015, available at <http://portal.hud.gov/hudportal/documents/huddoc?id=NDRCFactSheetFINAL.pdf>

<sup>5</sup> New York City's final application to the National Disaster Resilience Competition, available here [http://www.nyc.gov/html/cdbg/downloads/pdf/NDRCApplication\\_Exhibits\\_10%2029%2015\\_3.pdf](http://www.nyc.gov/html/cdbg/downloads/pdf/NDRCApplication_Exhibits_10%2029%2015_3.pdf)

<sup>6</sup> New York City's final application to the National Disaster Resilience Competition, page 1-3.



**Whereas**, Superstorm Sandy hit New York on October 29, 2012 with unprecedented force, causing record breaking water levels across much of the City due to the storm's size, low barometric pressure, westward trajectory and timing with respect to tidal cycles; and

**Whereas**, Superstorm Sandy resulted in the deaths of 44 New Yorkers and caused \$19 billion in damages and lost economic activity within the City; and

**Whereas**, Superstorm Sandy's impacts on the City were devastating, as 88,700 buildings were flooded; 23,400 businesses were impacted; subway tunnels were shut down and flooded; 2,000,000 residents were left without power for weeks; and severe gas shortages lasted for over a month; and

**Whereas**, The storm highlighted the City's vulnerability to coastal storms and projected impacts of climate change and rising sea levels; and

**Whereas**, The New York City Panel on Climate Change projects that by 2050, in New York City, extreme weather events are likely to worsen: for example, heat waves and heavy downpours are likely to increase in frequency, intensity, and duration and coastal flooding is likely to increase in frequency, extent, and height; and

**Whereas**, In the aftermath of Superstorm Sandy, the City launched the New York City Special Initiative for Rebuilding and Resiliency which culminated in the release of a comprehensive, actionable plan to rebuild communities impacted by the storm and to increase the resilience of infrastructure citywide to prepare for the future impacts of severe weather events; and

**Whereas**, In June 2015, the United States Department of Housing and Urban Development (HUD) invited several states and communities from across the country, including New York City, to compete in the second and final phase of the National Disaster Resilience Competition (NDRC), which is a two-phase competition that will conclude with the awarding of nearly \$1 billion in HUD Disaster Recovery funds to successful competition applicants; and

**Whereas**, The NDRC encourages eligible communities to consider how they can recover from a recent past disaster and also how they will avoid and mitigate future losses due to disasters; and

**Whereas**, According to HUD, applicants to the NDRC are required to submit a detailed proposal for a "resilience-enhancing disaster recovery or revitalization project or program that addresses their identified risks, vulnerabilities, and community development opportunities" tying their proposal to the disaster from which they are recovering as well as demonstrating how they are reducing future risks and advancing broader community development goals; and

**Whereas**, At the conclusion of the NDRC, HUD anticipates awarding grants to multiple winning applicants in amounts ranging from \$1 million to \$500 million; and

**Whereas**, In October 2015, New York City submitted an application to the NDRC seeking \$500 million to complement \$100 million that the City has already committed for resiliency measures in Lower Manhattan and the Two Bridges area; and

**Whereas**, HUD is currently reviewing all NDRC applications and will do so until December 2015; and

**Whereas**, HUD is expected to announce the successful proposals in January 2016; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Department of Housing and Urban Development to support New York City's application for National Disaster Resilience Competition funding.

MARK TREYGER, *Chairperson*, ROSIE MENDEZ, MARGARET S. CHIN, DONOVAN J. RICHARDS, CARLOS MENCHACA, ERIC A. ULRICH, STEVEN MATTEO; Committee on Recovery and Resiliency, January 15, 2016.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## Report for voice-vote item Res No. 923

**Report of the Committee on Contracts in favor of approving a Resolution adopting the rule amendment of the Procurement Policy Board to raise the micropurchase limit for the procurement and award of construction contracts to \$35,000.**

The Committee on Contracts, to which the annexed resolution was referred on December 7, 2015 (Minutes, page 4318), respectfully

**I. INTRODUCTION**

On January 14, 2016, the Committee on Contracts (“Committee”), chaired by Council Member Helen Rosenthal, will hold a hearing on Resolution Number 923 (“Res. No. 923”), a resolution adopting the rule amendment of the Procurement Policy Board to raise the micropurchase limit for the procurement and award of construction contracts to \$35,000. The Committee first held a hearing on Res. No. 923 on December 14, 2015. During the December hearing, testimony was submitted and heard from the Mayor’s Office of Contracting Services (“MOCS”), the Department of Small Business Services (“SBS”), and other interested parties.

**II. BACKGROUND**

The New York State General Municipal Law (“GML”) requires that the State and localities utilize a competitive bidding process to award government contracts to the lowest responsible bidder.<sup>1</sup> The policy rationale behind the requirement includes: (1) the protection of the public fisc by obtaining the best work at the lowest possible price; and (2) the prevention of favoritism, improvidence, fraud and corruption in the awarding of public contracts.<sup>2</sup>

However, in the interest of preserving the resources necessary to conduct the competitive bidding process, the GML permits establishing rules to govern small purchases for which competitive bidding is not required.<sup>3</sup> Pursuant to the New York City Charter, in order to establish dollar limits for procurements made without competition or public advertisement, the Procurement Policy Board (“PPB”) and the New York City Council (“Council”) must act concurrently.<sup>4</sup>

Significantly, agency contracting officers must ensure that the prices for the noncompetitive procurements are reasonable and that such purchases are not concentrated with select vendors, but rather distributed appropriately among responsible vendors.<sup>5</sup> The PPB rules also preclude agencies from artificially dividing contracts in order to meet small purchase and micropurchase limits. Finally, MOCS and the Comptroller monitor contract awardees to enforce such rules.<sup>6</sup> With these safeguards, the PPB seeks to uphold the state procurement policy of protecting the public fisc and minimizing corruption, favoritism, and fraud.<sup>7</sup>

As such, in 2013, the Council and PPB raised the micropurchase limit for all contracts from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000).<sup>8</sup> With respect to micropurchases, in addition to increasing the limit, the adopted amendment: (1) added a subheading to §3-08(c)(ii) of the PPB Rules to identify micropurchases as such; and (2) made clear that minority and women-owned businesses should be included among the responsible vendors to which micropurchases are appropriately distributed.<sup>9</sup> Prior to that,

<sup>1</sup> See General Municipal Law § 103-104.

<sup>2</sup> *New York State Chapter, Inc. v. New York State Thruway Auth.*, 88 N.Y.2d 56, 68 (1996).

<sup>3</sup> See General Municipal Law § 104-b.

<sup>4</sup> NYC Charter § 314.

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

<sup>6</sup> See Transcript, *Res. No. 1739-2013*, Committee on Contracts, April 30, 2013, at 10-12.

<sup>7</sup> *Supra* note 3.

<sup>8</sup> See New York City Council Resolution Number 1739 of 2013, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1419683&GUID=912624DF-7771-4D04-BF14-6E4BF325E095&Options=ID|Text|Search=micropurchase> (last visited on January 4, 2016).

<sup>9</sup> See Resolution Number 1739 of 2013.

in 2003, the Council and PPB raised the micropurchase limit from twenty-five hundred dollars (\$2,500) to five thousand dollars (\$5,000).<sup>10</sup>

**III. RES. NO. 923**

On October 21, 2015, the PPB adopted a rule to raise the micropurchase limit for procurements of construction under Section 3-08 of the PPB Rules, for which no competition is required, from twenty thousand dollars (\$20,000) to thirty-five thousand dollars (\$35,000). Res. No. 923 would constitute the concurrent action necessary for the PPB rule change to take effect.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 923:)**

Res. No. 923

**Resolution adopting the rule amendment of the Procurement Policy Board to raise the micropurchase limit for the procurement and award of construction contracts to \$35,000.**

By Council Members Rosenthal, Chin, Johnson, Mendez, Wills, Lander and Cohen.

**Whereas**, It has been two years since the micropurchase limit has been increased for the City of New York; and

**Whereas**, On October 21, 2015, the Procurement Policy Board ("PPB") adopted a rule amendment raising the micropurchase limit for procurements of construction under Section 3-08 of the PPB Rules, for which no competition is required, from twenty thousand dollars (\$20,000) to thirty-five thousand dollars (\$35,000); and

**Whereas**, Raising the micropurchase limit for procurements of construction will significantly reduce processing time for relatively small procurements and allow agencies to process these procurements in a more efficient and flexible manner; and

**Whereas**, As indicated by the PPB, raising the micropurchase limit for procurements of construction will also increase the ability of New York City agencies to meet the goals set under the Minority and Women Owned Enterprise ("MWBE") Program for the proportion of City contracts that are awarded to certified MWBE firms; and

**Whereas**, Section 314 of the New York City Charter requires concurrent action by the Council of the City of New York and the PPB to establish dollar limits for such small purchases; and

**Whereas**, A copy of the adopted PPB rule amendment is attached hereto and incorporated herein; now, therefore, be it

**Resolved**, That the Council of the City of New York adopts the rule amendment of the Procurement Policy Board to raise the micropurchase limit for procurements of construction to \$35,000.

**Section 1. Subdivisions (c) and (d) of section 3-08 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:**

§3-08 Small Purchases

(c) Scope.

<sup>10</sup> See Committee Report, Res. No. 699-2003, Committee on Contracts; Hearing Transcript, Res. No. 699-2003, adopted Feb. 26, 2003.

## (1) Competition Objective.

(i) Public notice of solicitation and award, presolicitation review report, Recommendation for Award, vendor protests, written notice to the low bidder or offeror of non-responsiveness, VENDEX Questionnaire (unless the aggregate value of purchases, franchises, and concessions awarded to that vendor including this one during the immediately preceding twelve-month period equals or exceeds \$100,000), and public hearing shall not be required for small purchases awarded pursuant to this section.

(ii) Micropurchases. For procurements of goods and all services except construction the value of which is \$20,000 or less, and for procurements of construction the value of which is \$35,000 or less, no competition is required except that in making purchases below this limit, Contracting Officers shall ensure that the noncompetitive price is reasonable and that purchases are distributed appropriately among responsible vendors, including M/WBE vendors. Documentation of such purchases shall identify the vendor the item was purchased from, the item purchased, and the amount paid.

(iii) Small Purchases. For procurements of goods and all services except construction [in] valued over \$20,000 or procurements of construction valued over \$35,000 through the small purchase limits, at least five vendors shall be solicited at random from the appropriate citywide small purchases bidders list established by the CCPO for the particular goods, services, construction, or construction-related services being purchased, except where the bidders list consists of fewer than five vendors, in which case all vendors on the list shall be solicited. Agencies may additionally employ any small purchase technique sanctioned by DSBS that is not otherwise in violation of these Rules. The agency may solicit additional vendors but only with the approval of the CCPO. Responsive bids or offers shall be obtained from at least two vendors. For purposes of this section, a response of "no bid" is not a responsive bid. If only one responsive bid or offer is received in response to a solicitation, an award may be made to that vendor if the Contracting Officer determines that the price submitted is fair and reasonable and that other vendors had reasonable opportunity to respond.

## (2) Solicitation Methods and Use.

For small purchases of particular goods and all services except construction valued at more than \$20,000 and small purchases of construction valued at more than \$35,000, agencies shall use a written solicitation describing the requirements, which shall contain, at a minimum:

- (i) a description of the item or service requested;
- (ii) time, date, place, and form of requested response;
- (iii) basis for award; and
- (iv) name and telephone number of the Contracting Officer to whom inquiries may be directed.

(d) Award. Small purchases for goods and all services except construction valued at over \$20,000 or small purchases for construction valued at over \$35,000 shall be awarded to the lowest responsive and responsible bidder or to the responsive and responsible offeror that has made the most advantageous offer. After such determination has been made and all necessary approvals have been obtained, the Contracting Officer shall issue a purchase order or contract, as appropriate, to the successful bidder or offeror.

HELEN K. ROSENTHAL, *Chairperson*; PETER A. KOO, CHAIM M. DEUTSCH, COREY D. JOHNSON, I. DANEEK MILLER, Committee on Contracts, January 14, 2016.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## Report for voice-vote item Res No. 938

**Report of the Committee on Veterans in favor of approving a Resolution calling on the State Legislature to pass and the Governor to sign S.6087, the New York Restoration of Honor Act.**

The Committee on Veterans, to which the annexed resolution was referred on December 16, 2015 (Minutes, page 4566), respectfully

**Introduction**

On January 13, 2016, the Committee on Veterans, chaired by Council Member Eric Ulrich, will hold a second hearing on Res. No. 938, a Resolution calling on the State Legislature to pass and the Governor to sign S.6087, the New York Restoration of Honor Act, and Proposed Res. No. 939-A, a Resolution calling upon Congress to pass and the President to sign S. 1766 and H.R. 3068, the Restore Honor to Service Members Act, both sponsored by Council Member Jimmy Van Bramer and Council Speaker Melissa Mark-Viverito. The Committee held its first hearing on the original resolutions on December 14, 2015. Those testifying at this hearing included United States Congressman Charles B. Rangel, New York State Senator Brad Hoylman, veterans' advocates, and service providers. Following this hearing, Proposed Res. No. 939-A was amended to update the number of sponsors in the United States House of Representatives of H.R. 3068.

**Background**

Gay, lesbian, bisexual, and transgender (LGBT) service members in the United States military have long experienced unequal treatment and discrimination based on their sexual orientation. Service members were expelled for "sodomy" as early as the Revolutionary War Era.<sup>1</sup> However, no formal regulations to this effect existed before the 1917 Articles of War, which prohibited that act.<sup>2</sup> During the 1940s, the Army Surgeon General's Office, the Navy, and the Selective Service all adopted similar policies with respect to homosexual conduct.<sup>3</sup> The enormous burdens of the Second World War meant that many officers found it impractical to convene court-martial boards for suspected homosexual activities, which gave rise to "blue discharges," which were neither honorable nor dishonorable. However, these discharges generally denied its holders full G.I. Bill benefits.<sup>4</sup> The Army discontinued "blue discharges" but issued regulations that made known homosexual orientation grounds for an undesirable discharge, and known homosexual behavior grounds for a dishonorable discharge. On May 6<sup>th</sup>, 1950, President Harry S. Truman signed legislation that created the Uniform Code of Military Justice, Article 125 of which explicitly forbade "sodomy" and made the maximum penalty for it five years of hard labor, forfeiture of pay, and dishonorable discharge.<sup>5</sup> A 1953 executive order by President Dwight D. Eisenhower designated "sexual perversion" a security risk constituting grounds for dismissal for federal employees, and throughout the 1950s, "rates of discharge as a percentage of total number of military personnel grew ten-fold in the armed forces as well in response to Eisenhower's order."<sup>6</sup>

The 1960s were a similarly inhospitable time for homosexuals in the military, but the first major postwar flashpoint in the effort to reverse the longtime prohibitions on the basis of sexual orientation was a late-1970s lawsuit by Technical Sergeant Leonard Matlovich, a recipient of the Purple Heart and the Bronze Star who became, in 1975, the first-ever U.S. service member to deliberately out himself as gay. Although District Court Judge Gerhard Gesell ordered him reinstated into the armed services, Matlovich ultimately accepted a \$160,000 settlement from the Air Force in 1980.<sup>7</sup> However, a 1981 Department of Defense (DoD)

<sup>1</sup> Herek, Gregory. "Don't Ask, Don't Tell: Historical Context." December 1, 2010. Accessed December 11, 2015. [http://psc.dss.ucdavis.edu/rainbow/html/military\\_history.html](http://psc.dss.ucdavis.edu/rainbow/html/military_history.html).

<sup>2</sup> Evans, Rhonda. "U.S. Military Policies Concerning Homosexuals: Development, Implementation, and Outcomes." Accessed December 11, 2015. <http://www.palmcenter.org/files/active/1/evans1.pdf>.

<sup>3</sup> Berube, Allan. *Coming Out Under Fire: The History of Gay Men and Women in World War Two*. New York: Free, 1990. 12. Print.

<sup>4</sup> Evans, *supra* note 2, at 9.

<sup>5</sup> *Id.* at 12.

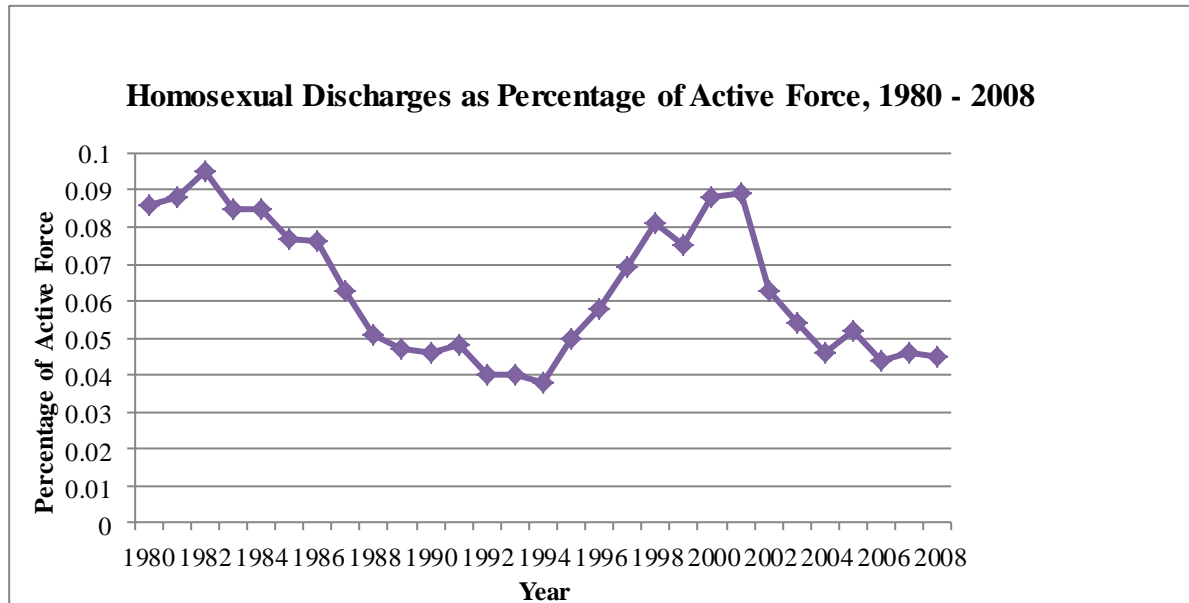
<sup>6</sup> *Id.*

<sup>7</sup> "The Gay Airman Who Took on the US Military - BBC News." BBC News. Accessed December 11, 2015. <http://www.bbc.com/news/magazine-21896925>.

directive clarified the Army's approach to this issue by making homosexual acts, or the solicitations thereof, grounds for mandatory discharge. The directive stated that "[h]omosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission."<sup>8</sup>

During his 1992 presidential campaign, however, then-Governor Bill Clinton said that he intended to "lift the ban" on homosexuals serving in the armed forces.<sup>9</sup> Once elected president, however, the potential implementation of that measure proved controversial, and as a consequence, President Clinton and Congress settled on the "Don't Ask, Don't Tell" (DADT) policy as a compromise.<sup>10</sup> This policy meant that the Department of Defense would not inquire into the sexual orientation of prospective servicemen, but that individuals would need to keep their sexual orientation private, as, if made public, it would create a rebuttable presumption that he or she intended to engage in prohibited conduct.<sup>11</sup> While the DoD did not consider homosexual orientation an inherent barrier to service, it did consider publicly disclosing one's orientation, acting on homosexual desires, or broadcasting intent to act on homosexual desires to be grounds for investigation and potential discharge.<sup>12</sup>

Over the next decade and a half, according to the DoD, the number of personnel discharged for homosexual statements or behavior matched and at times exceeded 1980s levels before subsiding.<sup>13</sup>



(U.S. Congressional Research Service. Don't Ask, Don't Tell: The Law and Military Policy on Same-Sex Behavior (RL40782; Oct. 14, 2010)

<sup>8</sup> "Key Dates in U.S. Policy on Gay Men and Women in Military Service." 2013. Accessed December 11, 2015.

<http://www.usni.org/news-and-features/dont-ask-dont-tell/timeline>

<sup>9</sup> Susan Baer, Clinton reaffirms his promise to end military's ban on gays, *Baltimore Sun* (November 12, 1992), available at [http://articles.baltimoresun.com/1992-11-12/news/1992317161\\_1\\_ban-on-gays-clinton-military-leaders](http://articles.baltimoresun.com/1992-11-12/news/1992317161_1_ban-on-gays-clinton-military-leaders)

<sup>10</sup> Herek, *supra* note 1.

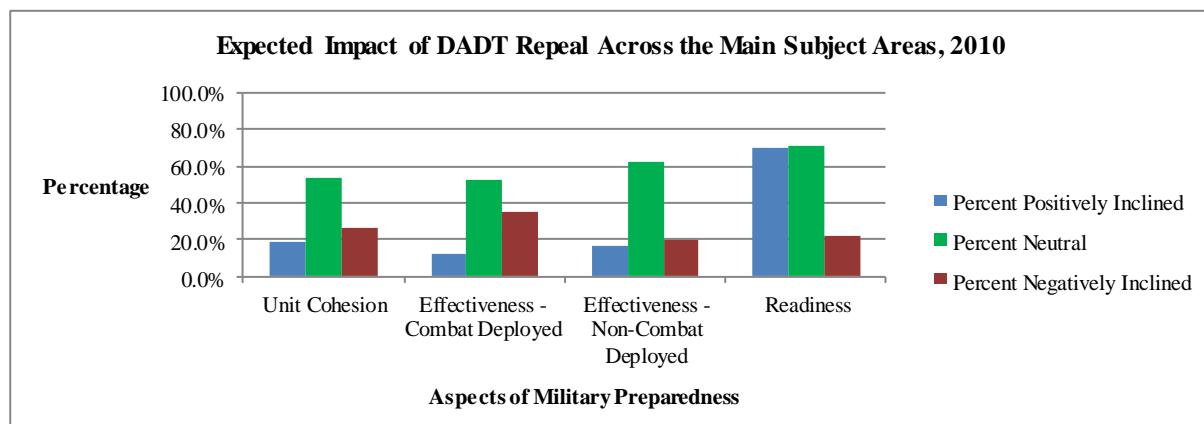
<sup>11</sup> "Remarks Announcing the New Policy on Gays and Lesbians in the Military." Weekly Compilation of Presidential Documents, vol. 29 (July 19, 1993): pp. 1369-73, available at <http://dont.law.stanford.edu/wp-content/uploads/2010/11/remarks-newpolicy-vol29July1993.pdf>

<sup>12</sup> Evans, *supra* note 2, at 14.

<sup>13</sup> U.S. Congressional Research Service. Don't Ask, Don't Tell: The Law and Military Policy on Same-Sex Behavior (RL40782; Oct. 14, 2010), by David F. Burrelli.

DADT subsequently faced legal challenges. In a 2003 case, *Lawrence v. Texas*, the Supreme Court invalidated a state law which prohibited “sodomy,” and made same-sex sexual activity legal across the United States. *Lawrence* also put the constitutionality of DADT on shakier ground.<sup>14</sup> In 2004, although the United States Court of Appeals for the Armed Forces ultimately upheld the conviction, the central question in *United States v. Marcum*, for example, was whether *Lawrence* nullified the dishonorable discharge of an Air Force technical sergeant who had engaged in consensual sex with another man.<sup>15</sup>

In 2008, then-Senator Barack Obama declared that, if elected, he would lift the ban on homosexuals serving in the military.<sup>16</sup> Several major military leaders supported this shift, such as Secretary of Defense Robert M. Gates and Chairman of the Joint Chiefs of Staff Michael Mullen.<sup>17</sup> Additionally, a survey of 400,000 active-duty and reserve service members showed a lack of widespread opposition to repeal of DADT; 70 percent of service members said they would be able to work alongside a gay service member, and 69 percent said that they had worked with an individual they believed to be homosexual.<sup>18</sup>



(Volsky, Igor. "Top 9 Findings From The Pentagon's Don't Ask, Don't Tell Report." *ThinkProgress*. The Center for American Progress, 30 Nov. 2010. Web. 8 Dec. 2015)

On December 22, 2010, President Obama signed into law legislation formally repealing DADT, which formally went into effect on September 20, 2011. One year later, a survey by the Palm Center, which researches sexual minorities in the military, found that “DADT repeal has had no overall negative impact on military readiness or its component dimensions, including cohesion, recruitment, retention, assaults, harassment or morale.”<sup>19</sup>

### *Discharge Characterizations*

The significance of discharge characterizations lies not only in the stigma that is attached to an individual with a less than honorable discharge, but in such individual's inability to access many federal, state, and local benefits. There are several categories of discharges, including:<sup>20</sup>

<sup>14</sup> *Lawrence v. Texas*, 539 U.S. 558 (2003)

<sup>15</sup> *U.S. v. Marcum*, 60 M.J. 198 (C.A.A.F. 2004)

<sup>16</sup> "Obama: Repeal of 'don't ask, don't tell' possible". Associated Press. April 10, 2008.

<sup>17</sup> Bumiller, Elisabeth. "Top Defense Officials Seek to End 'Don't Ask, Don't Tell'." *The New York Times*. February 2, 2010. Accessed December 11, 2015. <http://www.nytimes.com/2010/02/03/us/politics/03military.html>.

<sup>18</sup> Volsky, Igor. "Top 9 Findings From The Pentagon's Don't Ask, Don't Tell Report." *ThinkProgress*. The Center for American Progress, 30 Nov. 2010. Web. 8 Dec. 2015.

<sup>19</sup> "No Negative Impacts from Repeal of 'Don't Ask, Don't Tell,' Study Reveals." *NBC News*. NBC, 12 Sept. 2012. Web. 8 Dec. 2015.

<sup>20</sup> U.S. Army, Official Website of Fort Knox, Kentucky, "Benefits at Separation" [http://www.knox.army.mil/garrison/supportoffices/tds/docs/VA\\_Benefits\\_Chart.pdf](http://www.knox.army.mil/garrison/supportoffices/tds/docs/VA_Benefits_Chart.pdf)

- Honorable discharge.
- General discharge under honorable conditions.
- Other than honorable (OTH) discharge.
- Bad conduct discharge.
- Dishonorable discharge.

Different types of benefits are available to veterans based on the character of their discharge. For example, to receive VA compensation benefits (such as Disability Compensation, Special Monthly Compensation, or Dependency and Indemnity Compensation-for survivors of veterans who died from service-connected disabilities), VA pension benefits (the Veterans Pension or Survivors Pension-for spouses), VA home loans, and certain educational benefits (such as the Survivors' and Dependents' Educational Assistance (DEA) program), the character of discharge must be other than dishonorable conditions (honorable, under honorable conditions, general).<sup>21</sup> To receive educational services through the Montgomery GI Bill program or the Post-9/11 GI Bill program, the discharge characterization must be honorable.<sup>22</sup> For a veteran to access VA healthcare benefits and services, he or she must have received any discharge other than dishonorable.<sup>23</sup>

Eligibility for many New York State veterans' programs is similar. Earlier this year, New York State Senator Brad Hoylman's office released a survey which found that at least 53 state programs, benefits, and tax breaks for veterans and their families are directly contingent on discharge character.<sup>24</sup> Aside from general eligibility for programs and services offered by the New York State Division of Veterans' Affairs and local veterans' service agencies, such as the recently enacted New York City Department of Veterans' Services, for which dishonorably discharged veterans are excluded, there are several employment, educational, pension and retirement credits for military service, transportation, and tax benefits that are also limited.<sup>25</sup> New York State veteran employment services for which dishonorably discharged veterans are excluded include eligibility to gain status as a service-disabled veteran owned business, additional credit for civil service examinations, and street vendor privileges.<sup>26</sup> Educational services include access to full tuition award scholarships for SUNY schools and Regents scholarships for children of disabled or deceased veterans.<sup>27</sup> Real property tax exemptions are limited to those discharged under honorable conditions,<sup>28</sup> as are transportation benefits such as a special identifying mark to note veteran status on driver's licenses.<sup>29</sup> Other benefits limited to those discharged under honorable conditions include eligibility for admission to the New York State Veterans' Home, general eligibility for veteran assistance through social services districts, and entitlement to an annuity paid to New York State veterans.<sup>30</sup> Finally, only the families of honorably discharged veterans are eligible for reimbursement for burial costs through the New York State Veteran Burial Fund, and dishonorably discharged veterans may not be buried in a veterans' cemetery.<sup>31</sup>

#### *Restore Honor to Service Members Act*

On July 15, 2015, Senators Brian Schatz (D-HI) and Kirsten Gillibrand (D-NY), reintroduced the Restore Honor to Service Members Act in the United States Senate, and Representatives Mark Pocan (D-WI) and Charles Rangel (D-NY) reintroduced the companion measure in the United States House of

<sup>21</sup> U.S. Department of Veterans Affairs, Veterans' Benefits Administration, Applying for Benefits and Your Character of Discharge, [http://www.benefits.va.gov/benefits/character\\_of\\_discharge.asp](http://www.benefits.va.gov/benefits/character_of_discharge.asp) (last accessed December 11, 2015)

<sup>22</sup> *Id.*

<sup>23</sup> U.S. Department of Veterans Affairs, Health Benefits, <http://www.va.gov/healthbenefits/apply/veterans.asp> (last accessed December 11, 2015)

<sup>24</sup> Office of New York State Senator Brad Hoylman, *Restoration of Honor: Expanding LGBT Veterans' Access to State Veterans' Benefits 2* (May 25, 2015), available at [https://www.nysenate.gov/sites/default/files/bh\\_-\\_2015.05.25\\_-\\_restoration\\_of\\_honor\\_report.pdf](https://www.nysenate.gov/sites/default/files/bh_-_2015.05.25_-_restoration_of_honor_report.pdf)

<sup>25</sup> *Id.* at 3.

<sup>26</sup> *Id.* at 7-8.

<sup>27</sup> *Id.* at 9.

<sup>28</sup> *Id.* at 12.

<sup>29</sup> *Id.* at 11.

<sup>30</sup> *Id.* at 13.

<sup>31</sup> *Id.* at 10-11.



Representatives.<sup>32</sup> The 114<sup>th</sup> Congress represents the second time the measure has been introduced, as it had been introduced in the prior session (113<sup>th</sup> Congress) by the same sponsors. As of the date of this hearing, the Senate version (S. 1766) has the co-sponsorship of 37 Senators (36 Democrats and 1 Independent), while the House version (H.R. 3068) has the co-sponsorship of 113 Representatives (109 Democrats and 4 Republicans).<sup>33</sup>

The Restore Honor to Service Members Act requires the appropriate military record correction boards to review the discharge characterizations of any former members of the Armed Forces, discharged because of their sexual orientation, requesting such a review.<sup>34</sup> These boards would now be permitted to change a discharge characterization to honorable if the characterization is any other category.<sup>35</sup> The United States Department of Defense (DoD) would be required to ensure that any changes are carried out uniformly and consistently across military departments pursuant to specified criteria, including that the original discharge was based on the DADT policy and that the discharge characterization will be changed if there were no aggravating circumstances, such as misconduct, that would have independently led to the original discharge characterization to have been anything but honorable.<sup>36</sup> “Aggravating circumstances” would now be prohibited from including an offense of “sodomy” committed by a service member with a consenting person of the same sex, as well as statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but later were permitted.<sup>37</sup> The bill would require that specified military personnel records and discharge forms be reissued in a manner that does not reflect the sexual orientation of the service member.<sup>38</sup>

Furthermore, the secretaries of each military department would be required to ensure that oral historians of the department: 1) review discharges between World War II and September 2011 based on sexual orientation, and 2) receive oral testimony of individuals who experienced discrimination and discharge because of actual or perceived sexual orientation, to create an official record of such discriminatory practices and their impact on the lives of those affected.<sup>39</sup>

#### *New York Restoration of Honor Act*

On November 6, 2015, Senator Hoylman introduced S. 6087, the New York Restoration of Honor Act, in the New York State Senate.<sup>40</sup> The bill would amend the state’s Executive Law to establish that no veteran shall be denied eligibility for any program, service, benefit, or activity of New York state or local government agencies that provide services or facilities to veterans for which they would otherwise be eligible, solely on the basis of the veteran’s discharge status received as a result of sexual orientation.<sup>41</sup> Furthermore, the bill would establish a process through the New York State Division of Veterans’ Affairs through which discharged LGBT veterans may obtain certificates of eligibility for state and local veterans’ benefits.<sup>42</sup>

Furthermore, the governor would be permitted to direct any relevant state or local agencies to cooperate with and assist the Division of Veterans’ Affairs to properly carry out the activities and effectuate the purposes of the law.<sup>43</sup> Finally, the Division of Veterans’ Affairs toll-free veterans’ hotline would be required to include information about obtaining certificates of eligibility for discharged LGBT veterans.<sup>44</sup>

<sup>32</sup> Office of U.S. Representative Marc Pocan, *Press Release: Rep. Pocan, Rangel & Sen. Schatz, Gillibrand Introduce Legislation To Correct Record Of Service Members Discharged Due To Sexual Orientation* (July 15, 2015), <https://pocan.house.gov/media-center/press-releases/rep-pocan-rangel-sen-schatz-gillibrand-introduce-legislation-to-correct>

<sup>33</sup> Library of Congress, “S.1766 - Restore Honor to Service Members Act,” <https://www.congress.gov/bill/114th-congress/senate-bill/1766> (last accessed December 11, 2015)

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Office of New York State Senator Brad Hoylman, SENATOR HOYLMAN INTRODUCES “RESTORATION OF HONOR” ACT IN NYS SENATE TO ENSURE LGBT VETERANS GET THE BENEFITS THEY DESERVE (November 10, 2015), [https://www.nysenate.gov/sites/default/files/restoration\\_of\\_honor\\_act\\_release.pdf](https://www.nysenate.gov/sites/default/files/restoration_of_honor_act_release.pdf)

<sup>41</sup> The New York State Senate, Senate Bill S.6087, Introduced Nov. 6, 2015 <http://legislation.nysenate.gov/pdf/bills/2015/S6087>

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

**Analysis of Res. No. 938**

Res. No. 938 first notes that with the end of the military's "Don't Ask, Don't Tell" policy in 2011, Lesbian, Gay, Bisexual and Transgender (LGBT) service members are now able to serve openly for the first time, but generations of veterans in New York and across the country continue to be ineligible for a host of state and federal programs. The resolution explains that more than 50 New York State benefits offered to veterans are contingent upon an honorable discharge status, according to a report from State Senator Brad Hoylman, and that State benefits available to veterans with an honorable discharge status include access to educational and employment programs, property tax exemptions, pension credit for military service, and eligibility to be buried in a veterans' cemetery.

Next, the resolution states that according to that report, roughly 114,000 United States (U.S.) service members have been discharged for their sexual orientation or gender identity since World War II, and that veterans who were discharged for their sexual orientation or gender identity did not receive an honorable discharge status. The resolution comments that the federal government has not yet acted to comprehensively restore the discharge status of LGBT veterans who were discharged prior to the repeal of Don't Ask, Don't Tell.

The resolution then notes that in November 2015, New York State Senator Brad Hoylman introduced S. 6087, The New York Restoration of Honor Act, which would make veterans who received a less than honorable discharge status due to their sexual orientation or gender identity eligible for New York State veterans' benefits. The resolution states that according to the U.S. Department of Veterans Affairs, more than 200,000 veterans reside in New York City. It comments that all veterans who have honorably served their country, regardless of sexual orientation or gender identity, should be entitled to programs, benefits, and services earned from their military service.

Finally, Res. No. 938 calls upon the State Legislature to pass and the Governor to sign S.6087, the New York Restoration of Honor Act.

**Analysis of Proposed Res. No. 939-A**

Proposed Res. No. 939-A first notes that a service member of the United States Armed Forces receives a formal discharge when released from their obligation to serve. It then states that between World War II and the repeal of "Don't Ask, Don't Tell" (DADT) in 2011, more than 100,000 service members were discharged because of their sexual orientation. The resolution explains that the men and women discharged because of their sexual orientation may be fully or partially barred from many of the benefits that they earned as service members, despite their sacrifices to defend the lives and liberties of their fellow citizens, and that such benefits include health benefits, GI bill tuition assistance benefits, military family housing, and overseas relocation assistance.

Next, the resolution comments that civilians and heterosexual service members, regardless of their type of discharge, do not have to reveal their sexual activity to potential employers or landlords and that service members who were given honorable discharges after DADT went into effect are still in the cross hairs of discrimination because the narrative reason for their discharge may read "Homosexual Conduct," "Homosexual Act," or "Homosexual Marriage." The resolution notes that such information on their discharge paperwork may discourage service members from applying for jobs and has been and may continue to be the basis for employment and housing discrimination in some states.

The resolution states that while service members discharged because of their sexual orientation can receive upgrades through the Military Department Board for Correction of Military/Naval Records (BCM/NR) or the Military Department's Discharge Review Board, this process was established through a memo of the United States Department of Defense (DOD) and therefore does not have the power of federal law; and that since the DOD's process for changing discharges related to sexual orientation is not law, any future administration may decide that those reviews are beyond the scope of the currently designated discharge and military records boards. The resolution then explains that the discharge upgrade process can take a year or more, can be hard to understand, and places the burden of finding and producing documentation to initiate a review on the service member.

Next, the resolution notes that in July 2015, Senators Brian Schatz and Kirsten Gillibrand introduced S. 1766, The Restore Honor to Service Members Act (herein referred to as "the Act") in the United States Senate, and Representatives Mark Pocan and Charles Rangel introduced the Act as H.R. 3068 in the United

States House of Representatives. The resolution states that the Act requires the appropriate military record correction boards or discharge review boards to review the discharge characterization of any former members of the Armed Forces requesting a review who were discharged because of their sexual orientation, permits such boards to change a discharge characterization to honorable if such characterization is any characterization except honorable, and directs the Secretary of the DOD to ensure that any such changes are carried out consistently and uniformly across the military departments using specified criteria, including that the original discharge was based on the policy of Don't Ask Don't Tell or a similar earlier policy and that the discharge characterization will be changed if there were no aggravating circumstances, such as misconduct, which would have independently led to any discharge characterization except honorable. The Act also prohibits "aggravating circumstances" from including an offense of "sodomy" committed by the member against a consenting person of the same sex, statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but that became permitted after the discharge.

The resolution also comments that the Act directs the Secretary of each military department to ensure that oral historians of the department review discharges between World War II and September 2011 based on sexual orientation, and receive oral testimony of individuals who personally experienced discrimination and discharge because of actual or perceived sexual orientation so that such testimony may serve as an official record of such discriminatory policies and their impact on American lives, and requires the reissuance of specified military personnel records and discharge forms in a manner that shall not reflect the sexual orientation of the member. Additionally, the resolution states that in the 114<sup>th</sup> Congress, as of December 2015, the Act has the co-sponsorship of 37 United States Senators and the co-sponsorship of 112 members of the United States House of Representatives.

Finally, Proposed Res. No. 939-A calls upon Congress to pass and the President to sign S.1766 and H.R. 3068, the Restore Honor to Service Members Act.

**(For text of Res No. 939-A, please see the Report of the Committee on Veterans for Res 939-A printed in this voice-vote Resolution section of these Minutes)**

*Accordingly, this Committee recommends the adoption of Res Nos. 938 and 939-A.*

**(The following is the text of Res No. 938:)**

Res. No. 938

**Resolution calling on the State Legislature to pass and the Governor to sign S.6087, the New York Restoration of Honor Act.**

By Council Members Van Bramer, the Speaker (Council Member Mark-Viverito), Constantinides, Gentile, Lander, Rodriguez, Miller, Vallone, Cohen, Levin, Kallos and Ulrich.

**Whereas**, With the end of the military's "Don't Ask, Don't Tell" policy in 2011, Lesbian, Gay, Bisexual and Transgender (LGBT) service members are now able to serve openly for the first time, but generations of veterans in New York and across the country continue to be ineligible for a host of state and federal programs; and

**Whereas**, More than 50 New York State benefits offered to veterans are contingent upon an honorable discharge status, according to a report from State Senator Brad Hoylman; and

**Whereas**, New York State benefits available to veterans with an honorable discharge status include access to educational and employment programs, property tax exemptions, pension credit for military service, and eligibility to be buried in a veterans' cemetery; and

**Whereas**, Roughly 114,000 United States (U.S.) service members have been discharged for their sexual orientation or gender identity since World War II, according to that report; and

**Whereas**, Veterans who were discharged for their sexual orientation or gender identity did not receive an honorable discharge status; and

**Whereas** The federal government has not yet acted to comprehensively restore the discharge status of LGBT veterans who were discharged prior to the repeal of Don't Ask, Don't Tell; and

**Whereas**, In November 2015, New York State Senator Brad Hoylman introduced S. 6087, The New York Restoration of Honor Act, which would make veterans who received a less than honorable discharge status due to their sexual orientation or gender identity eligible for New York State veterans' benefits; and

**Whereas**, According to the U.S. Department of Veterans Affairs, more than 200,000 veterans reside in New York City; and

**Whereas**, All veterans who have honorably served their country, regardless of sexual orientation or gender identity, should be entitled to programs, benefits, and services earned from their military service; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the State Legislature to pass and the Governor to sign S.6087, the New York Restoration of Honor Act.

ERIC A. ULRICH, *Chairperson*; ALAN N. MAISEL, PAUL A. VALLONE, JOSEPH C. BORELLI; Committee on Veterans; January 13, 2016.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res No. 939-A

**Report of the Committee on Veterans in favor of approving a Resolution calling upon Congress to pass and the President to sign S. 1766 and H.R. 3068, the Restore Honor to Service Members Act.**

The Committee on Veterans, to which the annexed amended resolution was referred on December 16, 2015 (Minutes, page 4567), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Veterans for Res No. 938 printed above in these Minutes)**

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

**(The following is the text of Res No. 939-A:)**

## Res. No. 939-A

**Resolution calling upon Congress to pass and the President to sign S. 1766 and H.R. 3068, the Restore Honor to Service Members Act.**

By Council Members Van Bramer, the Speaker (Council Member Mark-Viverito), Constantinides, Gentile, Lander, Rodriguez, Rose, Vallone, Cohen, Levin and Ulrich.

**Whereas**, A service member of the United States Armed Forces receives a formal discharge when released from their obligation to serve; and

**Whereas**, Between World War II and the repeal of “Don’t Ask, Don’t Tell” (DADT) in 2011, more than 100,000 service members were discharged because of their sexual orientation; and

**Whereas**, The men and women discharged because of their sexual orientation may be fully or partially barred from many of the benefits that they earned as service members, despite their sacrifices to defend the lives and liberties of their fellow citizens; and

**Whereas**, Such benefits include health benefits, GI bill tuition assistance benefits, military family housing, and overseas relocation assistance; and

**Whereas**, Civilians and heterosexual service members regardless of their type of discharge do not have to reveal their sexual activity to potential employers or landlords; and

**Whereas**, Even service members who were given honorable discharges after DADT went into effect are still in the cross hairs of discrimination because the narrative reason for their discharge may read “Homosexual Conduct,” “Homosexual Act,” or “Homosexual Marriage”; and

**Whereas**, Such information on their discharge paperwork may discourage service members from applying for jobs and has been and may continue to be the basis for employment and housing discrimination in some states; and

**Whereas**, While service members discharged because of their sexual orientation can receive upgrades through the Military Department Board for Correction of Military/Naval Records (BCM/NR) or the Military Department’s Discharge Review Board, this process was established through a memo of the United States Department of Defense (DOD) and therefore does not have the power of federal law; and

**Whereas**, Since the DOD’s process for changing discharges related to sexual orientation is not law, any future administration may decide that those reviews are beyond the scope of the currently designated discharge and military records boards; and

**Whereas**, The discharge upgrade process can take a year or more, can be hard to understand and places the burden of finding and producing documentation to initiate a review on the service member; and

**Whereas**, In July 2015, Senators Brian Schatz and Kirsten Gillibrand introduced S. 1766, The Restore Honor to Service Members Act (herein referred to as “the Act”) in the United States Senate, and Representatives Mark Pocan and Charles Rangel introduced the Act as H.R. 3068 in the United States House of Representatives; and

**Whereas**, The Act requires the appropriate military records correction boards or discharge review boards to review the discharge characterization of any former members of the Armed Forces requesting a review who were discharged because of their sexual orientation; and

**Whereas**, The Act permits such boards to change a discharge characterization to honorable if such characterization is any characterization except honorable; and

**Whereas**, The Act directs the Secretary of the DOD to ensure that any such changes are carried out consistently and uniformly across the military departments using specified criteria, including that the original discharge was based on the policy of Don't Ask Don't Tell or a similar earlier policy and that the discharge characterization will be changed if there were no aggravating circumstances, such as misconduct, which would have independently led to any discharge characterization except honorable; and

**Whereas**, The Act prohibits "aggravating circumstances" from including an offense of sodomy committed by the member against a consenting person of the same sex, statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but that became permitted after the discharge; and

**Whereas**, The Act directs the Secretary of each military department to ensure that oral historians of the department review discharges between World War II and September 2011 based on sexual orientation, and receive oral testimony of individuals who personally experienced discrimination and discharge because of actual or perceived sexual orientation so that such testimony may serve as an official record of such discriminatory policies and their impact on American lives; and

**Whereas**, The Act requires the reissuance of specified military personnel records and discharge forms in a manner that shall not reflect the sexual orientation of the member; and

**Whereas**, In the 114<sup>th</sup> Congress, as of December 2015, the Act has the co-sponsorship of 37 United States Senators and the co-sponsorship of 113 members of the United States House of Representatives; now therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to pass and the President to sign S.1766 and H.R. 3068, the Restore Honor to Service Members Act.

ERIC A. ULRICH, *Chairperson*; ALAN N. MAISEL, PAUL A. VALLONE, JOSEPH C. BORELLI; Committee on Veterans; January 13, 2016.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Res. No. 955

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that equalizes the amount of per-trip taxes imposed on taxis and for-hire vehicles in New York City.**

By Council Members Crowley, Lancman, Palma, Cabrera, Espinal, Koo, Maisel and Mealy.

**Whereas**, The taxi and for-hire-vehicle industry in New York City consist of multiple sectors, including yellow medallion taxis, green Street Hail Liveries or “boro taxis”, liveries or community cars, black cars, and luxury limousines; and

**Whereas**, Each sector is subject to a different set of per-trip taxes; and

**Whereas**, For example, yellow and green cabs are subject to a fifty-cent-per-trip state-imposed tax, black cars and luxury limousines are subject to an 8.875 percent state sales tax, and liveries are subject to neither tax; and

**Whereas**, As smartphone app-based services such as Uber and Lyft, which typically operate as black cars, have grown at a rapid pace in New York City, the lines between the types of service that each sector provides have blurred and the sectors are now more directly in competition with one another for both drivers and passengers; and

**Whereas**, Every member of the taxi and for-hire vehicle industry should have an equal chance to compete and succeed without differing per-trip taxes making one sector more attractive than another; and

**Whereas**, Passengers should not be required to pay more or less in taxes simply because they choose a vehicle affiliated with one sector over another; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that equalizes the amount of per-trip taxes imposed on taxis and for-hire vehicles in New York City.

Referred to the Committee on Transportation.

Int. No. 1047

By Council Member Ferreras-Copeland (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fulton Mall special assessment district.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 25-602 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fulton Mall special assessment district beginning on July 1, [2013] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million five hundred thirty-seven thousand five hundred dollars (\$1,537,500)] *two million one hundred thousand dollars (\$2,100,000)*.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2015.

Referred to the Committee on Finance.

Res. No. 956

**Resolution concerning authorizing an increase in the annual expenditure for the Fulton Mall Special Assessment District, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such district.**

By Council Member Ferreras-Copeland.

**Whereas**, pursuant to Chapter 911 of the Laws of 1976, as amended by Chapter 17 of the Laws of 1981, the State of New York established the Fulton Mall Special Assessment District (“the District”), in the City of New York; and

**Whereas**, pursuant to Local Law No. 82 for the year 1990, the Council of the City of New York (the “City Council”) assumed responsibility for adopting legislation relating to Business Improvement Districts; and

**Whereas**, special assessment districts are subject to Chapter 4 of Title 25 of the Administrative Code of the City of New York (the “BID Law”) as set forth in Section 25-416 of the BID Law; and

**Whereas**, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it

is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

**Whereas**, the District wishes to increase the maximum allowable amount to be expended annually beginning on July 1, 2015 to \$2,100,000; and

**Whereas**, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the District specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

**RESOLVED**, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) \_\_\_\_\_ is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and \_\_\_\_\_ is the time for a public hearing (the “Public Hearing”) to hear all persons interested in the legislation, which would increase the amount to be expended annually in the District; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Fulton Mall Special Assessment District is hereby authorized to publish in a newspaper of general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase proposed in the maximum amount to be expended annually in the District.

Referred to the Committee on Finance.

Preconsidered Res. No. 957

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

By Council Member Ferreras-Copeland.

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2015 and Fiscal 2016 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 1; and be it further



**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving 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 change in the designation of a certain organization receiving funding pursuant to the Initiative to Address Borough-Wide Needs 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 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 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) 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 of a certain organization receiving funding pursuant to the Speaker's 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 change in the designation of a certain organization 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 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 9; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries 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 NYC Cleanup 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 changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based 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 change in the designation of a certain organization receiving funding pursuant to the Cultural Immigrant 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 certain organizations receiving funding pursuant to the SU-CASA 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 change in the designation of the administering agency receiving funding pursuant to the Participatory Budgeting at NYCHA 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 certain organizations receiving funding pursuant to the Restorative Justice 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 change in the designation 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 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the New York Immigrant Family Unity Project 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 and the changes in the designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color 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 and the changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness 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 new designation and the changes in the designation of certain organizations receiving funding pursuant to the Communities for Healthy Food 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 and the changes in the 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 22; 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 – Art a Catalyst for Change 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 and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Community-Based Programs 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 Social Adult Day Care Enhancement 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 – Mental Health Providers 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 changes in the designation of certain organizations receiving funding pursuant to the Hepatitis B/C 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 and the changes in the designation of certain organizations receiving funding pursuant to the City’s First Readers (Formerly Known as Early Childhood Literacy) 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 designation and the changes in the 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 29; 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 Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the COMPASS Slot Restoration Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 31; 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 Geriatric Mental Health Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 32; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 33; 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 for certain initiatives in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 34.

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. 957 printed in these Minutes).

Int. No. 1048

By Council Member Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting immediate towing of certain vehicles***Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-216 to read as follows:

*§19-216 Wheel lock devices required. Neither the department nor any other city agency shall tow or cause to be towed a motor vehicle unless such motor vehicle has been immobilized with a wheel lock or similar type device for at least seventy-two hours prior to such towing. This section shall not apply to vehicles that are parked or standing illegally at bus stops, fire hydrants, crosswalks, or in tow away zones, that are blocking, in whole or in part, legal driveways, or when the immediate towing of such vehicle is required as a matter of public safety.*

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

Referred to the Committee on Transportation.

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Int. No. 1049

By Council Members Greenfield, Gentile and Dickens

**A Local Law to amend the administrative code of the city of New York, in relation to permissible parking at non-functioning fire hydrants.***Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-167.4 to read as follows:

*§ 19-167.4 Parking at non-functioning fire hydrants. Notwithstanding any other law or rule, a person shall be allowed to park at a non-functioning fire hydrant, so long as no other parking, or standing, or stopping rules are violated.*

§ 2. Chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-307.1 to read as follows:

*§ 24-307.1 Non-functioning fire hydrants. The commissioner shall cause all non-functioning fire hydrants within the city to be painted green within sixty days of the department learning that such fire hydrant is not functioning.*

§ 3. Section 24-308 of chapter 3 of title 24 of the administrative code of the city of New York is amended to read as follows:

§ 24-308 Opening, *painting*, tampering with, or operating valves or fire hydrants. a. It shall be unlawful for any person other than an employee of the department of environmental protection, or the fire department to open, *paint*, use, operate, or tamper with a fire hydrant or high pressure hydrant, in the city, or a valve in the water supply system of the city, without a permit in writing from the commissioner of environmental protection. It shall also be unlawful to leave such a hydrant open for a longer period than shall be limited in the permit, or use water for other purposes than shall have been authorized by such commissioner.

b. The commissioner may grant a permit to a person, other than an employee of the department of environmental protection or of the fire department, to open, *paint*, use or operate a fire hydrant in the city,

upon such terms and conditions as may be prescribed by the commissioner and upon payment by such permittee of a fee of five dollars for each day for which such permit is granted. A permittee shall be required, at the time of making application for such permit, to pay to the department a sum sufficient to cover the total fee for the entire period for which such permit is granted. If the work for which such permit is granted is completed on a date prior to the termination date of such permit, the permittee shall be entitled to a refund of the fee paid for each day subsequent to such completion date. The commissioner may grant a permit pursuant to this section to any agency or to a non-profit organization for the purpose of providing street showers for children, without payment of the fee required by this subdivision.

c. The commissioner shall have the power, subject to the approval of the board of estimate, to increase the amount of the fee prescribed by subdivision b hereof, to an amount sufficient to cover the cost to the city of the supervision and inspection of hydrants in connection with the granting of permits under the provisions of this section.

d. Every permittee shall open, *paint*, use or operate such hydrant in accordance with such rules and regulations and such terms and conditions as may be prescribed by the commissioner for the purpose of protecting and maintaining the hydrant in a continuously accessible and usable condition. A permit granted pursuant to this section may be revoked by the commissioner for the failure by the permittee to comply with any of the terms and conditions of the permit or any applicable provision of law.

e. The opening, *painting*, use or operation of a fire hydrant, under a permit issued pursuant to this section, shall be subject to inspection by an employee or employees of the department of environmental protection, duly appointed in accordance with the provisions of the civil service law, and assigned to such duties in accordance with the provisions of section eleven hundred three of the charter. The compensation of any such employee or employees shall be paid by the city in accordance with the provisions of section one hundred twenty-three of the charter. No permittee shall be required to pay the compensation of any employee, of any part thereof, as a condition to the granting of a permit for the opening, *painting*, use or operation of a fire hydrant.

§ 4. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 1050

By Council Members Greenfield, Gentile and Dickens

**A Local Law to amend the administrative code of the city of New York, in relation to suspending parking meter and muni-meter regulations on the Friday after Thanksgiving.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

*§ 19-163.3. Notwithstanding any other provision of law, no person parking a vehicle at a parking meter or a muni-meter is required to activate such meter on the Friday after Thanksgiving. For the purposes of this section, the term "muni-meter" means an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

## Preconsidered Res. No. 958

**Resolution calling upon the United States Consumer Product Safety Commission to establish lower total content levels of regulated chemicals for children's toys and to establish consistent standards for all children's products.**

By Council Members Richards, Gentile and Dickens.

**Whereas**, The regulation of chemicals in consumer products is a complex and multi-layered regime, where specific chemicals and the products containing such chemicals can be subject to a number of different federal and state laws and regulations; and

**Whereas**, In New York, chemicals used in children's products and the actual products currently fall under the purview of no less than five different federal and State statutes administered by four different agencies; and

**Whereas**, Despite this complex regulatory structure, many environmental and health advocates believe that existing laws and regulations of chemicals are wholly inadequate to protect consumers and, in particular, children; and

**Whereas**, According to the Agency for Toxic Substances and Disease—a division of the United States Department of Health and Human Services—children can be especially susceptible to the adverse effects of environmental toxicants, due their higher metabolic rate, increased dermal exposure, shorter stature causing them to live and play closer to the ground where contaminants are found, and the ability of some toxicants to more readily penetrate children's skin; and

**Whereas**, The United States Consumer Product Safety Commission (CPSC) regulates the manufacturing and distribution of consumer products, including children's toys and products, via the Consumer Product Safety Act and the Consumer Product Safety Improvement Act; and

**Whereas**, Under the Consumer Product Safety Improvement Act, the CPSC promulgated rules that adopted safety standards issued by the American Society for Testing and Materials that specify maximum allowable levels of antimony, arsenic, cadmium, cobalt, lead, and mercury in children's toys; and

**Whereas**, These safety standards provide for testing of soluble levels of certain chemicals in toys, a form of testing that simulates a specific form of exposure and can allow a material with a high content of chemicals of concern in materials meant for children; and

**Whereas**, Total content standards, which are more easily tested than solubility standards, can encourage manufacturers to make design changes to enable inherently less harmful materials to be used, and thus would provide better protection for children; and

**Whereas**, The safety standards set forth in CPSC's regulations only apply to children's toys, not children's products such as jewelry, bottles, and clothing; and

**Whereas**, Exposure to harmful chemicals in children's products poses as great a risk to children as does exposure to harmful chemicals in toys, and

**Whereas**, Antimony can cause respiratory and cardiovascular damage, skin disorders, and gastrointestinal disorders; and

**Whereas**, Arsenic can cause skin lesions, cancer, developmental delays, neurotoxicity, diabetes, cardiovascular disease, and lung cancer; and

**Whereas**, Cadmium can result in kidney disease, bronchiolitis, emphysema, and damage to the liver, lungs, bone, immune system, blood, and nervous system; and

**Whereas**, Cobalt can cause cardiomyopathy and gastrointestinal effects from chronic oral exposure; and

**Whereas**, Lead can cause behavior and learning problems, lower intelligence quotients and hyperactivity, slowed growth, hearing problems, and anemia in children; and

**Whereas**, Mercury can cause damage to brain development, impacts on cognitive thinking, a decrease in fine motor and visual skills, and muscle weakness; and

**Whereas**, Heavy metals can build up in the body over years, and other sources of exposure to these chemicals can vary widely for children; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon United States Consumer Product Safety Commission to establish lower total content levels of regulated chemicals for children's toys and to establish consistent standards for all children's products.

Referred to the Committee on Consumer Affairs (preconsidered but laid over by the Committee on Consumer Affairs)..

Int. No. 1051

By Council Member Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a notification system for service requests and complaints.**

*Be it enacted by the Council as follows:*

Section 1. Section 23-301 of the administrative code of the city of New York, as added by local law number 29 for the year 2011, is amended to read as follows:

§ 23-301 Tracking information provided. *a.* 311 customer service center call takers shall provide the caller with a unique identifier for such call taker at the beginning of every call and a tracking number for every call that results in a request for service or complaint being filed with a city agency.

*b. Notification system. The commissioner shall implement a system to notify callers, by email and text message, when the status of a request for service or complaint filed by such caller has changed, and to allow callers to respond by text and email. Such notice shall include a complete description of the action taken, whether the service request or complaint has been resolved and if not, a description of the reason why it was not resolved and a contact number for further information. If the complaint or request for service includes an inspection, an email or text message shall be sent to the caller that details the date and time the inspection is to take place.*

§ 2. This local law shall take effect 120 days from enactment, except that the commissioner shall take such steps as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Int. No. 1052

By Council Member Vacca.

**A Local Law to amend the administrative code of the city of New York, in relation to agency disposal of electronics.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-504 to read as follows:

§ 10-504 Agency disposal of electronics. *Any agency that disposes of electronic equipment that contains a hard disk drive, solid state drive or similar device capable of storing information while powered off, including but not limited to printers, copiers and computers, shall ensure, prior to its disposal, the erasure of all information contained therein, either through degaussing, physical destruction of the drive, or a data wiping that includes at least two full overwrites. This requirement shall not apply to boot related firmware.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 1053

By Council Members Vacca, Johnson, Crowley and Torres.

**A Local Law to amend the administrative code of the city of New York, in relation to elevator maintenance company licenses and elevator maintenance company director licenses.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-304.7 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:

§ 28-304.7 Required contract. [The]Each owner of [all]a new [and]or existing passenger [elevators and escalators]elevator or escalator shall have a contract with [an approved agency]an elevator maintenance company complying with section 28-423.1 to perform passenger elevator [repair work and maintenance and escalator maintenance, repair and replacement work]and escalator maintenance, repair and replacement, as defined by ASME A17.1 as modified by [Chapter K1 of ]Appendix K of the New York city building code. The name, address and telephone number of such [agency]company shall be maintained at each premises, on the mainline disconnect switch and in a location readily accessible to employees of the department and to maintenance and custodial staff at the premises.

§ 2. Section 28-401.15 of the administrative code of the city of New York is amended by adding two license types to read as follows:

<b>License Type</b>	<b>Initial Fee</b>	<b>Renewal Fee</b>	<b>Additional Fees</b>
<i>Elevator maintenance company.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>
<i>Elevator maintenance company director.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>

§ 3. Section 28-401.3 of the administrative code of the city of New York is amended by adding new definitions for “ELEVATOR MAINTENANCE COMPANY,” “ELEVATOR MAINTENANCE COMPANY DIRECTOR,” “ELEVATOR MAINTENANCE COMPANY HELPER,” “ELEVATOR MAINTENANCE COMPANY MECHANIC” and “ELEVATOR WORK” in appropriate alphabetical order to read as follows:

***ELEVATOR MAINTENANCE COMPANY.*** *An entity or division thereof that performs elevator work.*

***ELEVATOR MAINTENANCE COMPANY DIRECTOR.*** *An individual who is licensed to supervise elevator work under section 28-423.7.*

***ELEVATOR MAINTENANCE COMPANY HELPER.*** *An individual who performs elevator work and meets the requirements of section 28-423.9.*

***ELEVATOR MAINTENANCE COMPANY MECHANIC.*** *An individual who performs elevator work and meets the requirements of section 28-423.8.*

***ELEVATOR WORK.*** *Maintenance, repair, replacement, modernization or alteration work, as defined by ASME A17.1 as modified by appendix K of the New York city building code, performed on a passenger elevator or escalator regulated by this code or other applicable laws or rules.*

§ 4. Chapter 4 of title 28 of the administrative code of the city of New York is amended to add a new article 423 to read as follows:

**ARTICLE 423**

***ELEVATOR MAINTENANCE COMPANY LICENSE/REGISTRATION AND ELEVATOR MAINTENANCE COMPANY DIRECTOR LICENSE***

***§ 28-423.1 General.***

***§ 28-423.2 Elevator work performed before January 1, 2018.***

***§ 28-423.3 Elevator work performed on and after January 1, 2018 and before January 1, 2021.***

***§ 28-423.4 Elevator work performed on and after January 1, 2021.***

***§ 28-423.5 Designated individual in responsible charge.***

**§ 28-423.6 Prohibition on working for more than one elevator maintenance company.**

**§ 28-423.7 Requirements for elevator maintenance company director license.**

**§ 28-423.8 Elevator maintenance company mechanic qualifications.**

**§ 28-423.9 Elevator maintenance company helper qualifications.**

**§ 28-423.10 Initial training.**

**§ 28-423.11 Continuing education.**

**§ 28-423.12 No examination required.**

**§ 28-423.13 Term of license.**

**§ 28-423.14 Fees.**

**§ 28-423.15 Elevator work performed by the department.**

**§ 28-423.1 General.** Elevator maintenance companies shall comply with this article.

**§ 28-423.2 Elevator work performed before January 1, 2018.** Until January 1, 2018, elevator maintenance companies shall comply with this section or section 28-423.4.

**§ 28-423.2.1 Designated individual in responsible charge.** The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-423.5.

**§ 28-423.2.2 Elevator work.** All elevator work for an elevator maintenance company shall be performed by individuals who are directly employed by such company and working under the direct and continuing supervision of the individual designated for such company in accordance with section 28-423.5.

**§ 28-423.3 Elevator work performed on and after January 1, 2018 and before January 1, 2021.** On and after January 1, 2018 and until January 1, 2021, elevator maintenance companies shall comply with this section or section 28-423.4.

**§ 28-423.3.1 Designated individual in responsible charge.** The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-423.5. In addition to the requirements of section 28-423.5 and prior to such company performing elevator work, such individual shall submit satisfactory proof to the department that all individuals directly employed by such company to perform or supervise elevator work have successfully completed the initial training set forth in section 28-423.10.

**§ 28-423.3.2 Elevator work.** All elevator work for an elevator maintenance company shall be performed by individuals who:

1. Are directly employed by such company;
2. Are working under the direct and continuing supervision of the individual designated for such company in accordance with section 28-423.5; and
3. Have successfully completed the initial training set forth in section 28-423.10.

**§ 28-423.4 Elevator work performed on and after January 1, 2021.** On and after January 1, 2021, elevator maintenance companies shall be licensed in accordance with this section.

**§ 28-423.4.1 Requirements for elevator maintenance company license; renewals.** In addition to the general licensing requirements of article 401 of this chapter, applicants for an elevator maintenance company license shall:

1. Designate an individual in responsible charge in accordance with section 28-423.5;
2. Submit satisfactory proof to the department that all individuals performing or supervising elevator work on behalf of the applicant have successfully completed the initial training set forth in section 28-423.10; and
3. For license renewal applications, submit satisfactory proof that all individual performing or supervising elevator work on behalf of the applicant have successfully completed the continuing education set forth in section 28-423.11 within the three years preceding submission of such application.

**§ 28-423.4.2 Elevator work.** All elevator work for an elevator maintenance company shall comply with the following:

1. Such work shall be performed by or under the direct and continuing supervision of the individual designated in responsible charge in accordance with section 28-423.5; and
2. Such work shall be performed by one or more of the following individuals:
  - 2.1. An elevator maintenance company director directly employed by such company;



- 2.2. *An elevator maintenance company mechanic directly employed by such company; or*
- 2.3. *An elevator maintenance company helper directly employed by such company and working under the personal and immediate supervision of an elevator maintenance company director or mechanic without intermediate supervisors or other intervening levels of supervision.*

**§ 28-423.5 Designated individual in responsible charge.** *Where required by this article, an elevator maintenance company shall designate an individual directly employed by such company to be in responsible charge of all elevator work and related operations for such company. Such individual shall:*

- 1. *Submit the following to the department before exercising direct and continuing supervision over elevator work performed by such company:*
  - 1.1. *Such individual's full name, home address and home telephone number;*
  - 1.2. *Such company's name, address and telephone number;*
  - 1.3. *A certification by such individual stating that all elevator work performed by such company will be performed under the direct and continuing supervision of such individual and will comply with the requirements of this article;*
- 2. *Maintain and make available to the department the following records upon request of the department:*
  - 2.1. *A log of all elevator work performed by such company, including the locations where such work was performed, for seven years; provided further that, where an elevator maintenance company employs individuals who inspect, test or witness the inspection or testing of passenger elevators or escalators, whether on behalf of such company or otherwise, such log shall include the locations of such inspecting, testing or witnessing thereof;*
  - 2.2. *All records submitted to such company in accordance with sections 28-423.8 and 28-423.9;*
  - 2.3. *All records related to initial training as set forth in section 28-423.10 and continuing education as set forth in section 28-423.11 for employees of such company; and*
- 3. *Certify to the truth and accuracy of all submissions to the department.*

**§ 28-423.6 Prohibition on working for more than one elevator maintenance company.** *No individual may:*

- 1. *Perform or supervise elevator work for an elevator maintenance company while directly employed by another elevator maintenance company; or*
- 2. *Inspect, test or witness the inspection or testing of any passenger elevator or escalator that underwent elevator work performed by an elevator maintenance company that directly employed such individual at any time within the one year preceding such inspecting, testing or witnessing thereof.*

**§ 28-423.7 Requirements for elevator maintenance company director license.** *In addition to the general licensing requirements of article 401 of this chapter, applicants for an elevator maintenance company director license shall submit satisfactory proof to the department that:*

- 1. *The applicant is a New York state licensed professional engineer or registered architect who has at least two years of full time work experience supervising elevator work or inspecting, testing or witnessing the inspection or testing of passenger elevators or escalators within the five years preceding submission of such application; or*
- 2. *The applicant has at least ten years of full time work experience supervising elevator work within the fifteen years preceding submission of such application and meets one or more of the following requirements:*
  - 2.1. *The applicant has at least five additional years of full time work experience performing or supervising elevator work; or*
  - 2.2. *The applicant has earned a certification upon completion of a vocational, trade or apprenticeship program for elevator mechanic or technician from an institution registered by the New York state or the United States department of labor.*

**§ 28-423.8 Elevator maintenance company mechanic qualifications.** *No individual may work as an elevator maintenance company mechanic for an elevator maintenance company until he or she submits satisfactory proof to such company that he or she:*

- 1. *Has at least five years of full time work experience performing or supervising elevator work within the ten years preceding such submission; or*
- 2. *Has earned a certification upon completion of a vocational, trade or apprenticeship program for elevator mechanic or technician from an institution registered by the New York state or the United States department of labor.*

**§ 28-423.9 Elevator maintenance company helper qualifications.** *No individual may work as an elevator maintenance company helper for an elevator maintenance company until he or she submits satisfactory proof to such company that he or she is enrolled in a vocational, trade or apprenticeship program for elevator mechanic or technician of an institution registered by the New York state or the United States department of labor at the time of such submission.*

**§ 28-423.10 Initial training.** *Where required by this article, individuals performing or supervising elevator work for an elevator maintenance company shall complete at least thirty-six hours of initial training courses. Such courses shall be developed or approved by the department and shall cover:*

*1. Twenty hours of instruction on safe work practices and related topics that shall include, but shall not be limited to, the elevator industry field employees' safety handbook (FESH) topics of the proper and safe use of jumpers and potential hazards of jumpers, fall protection, electrical safety and lock out and tag out procedures and product-specific safety applications or procedures;*

*2. Ten hours on the New York city construction codes, chapter 3 of title 27 of the administrative code and adopted standards, rules, commissioner's orders/bulletins and topics related to elevators and escalators.*

*The applicable edition of the following standards shall be included:*

*2.1. ASME A17.1;*

*2.2. ASME A17.2;*

*2.3. ASME A17.3;*

*2.4. ICC/ANSI A117.1; and*

*3. Six hours on new technology related to the elevator industry, which may include cross- discipline training, manufacturer's training or other technical training pertaining to new technology to enhance safety and reliable service and to provide a sustainable environment. Content shall be relevant to the attendees and their specific certificate classification.*

**§ 28-423.11 Continuing education.** *Where required by this article, individuals performing or supervising elevator work for an elevator maintenance company shall complete at least seven hours of continuing education courses. To qualify under this section, such courses must be approved by the department and must cover the subject areas set forth in section 28-423.10.*

**§ 28-423.12 No examination required.** *No examination shall be required for an elevator maintenance company license or an elevator maintenance company director license.*

**§ 28-423.13 Term of license.** *The term of the elevator maintenance company and elevator maintenance company director licenses shall be three years.*

**§ 28-423.14 Fees.** *Applicants for elevator maintenance company and elevator maintenance company director licenses shall pay the fees set forth in the rules of the department.*

**§ 28-423.15 Elevator work performed by the department.** *Notwithstanding any other provision in this article, the department may perform elevator work.*

§ 5. This local law takes effect 180 days 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.

L.U. No. 327

By Council Member Greenfield:

**Application No. C 150384 ZSM submitted by 321 New Canal, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations to allow residential and retail uses in an existing building on property located at 321 Canal Street (Block 230, Lot 5) Borough of Manhattan, Community Board 2, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 328

By Council Member Greenfield:

**Application No. C 150385 ZSM submitted by 323 Equities, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations to allow residential and retail uses in an existing building on property located at 323 Canal Street (Block 230, Lot 6) Borough of Manhattan, Community Board 2, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 329

By Council Member Greenfield:

**Application No. N 150416 ZRM submitted by 150 Wooster LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712, concerning the special permit for developments in an historic district within M1-5A and M1-5B districts, Borough of Manhattan, Community Board 2, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 330

By Council Member Greenfield:

**Application No. C 150417 ZSM submitted by 150 Wooster LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution to modify the use regulations to allow residential and retail uses in a proposed 8-story building on property located at 150 Wooster Street (Block 514, Lots 7 and 9) Borough of Manhattan, Community Board 2, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 331

By Council Member Greenfield:

**Application No. C 150418 ZSM submitted by 150 Wooster LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution to modify height, setback, and permitted obstructions regulations for a proposed 8-story building on property located at 150 Wooster Street (Block 514, Lots 7 and 9) Borough of Manhattan, Community Board 2, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

<http://legistar.council.nyc.gov/Calendar.aspx>

**ANNOUNCEMENTS**

**Wednesday, January 20, 2016**

[Committee on Fire and Criminal Justice Services](#) jointly with the  
[Committee on Parks and Recreation](#)..... 10:00 a.m.

**Oversight** - Examining the Future of Hart Island

**Int 134** - By Council Members Crowley, Vacca, Lander, Rodriguez, Levine, Cohen, Koo, Lancman, Palma, Reynoso, Koslowitz, Torres, King, Chin, Williams, Miller, Cornegy, Levin, Mendez, Cabrera, Gibson, Mealy and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to a transfer of jurisdiction over Hart Island from the department of corrections to the department of parks and recreation.

Committee Room – City Hall

Elizabeth Crowley, Chairperson  
Mark Levine, Chairperson

[Committee on Youth Services](#) .....1:00 p.m.

**Oversight** - Connecting Young People to Volunteer Opportunities

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Mathieu Eugene, Chairperson

**Thursday, January 21, 2016**

**★ Deferred**

[Committee on Economic Development](#) .....1:00 p.m.

Agenda to be announced

Council Chambers – City Hall

Daniel Garodnick, Chairperson

**★ Addition**

[Committee on Recovery and Resiliency](#) .....1:00 p.m.

**Int 448** - By Council Members Maisel, Treyger, Constantinides, Gentile, Rodriguez and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to civil and criminal penalties for building code violations resulting from certain work done in response to a natural or man-made disaster.

**Int 1037** - By Council Members Treyger, Gentile, Koo, Mealy, Mendez, Rodriguez, Rose and Ulrich - **le Local Law** to amend the administrative code of the city of New York, in relation to violations received while awaiting city assistance after a disaster. Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Mark Treyger, Chairperson

**Friday, January 22, 2016**

[Committee on Juvenile Justice](#) jointly with the  
[Committee on Cultural Affairs, Libraries &](#)  
[International Intergroup Relations](#).....10:00 a.m.

**Oversight** - Examining Cultural Non-Profits in the New York City Juvenile Justice System.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Fernando Cabrera, Chairperson  
James Van Bramer, Chairperson

**Monday, January 25, 2016**

[Committee on Education](#) ..... 1:00 p.m.  
**Int 773** - By Council Members Kallos, Levin, Cabrera, Constantinides, Eugene, Gentile, Miller, Mendez, Wills and Torres - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to provide data related student participation in free meals in school.  
 Committee Room – City Hall Daniel Dromm, Chairperson

**Tuesday, January 26, 2016**

[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

**★ Note Time Change**

[Committee on Health](#) ..... ★1:00 p.m.  
**Int 442** - By Council Members Kallos, Levin, Johnson, Barron, Mendez, Richards, Crowley, Dromm, Constantinides, Cohen, Reynoso, Treyger, Levine, Eugene, Gibson, Torres, Rodriguez, Mealy, Wills, Deutsch and Cabrera - **A Local Law** to amend the administrative code of the city of New York, in relation to setting nutritional standards for distributing incentive items aimed at children  
 Committee Room – City Hall Corey Johnson, 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

**★ Addition**

[Committee on Public Housing](#) ..... 6:00 p.m.  
**Off-site Hearing - Oversight** – The NextGeneration NYCHA Development Plan  
**Location:** Holmes Community Center  
 1792 First Avenue  
 New York, NY 10128  
 Details attached..... Ritchie Torres, Chairperson

**Wednesday, January 27, 2016**

**★ Addition**

[Committee on Immigration](#) ..... 10:00 a.m.  
**Oversight** - How can the City support ethnic media to ensure that immigrant communities receive information on local matters?  
 Committee Room – City Hall Carlos Menchaca, Chairperson

[Committee on Economic Development](#) jointly with the  
[Committee on Small Business](#) and the  
[Committee on Civil Service and Labor](#) ..... 1:00 p.m.

**Oversight** - Decreasing Job Placements at Workforce 1 Centers  
 Council Chambers – City Hall

Daniel Garodnick, Chairperson  
 Robert Cornegy, Chairperson  
 Daneek Miller, Chairperson

**★ Note Location Change**

[Committee on Sanitation and Solid Waste Management](#) ..... 1:00 p.m.

**Oversight** - Update Concerning Local Law 77 of 2013, Which Created a Curbside Organics Collection Pilot Program.

★Committee Room – City Hall

Antonio Reynoso, Chairperson

**Thursday, January 28, 2016**

[Committee on Transportation](#) ..... 10:00 a.m.

Agenda to be announced  
 Council Chambers – City Hall

Ydanis Rodriguez, 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

**★ Note Topic Additions**

[Committee on Environmental Protection](#) ..... 1:00 p.m.

★**Int 359** - By Council Members Constantinides, Cornegy, Koo, Rose, Wills, Cumbo, Rodriguez, Mendez, Rosenthal, Deutsch, Treyger, Williams, Palma, King, Johnson, Levin, Dromm, Gentile and Menchaca - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to requiring a study of potential environmental justice communities in New York city and the publication of the results of such study on the city’s website.

★**Int 886** - By Council Members Barron, Mendez, Miller, Richards, Rose, Constantinides, Cumbo, Chin, Cabrera, Ferreras-Copeland, Cornegy, Williams, Menchaca, King, Rodriguez, Palma, Rosenthal, Levine, Johnson, Vallone, Garodnick, Gibson, Dromm, Reynoso, Espinal, Maisel, Koslowitz, Lander, Van Bramer, Crowley, Levin, Torres, Lancman, Cohen and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to identifying and addressing environmental justice issues. Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Costa Constantinides, Chairperson

[Committee on Governmental Operations](#) ..... 1:00 p.m.

Agenda to be announced  
 Committee Room – City Hall

Ben Kallos, Chairperson

[Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services](#) ..... 1:00 p.m.

**Oversight** - Thrive NYC: A Mental Health Roadmap for All.  
 Council Chambers – City Hall

Andrew Cohen, Chairperson

**Friday, January 29, 2016**

**★ *Note Location Change***

[Committee on Housing and Buildings](#) ..... 10:00 a.m.

Agenda to be announced

★Committee Room – City Hall ..... Jumaane D. Williams, Chairperson

**Monday, February 1, 2016**

**★ *Addition***

[Committee on Rules, Privileges & Elections](#) ..... 11:00 a.m.

**M 363** - Communication from the Mayor - Submitting the name of Shin-pei Tsay to the Council for its advice and consent regarding her appointment as a member of the New York City Art Commission, known as the Public Design Commission, pursuant to Sections 31 and 851 of the New York

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Council Chambers – City Hall

Brad Lander, Chairperson

**★ *Addition***

[Committee on Finance](#) jointly with the

[Committee on Consumer Affairs](#) ..... 1:00 p.m.

**Oversight** – The City’s Efforts to Combat Real Property Deed Fraud.

Council Chambers – City Hall

Julissa Ferreras-Copeland, Chairperson

Rafael L. Espinal, Chairperson

**★ *Addition***

[Committee on Technology](#) ..... 1:00 p.m.

Agenda to be announced

Committee Room – City Hall

James Vacca, Chairperson

**Wednesday, February 3, 2016**

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*

.....*Agenda – 1:30 p.m.*

**MEMORANDUM**

Wednesday, January 13, 2016

**TO:** ALL COUNCIL MEMBERS

**RE:** OFF-SITE HEARING BY THE COMMITTEE ON PUBLIC HOUSING

**Oversight – The NextGeneration NYCHA Development Plan**

**Holmes Community Center  
1792 First Avenue  
New York, NY 10128**

The off-site hearing will be held on **Tuesday, January 26, 2016 beginning at 6:00 p.m.** A van will be leaving City Hall at **4:30 p.m.**

Hon. Ritchie Torres, Chairperson  
Committee on Public Housing

Hon. Melissa Mark-Viverito  
Speaker of the Council



During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) noted that it was the one year anniversary of the enactment of the Vision Zero initiative. This comprehensive package of legislation was designed to make the streets safer for drivers, cyclists, and pedestrians – she reported that in the last year, traffic fatalities were down by 23% and pedestrian fatalities were down by 27%. The Speaker (Council Member Mark-Viverito) thanked the Council for their efforts and looked forward to make the streets even safer in the future.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, February 3, 2016.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note: The next Stated Meeting was later rescheduled to meet on Friday, February 5, 2016.*

*Editor's Local Law Note: Preconsidered Int No 1042, adopted by the Council at the January 6, 2016 Charter Meeting, was signed into law by the Mayor on January 15, 2016 as, respectively, Local Laws No. 9 of 2016.*

