

**THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Wednesday, March 9, 2016, 12:00 Noon

The Majority Leader (Council Member Van Bramer)  
*Acting President Pro Tempore and Presiding Officer*

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Members Barron, Lancman, Levin, Maisel, Mendez, Torres and Ulrich.  
Medical Leave: Council Members, Rose and Wills.

The Majority Leader (Council Member Van Bramer) opened the Meeting as the Acting President Pro Tempore and Presiding Officer. The Public Advocate (Ms. James) later assumed the chair as the Acting President Pro Tempore during the Invocation segment of this Meeting.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader (Council Member Van Bramer).

*\*Council Member Salamanca was not included in the original Roll Call for Attendance but was later marked present and was eligible to vote following his ceremonial swearing-in during the Communication from City, County and Borough Offices segment of this Meeting.*

*There were 42 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 Minister Valerie Ross, Judson Memorial, 55 Washington Square South, New York, N.Y. 10012.

Let us prayer.

Gracious and dependable God, we come to you this morning  
 first of all just to say thank you for allowing us  
 to have another day to do what it is you have called  
 each and every one of us to do.  
 Well, we thank you for your peace and for your grace  
 for allowing us to continue to fight for justice  
 in the various ways that we do.  
 God, in this month of March  
 we celebrate Women's History Month,  
 and we thank you for Councilwoman Viverito  
 and the other women that serve here  
 doing justice on a daily basis.  
 God, we ask that you continue to lead us  
 and guide us in your truth.  
 There is so much going on in our world, oh, God,  
 so much streaming into our living rooms  
 via our various news media outlets.  
 But God, we know that you're in control.  
 We believe and we trust in you this morning  
 that you have everything worked out according to your plan.  
 We ask that you just continue to allow us  
 to be a part of your project, oh, God.  
 God, whatever you're doing in this season,  
 we ask that you do not do it without us.  
 This is our prayer through Jesus Christ Our Lord.  
 Amen.

Council Member Chin moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker Council Member Mark-Viverito) asked those assembled to remember the victims and survivors of the East Harlem gas explosion which took place nearly two years ago in her district on March 12, 2014. She also asked everyone to keep wounded NYPD Detective John Gladstone in their thoughts and prayers. Detective Gladstone was shot in the line of duty in Brooklyn on March 8, 2016 and was recovering in Elmhurst Hospital, Queens. The Speaker (Council Member Mark-Viverito) wished him a fast and full recovery and thanked him for his service.

### **ADOPTION OF MINUTES**

Council Member Vacca moved that the Minutes of the Stated Meeting of February 5, 2016 be adopted as printed.

### **COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-378

**Communication from the Board of Elections - Submitting the Certification of Election of Rafael Salamanca, Jr., as the new Council Member of the 17<sup>th</sup> Councilmanic District, Bronx County.**

**(For text, please refer to the New York City Board of Elections at 42 Broadway, 7<sup>th</sup> Floor, New York, N.Y. 10004)**

Received, Ordered, Printed & Filed.

### **Ceremonial Swearing-in of Rafael Salamanca, Jr.**

At this point, the newly elected **Rafael Salamanca, Jr.** was escorted into the Chambers by the Majority Leader (Council Member Van Bramer), the Minority Leader (Council Member Matteo), Council Member Palma, and the Public Advocate (Ms. James). He was ceremonially sworn-in as Council Member by the City Clerk and Clerk of the Council (Mr. McSweeney). With his family by his side, Council Member Salamanca took his Oath of Office as the new representative for the 17th Council District in the Bronx. Bronx Borough President Ruben Diaz, Jr. was also in attendance and was seated by the front dais on the Council floor. Those assembled in the Chambers applauded and cheered the newly sworn Council Member.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) welcomed Council Member Salamanca and his family. She yielded the floor to Council Member Salamanca who spoke briefly to those assembled.

M-379

**Communication from the Council - Ms. Marbre C. Stahly-Butts, candidate for designation by the Council and subsequent appointment by the Mayor to the New York City Civilian Complaint Review Board.**

**(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)**

Referred to the Committee on Rules, Privileges and Elections.

M-380

**Communication from the Council - Mr. Michael J. Regan, candidate for re-appointment by the Council to the New York City Board of Correction.**

**(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)**

Referred to the Committee on Rules, Privileges and Elections.

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

M-381

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 (ULURP) application no. C 150343 ZSK shall be subject to Council review. This item is related to Application no. N 150342 ZRK 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** – 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, Lander, Levine, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Treyger, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **42**.

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 THE STANDING COMMITTEES

### Report of the Committee on Civil Rights

Report for Int No. 805-A

**Report of the Committee on Civil Rights 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 expanding the protections of the city of New York human rights law with regard to public accommodations, and making certain technical corrections.**

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, page 2182), respectfully

### REPORTS:

#### **I. INTRODUCTION**

On Tuesday, March 8, 2016, the Committee on Civil Rights, chaired by Council Member Darlene Mealy, will hold a hearing to vote on Proposed Introductory Bill Number 805-A (“Int. No. 805-A”), a Local Law to amend the administrative code of the city of New York, in relation to expanding the protections of the city of New York human rights law with regard to public accommodations, and making certain technical corrections, Proposed Introductory Bill Number 814-A (“Int. No. 814-A”), a Local Law to amend the administrative code of the city of New York, in relation to construction of the New York City human rights law, Proposed Introductory Bill Number 818-A (“Int. No. 818-A”), a Local Law to amend the administrative code of the city of New York, in relation to the provision of attorney’s fees under the city human rights law, Introductory Bill Number 819 (“Int. No. 819”), a Local Law to amend the administrative code of the city of New York, in relation to the repeal of subdivision 16 of section 8-107 of such code relating to the applicability of provisions of the human rights law regarding sexual orientation, and Proposed Introductory Bill Number 832-A (“Int. No. 832-A”), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in housing accommodations on the basis of an individual’s status as a victim of domestic violence. The Committee held hearings on earlier versions of the bills. During these hearings testimony was submitted and heard from the New York City Commission on Human Rights (“the Commission”), advocates, and other interested parties.

#### **II. BACKGROUND**

The New York City Human Rights Law (“HRL”), embodied in the New York City Charter and title eight of the New York City Administrative Code, is one of the most expansive and comprehensive human rights laws in the nation. The HRL protects a number of classes of persons from discrimination in the areas of employment, housing, public accommodations, and more.<sup>1</sup> Protected classes covered under the HRL include race, national origin, disability, sexual orientation, alienage or citizenship status, gender, partnership status, age, and others.<sup>2</sup>

While the HRL is comprehensive, there is potential to strengthen it by including additional protections. Int. No. 805-A would extend the HRL’s public accommodations provisions to cover franchisors, franchisees, and lessors of public accommodations, and would update the language of the law to entitle any person to full

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<sup>1</sup> N.Y.C. Admin. Code §8-101 *et seq*

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

and equal enjoyment of public accommodations, on equal terms and conditions. Int. No. 805-A would also ensure that both access to, and advertisements for, public accommodations would be protected for anyone who is actually, or perceived to be, a member of a protected class. Int. No. 814-A would provide guidance for interpreting the HRL by directing that exemptions from the general provisions of the law should be interpreted narrowly and by referring to three significant court decisions that have given the law an independent construction, as required by the 2005 Restoration Act. Int. No. 818-A would expand the already existing attorney's fees provision in the HRL to apply to complaints brought before the Commission. Int. No. 818-A would also require all attorney's fees awarded by courts or the Commission to be based on an hourly market rate charged by attorneys of similar skill and experience practicing in New York County, which are the highest rates in New York City. Int. No. 819 would repeal certain limitations on the HRL's protections against discrimination on the basis of sexual orientation. Int. No. 832-A would protect an individual from discrimination in housing accommodations, based on their status as a victim of domestic violence, a sex offense, or stalking.

### **III. ANALYSIS OF LEGISLATION**

#### **i. Int. No. 805-A**

The HRL currently prohibits anyone who owns, leases, runs or manages a place of public accommodation (such as a store, restaurant, or government agency when it acts as a public accommodation), or his or her employees, from denying someone access, for discriminatory reasons, to the product or benefit being offered to the public. Int. No. 805-A would amend that law to add three types of people to that list of those who cannot engage in discriminatory conduct: anyone who buys a franchise, sells a franchise or leases space to a provider of public accommodations.

Int. No. 805-A also would update the language of the public accommodations provision to confirm that its ban on discrimination is broad. The revised language makes explicit that it is illegal to offer a person who is or is perceived to be a member of a protected class the same benefits, services, or privileges as others, but in such a way that they do not receive "the full and equal enjoyment" of those benefits on "equal terms and conditions." Int. No. 805-A also would amend the current law for consistency: Under the revised language, every person who is actually, or is perceived to be, in a protected class is protected. This is the phrase already used for most of the public accommodation protections under the current HRL, but for certain kinds of advertisements the current law instead protects any person "belonging to, purporting to be, or perceived to be" part of a protected class. Int. No. 805-A also would make a technical correction to the existing law, replacing an erroneous use of "subdivision" with the correct word "section."

Int. No. 805-A would take effect 120 days upon enactment.

#### **ii. Int. No. 814-A**

Over at least the last 25 years, the Council has sought to protect the HRL from being narrowly construed by courts, particularly through major legislation adopted in 1991 and 2005.<sup>3</sup> These actions have expressed a very specific vision: a Human Rights Law designed as a law enforcement tool with no tolerance for discrimination in public life. The 2005 Restoration Act<sup>4</sup> provided that the HRL is to be interpreted liberally and independently of similar federal and state provisions to fulfill the "uniquely broad and remedial" purposes of the law. The Act amended the HRL's liberal construction provision, Administrative Code § 8-130, to accomplish this goal. Some courts have recognized and followed this vision, but others have not, and many

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<sup>3</sup> See Local Law No. 39 (1991); Local Law No. 85 (2005); see also Craig Gurian, "A Return to Eyes on the Prize: Litigating Under the Restored New York City Human Rights Law," 33 Fordham Urb. L.J. 255 (2006).

<sup>4</sup> Local Law No. 85 (2005).

areas of the law remain as they were before the 2005 Restoration Act because they have not been scrutinized to determine whether they are consistent with the uniquely broad requirements of the HRL.

First, Int. No. 814-A would complement the liberal construction requirement in § 8-130 by directing that exemptions from the HRL's general provisions be construed narrowly in order to maximize deterrence of discriminatory conduct.

Second, Int. No. 814-A would cite three cases—*Albunio v. City of New York*, 16 N.Y.3d 472 (2011), *Bennett v. Health Management Systems, Inc.*, 92 A.D.3d 29 (1st Dep't 2011), and the majority opinion in *Williams v. New York City Housing Authority*, 61 A.D.3d 62 (1st Dep't 2009)—that are important for their understanding and interpretation of the Restoration Act, including its strengthening of the liberal construction provision of the HRL. Highlighting these cases (1) would reaffirm that courts must apply the liberal construction provisions in every case and with respect to every issue; (2) would illustrate best practices when engaging in the required analysis; (3) would endorse the legal doctrines where they were developed pursuant to liberal construction analyses; and (4) would accelerate the process by which other doctrines inconsistent with the commands of Restoration Act are abandoned.

The examples from the cases cited below are illustrative, not comprehensive.

### **Broad and Independent Construction**

As noted, Int. No. 814-A would recognize three cases as having given the HRL the independent construction required by the Restoration Act—*Albunio*, *Bennett*, and the majority opinion in *Williams*.

In *Albunio*, the New York Court of Appeals recognized that the 2005 Restoration Act required it to interpret an anti-retaliation provision of the HRL liberally. The court quoted the Council's finding from the Restoration Act that the HRL “has been construed too narrowly to ensure protection of the civil rights of all persons covered by the law,”<sup>5</sup> concluding that § 8-130 required that the anti-retaliation provision contained in the HRL had to be construed, “like other provisions of the City's Human Rights Law,” “broadly in favor of discrimination plaintiffs, to the extent that such a construction is reasonably possible.”<sup>6</sup>

In *Bennett*, the Appellate Division, First Department, reexamined the application of a federal summary judgment burden-shifting procedure, known as the *McDonnell Douglas* analysis, to claims brought under the City's HRL. Although the court ultimately concluded that a version of the *McDonnell Douglas* analysis may be applied to HRL claims, the court first satisfied the requirement of the Restoration Act by evaluating the framework to ensure that it comported with the “uniquely broad and remedial purposes of the [HRL].”<sup>7</sup> *Bennett* provided, among other things, important reconfirmation that there are no provisions of the law or judge-made doctrines that stand outside the liberal construction requirements of § 8-130. *Bennett* found that:

[T]he identification of the framework for evaluating the sufficiency of evidence in discrimination cases does not in any way constitute an exception to the section 8-130 rule that all aspects of the City HRL must be interpreted so as to accomplish the uniquely broad and remedial purposes of the law . . . and for [the court] to create an exemption from the sweep of the Restoration Act for the most basic provision of the City HRL—that it is unlawful “to discriminate”—would impermissibly invade the legislative province.<sup>8</sup>

*Bennett* altered the way that courts use *McDonnell Douglas* analysis for deciding summary judgment motions in discrimination cases under the HRL and provided a reminder that *McDonnell Douglas* is only one of the evidentiary routes available to plaintiffs.

<sup>5</sup> *Albunio*, 16 N.Y.3d at 477, quoting Local Law No. 85 § 1 (2005).

<sup>6</sup> *Id.* at 477-78.

<sup>7</sup> *Bennett*, 92 A.D.3d at 34-35.

<sup>8</sup> *Bennett*, 92 A.D.3d at 34-35.

Third, in the majority opinion in *Williams*, the Appellate Division, First Department, held that sexual harassment need not rise to the level of “severe and pervasive” to invoke the HRL’s protections against gender discrimination, even though that would have been the federal standard for sexual harassment. The court’s analysis of the HRL standard as independent of the federal standard thus fulfilled the Restoration Act’s requirement that the City’s HRL be interpreted independently of similar federal and state laws.<sup>9</sup> As the majority opinion explained,

[T]he Restoration Act notified courts that (a) they had to be aware that some provisions of the City HRL were textually distinct from its state and federal counterparts, (b) *all* provisions of the City HRL required independent construction to accomplish the law’s uniquely broad purposes, and (c) cases that had failed to respect these differences were being legislatively overruled.<sup>10</sup>

The court wrote that the liberal construction provision was envisioned as “obviating the need for wholesale textual revision of the myriad specific substantive provisions of the law.”<sup>11</sup> As the court further explained,

While the specific *topical* provisions changed by the Restoration Act give unmistakable *illustrations* of the Council’s focus on broadening coverage, section 8-130’s specific *construction* provision required a “process of reflection and reconsideration” that was intended to allow independent development of the local law “in all its dimensions.”<sup>12</sup>

Thus, “areas of law that have been settled by virtue of interpretations of federal or state law ‘will now be reopened for argument and analysis . . . . As such, advocates will be able to argue afresh (or for the first time) a wide range of issues under the City’s Human Rights Law . . . .’”<sup>13</sup> The *Williams* court found that the HRL’s text and legislative history represent a legislative desire that the HRL “‘meld the broadest vision of social justice with the strongest law enforcement deterrent.’”<sup>14</sup>

### **Development of Legal Doctrine Reflecting Those Principles**

Having correctly understood and interpreted the Restoration Act, the cases developed legal doctrine accordingly. Some of that doctrine reflects determination of specific issues.

For example, *Albunio* held that “opposition” to discrimination under the HRL can be established on limited evidence, with a jury given broad range to infer that the plaintiff was “in substance” conveying the idea that a third party had been discriminated against.<sup>15</sup>

And *Williams* concluded that the question of the “severity” or “pervasiveness” of harassment is relevant only to the question of damages, not to liability under the HRL.<sup>16</sup> *Williams* also stated that an affirmative defense is available to a covered entity to show that the conduct complained of consisted of nothing more than petty slights and trivial inconveniences, but provided that this defense is limited to “truly insubstantial” cases.<sup>17</sup> *Williams* further elaborated on the uniquely broad coverage of the HRL’s retaliation provision, concluding that “no challenged conduct may be deemed nonretaliatory before a determination that a jury could

<sup>9</sup> *Williams*, 61 A.D.3d at 73.

<sup>10</sup> *Id.* at 67-68 (internal footnote omitted).

<sup>11</sup> *Id.* at 74.

<sup>12</sup> *Id.*, quoting Craig Gurian, “A Return to Eyes on the Prize,” 33 *Fordham Urb. L.J.* at 280.

<sup>13</sup> *Id.* at 77 n.24, quoting Craig Gurian, “A Return to Eyes on the Prize,” 33 *Fordham Urb. L.J.* at 258 (first alteration in *Williams*).

<sup>14</sup> *Id.* at 68, quoting Craig Gurian, “A Return to Eyes on the Prize,” 33 *Fordham Urb. L.J.* at 262.

<sup>15</sup> *Albunio*, 16 N.Y.3d at 478-79.

<sup>16</sup> *Williams*, 61 A.D.3d at 76.

<sup>17</sup> *Id.* at 80.



not reasonably conclude . . . that such conduct was . . . ‘reasonably likely to deter a person from engaging in protected activity.’”<sup>18</sup> *Williams* also rejected the U.S. Supreme Court’s 2002 narrowing of the doctrine of continuing violations,<sup>19</sup> holding that the narrowing was inapplicable to the HRL.<sup>20</sup> Accordingly, all types of discriminatory conduct, including what the Supreme Court had characterized as “discrete” actions,<sup>21</sup> continue to be eligible to be treated as continuing violations.<sup>22</sup> In restoring the broad scope of the continuing violation doctrine, the *Williams* court wrote that:

[T]he Restoration Act’s uniquely remedial provisions are consistent with a rule that neither penalizes workers who hesitate to bring an action at the first sign of what they suspect could be discriminatory trouble, nor rewards covered entities that discriminate by insulating them from challenges to their unlawful conduct that continues into the limitations period.<sup>23</sup>

These cases do not just establish specific ways in which the HRL differs from its federal and state counterparts; they also illustrate a correct approach to liberal construction analysis and then develop legal doctrine accordingly. It is therefore important for courts to examine the reasoning of the cases—including their extensive discussions of why the U.S. Supreme Court’s analysis can be inadequate to serve the purposes of the HRL—and then for courts to employ that kind of reasoning when tackling other interpretative problems that arise under the HRL. Finally, Int. No. 814-A would remind courts that legal doctrine might need to be revised to comport with the requirements of § 8-130 of the Administrative Code.

Int. No. 814-A would take effect immediately upon enactment.

### iii. Int. No. 818-A

Int. No. 818-A affects attorney’s fee awards both in front of the Commission and in the courts. Regarding the Commission, currently, attorney’s fees are not included in the enumerated list of awards the Commission may include in an order.<sup>24</sup> Int. No. 818-A would allow the Commission to include reasonable attorney’s fees, expert fees and other costs in that list. If the Commission decides to award the complainant reasonable attorney’s fees, the Commission may consider factors in setting the amount such as the novelty or difficulty of the issues presented, the skill and experience of the complainant’s attorney, and the hourly rate customarily charged by attorneys of similar skill and experience litigating similar cases in New York County.

As for the courts, the HRL allows courts to award reasonable attorney’s fees and costs to a party that prevails in a discrimination claim brought under the HRL.<sup>25</sup> However, the law does not explicitly mention expert costs. Int. No. 818-A would make it explicit that expert fees may also be awarded to a prevailing party.

Moreover, currently, courts hearing cases in New York County—i.e., Manhattan—that award attorney’s fees often will factor in hourly rates that are higher than those factored in by courts hearing similar cases outside of New York County. This difference both gives incentives to attorneys practicing outside of New

<sup>18</sup> *Id.* at 71, quoting New York City Admin Code § 8-107(7).

<sup>19</sup> See *Nat’l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

<sup>20</sup> *Williams*, 61 A.D.3d at 72-73.

<sup>21</sup> Discrete actions include actions such as a failure to promote, or a change in assignment, or a reduction in pay. *Williams* explained that different types of discrimination could combine to constitute a continuing violation—for example, an instance of harassment outside of the limitations period and a different type of gender-based discrimination within the limitations period. *Id.* at 81 n.31.

<sup>22</sup> See *id.* at 72-73.

<sup>23</sup> *Id.* at 73.

<sup>24</sup> Pursuant to NYC Admin Code § 8-120, the awards the Commission may include in an order include, but are not limited to hiring, reinstatement or upgrading of employees; back pay and front pay; and payment of compensatory damages to the person aggrieved by such practice or act.

<sup>25</sup> See NYC Admin Code § 8-502.

York County to take on cases brought in New York County and discourages attorneys practicing within New York County from taking cases outside of New York County. To equalize the hourly rate discrepancy and to support cases being brought in the proper venue, Int. No. 818-A directs courts to base attorney's fee awards on the market rate charged by attorneys of similar skill and experience litigating similar cases in New York County. As noted, Int. No. 818-A similarly directs the Commission to consider the hourly rate charged by attorneys of similar skill and experience litigating similar cases in New York County when awarding attorney's fees.

Int. No. 818-A would take effect immediately upon enactment.

iv. Int. No. 819

Int. No. 819 would repeal Administrative Code § 8-107(16). That provision addresses how the HRL's protections against discrimination on the basis of sexual orientation should be construed, providing that the HRL should not be read to (a) restrict an employer's right to insist that an employee meet bona-fide job qualifications; (b) authorize or require affirmative action on the basis of sexual orientation; (c) limit or override any exemptions from the provisions of the HRL; (d) make lawful any act that violates the New York Penal Law; or (e) "[e]ndorse any particular behavior or way of life."<sup>26</sup>

These limitations single out sexual orientation; they do not apply to any other class protected by the HRL. The limitations were added in 1986 in the same local law that added protections based on sexual orientation,<sup>27</sup> apparently to address concerns and help gather support for the new sexual orientation protections. However, in 2016 this provision singling out sexual orientation protections is outdated and unnecessary. For instance, the Penal Law's prohibition against consensual sodomy, which was in effect when the limitations were adopted in 1986, was repealed by the State Legislature in 2000.<sup>28</sup> Other portions of the text that Int. No. 819 would repeal are unnecessary because they merely duplicate more general provisions in the HRL that apply without singling out sexual orientation or any other protected class.

Int. No. 819 would take effect immediately upon enactment.

v. Int. No. 832-A

Int. No. 832-A would amend the HRL to make it an unlawful discriminatory practice for landlords and other agents of real estate to refuse to sell, rent or lease, or otherwise deny or withhold an interest in a housing accommodation, because of an individual's actual or perceived status as a victim of domestic violence or as a victim of sex offenses or stalking. This protection from discrimination for victims of domestic violence, sex offenses or stalking, would not apply to housing accommodations that are not publically-assisted accommodations and are within an owner-occupied building with only one or two units if such accommodations were not publically advertised, or to the rental of a room within a non-publically assisted accommodation that is occupied by the owner of such accommodation. This exemption would essentially cover smaller owner-occupied homes. Int. No. 832-A would not prohibit landlords or real estate agents from evicting a tenant for reasons other than such tenant's actual or perceived status as a victim of domestic violence, sex offense or stalking.

Int. No. 832-A would take effect 120 days upon enactment.

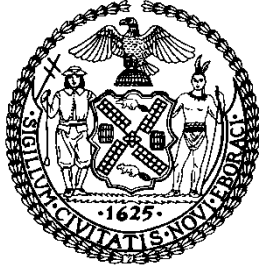
**(The following is the text of the Fiscal Impact Statement for Int No. 805-A:)**

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<sup>26</sup> Administrative Code § 8-107(16).

<sup>27</sup> See Local Law No. 2 (1986).

<sup>28</sup> N.Y. Laws 2000, c. 1, § 6 (repealing N.Y. Penal Law § 130.38 prohibiting consensual sodomy).



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. No. 805-A**

**COMMITTEE:** Civil Rights

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to expanding the protections of the city of New York human rights law with regard to public accommodations, and making certain technical corrections.

**SPONSORS:** Council Members Dromm, Lander, Chin, Johnson, Mendez, Richards, Rosenthal and Menchaca

**SUMMARY OF LEGISLATION:** Pursuant to the New York City Human Rights Law, it is an unlawful discriminatory act for the owner, lessee, proprietor, manager, superintendent, agent or employee of a place or provider of a public accommodation to deny a person access to such public accommodation based on one's actual or perceived status as a member of a protected class. Proposed Intro. No. 805-A would apply that prohibition to franchisors, franchisees, and lessors.

This bill also would make it clear that all those categories of individuals serving as a place or provider of a public accommodation are prohibited from denying a person the full and equal enjoyment of such accommodation, on equal terms and conditions as other people, when such denial is because a person belongs to a protected class. The bill removes an outdated reference to "purported" membership in a class as well.

**EFFECTIVE DATE:** This legislation would take effect 120 days after enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
<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 revenues resulting from this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the implementation of this legislation because it is anticipated that the administrative requirements or functions proposed under this bill can be implemented by existing personnel at the Commission on Human Rights.

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

**SOURCES OF INFORMATION:** Finance Division

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head, Finance Division

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

**LEGISLATIVE HISTORY:** Intro. No. 805 was introduced by the Council on June 10, 2015 and referred to the Committee on Civil Rights. The Committee considered the legislation at a hearing on October 19, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 805-A, will be voted on by the Committee at a hearing on March 8, 2016. Upon successful vote of the Committee, Proposed Intro. No. 805-A will be submitted to the full Council for a vote on March 9, 2016.

**DATE PREPARED:** March 8, 2016

*Accordingly, this Committee recommends the adoption of Int Nos. 805-A.*

**(For text of Int Nos. 814-A, 818-A, 819, and 832-A and their Fiscal Impact Statements, please see the Reports of the Committee on Civil Rights for Int Nos.814-A, 818-A, 819, and 832-A printed in these Minutes)**

**(The following is the text of Int No. 805-A:)**

Int. No. 805-A

By Council Members Dromm, Lander, Chin, Johnson, Mendez, Richards, Rosenthal, Menchaca, Rose and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the protections of the city of New York human rights law with regard to public accommodations, and making certain technical corrections.**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs a and e of subdivision 4 of section 8-107 of the administrative code of the city of New York, as amended by local law 85 for the year 2005, are hereby amended to read as follows:

a. It shall be an unlawful discriminatory practice for any person [being]who is the owner, franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation, directly or indirectly:

1. To refuse, withhold from or deny to any person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities or privileges of the place or provider of public accommodation because of [the]such person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status[ of

any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, or, directly or indirectly, to]; *or*

2. To make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that:

(a) *Full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, facilities and privileges of any such place or provider of public accommodation shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status; or [that the ]*

(b) *The patronage or custom of any person [belonging to, purporting to be, or perceived to be, of any particular]is unwelcome, objectionable, not acceptable, undesired or unsolicited because of such person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status[ is unwelcome, objectionable or not acceptable, desired or solicited].*

e. The provisions of this [subdivision]section relating to disparate impact shall not apply to the use of standardized tests as defined by section three hundred forty of the education law by an educational institution subject to this subdivision provided that such test is used in the manner and for the purpose prescribed by the test agency which designed the test.

§ 2. This local law takes effect 120 days after it becomes law.

DARLENE MEALY, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, ANDY L. KING. Committee on Civil Rights, March 8, 2016. *Other Council Members Attending: Lander and Williams.*

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

Report for Int No. 814-A

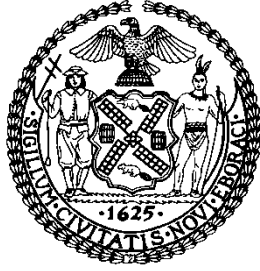
**Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to construction of the New York city human rights law.**

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, page 2201), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Civil Rights for Int No. 805-A printed above in these Minutes)**

*The following is the Fiscal Impact Statement for Int No. 814-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 814-A**

**COMMITTEE:** Civil Rights

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to construction of the New York city human rights law. **SPONSORS:** Council Members Lander, Johnson, Rosenthal and Lancman

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**SUMMARY OF LEGISLATION:** In 2005, the City Council adopted the Restoration Act, which provided that the New York City Human Rights Law is to be interpreted liberally and also to be read independently of similar federal or State provisions. This requirement means that the City's civil rights protections generally are even stronger than their State or federal counterparts. Proposed Intro. No. 814-A would recognize certain court decisions that have properly construed provisions of the Human Rights Law liberally and independently of similar provisions of federal and State law, applying the Restoration Act.

**EFFECTIVE DATE:** This legislation 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 anticipated that there would be no impact on revenues resulting from this legislation.

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

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

**SOURCES OF INFORMATION:** Finance Division

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head, Finance Division

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

**LEGISLATIVE HISTORY:** Intro. No. 814 was introduced by the Council on June 10, 2015 and referred to the Committee on Civil Rights. The Committee considered the legislation at a hearing on December 9, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 814-A will be voted on by the Committee at a hearing on March 8, 2016. Upon successful vote of the Committee, Proposed Intro. No. 814-A will be submitted to the full Council for a vote on March 9, 2016.

**DATE PREPARED:** March 8, 2016

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

**(The following is the text of Int No. 814-A:)**

Int. No. 814-A

By Council Members Lander, Johnson, Rosenthal, Lancman, Rose and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to construction of the New York city human rights law.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. Following the passage of local law number 85 for the year 2005, known as the Local Civil Rights Restoration Act, some judicial decisions have correctly understood and analyzed the requirement of section 8-130 of the administrative code of the city of New York that all provisions of the New York city human rights law be liberally and independently construed. The purpose of this local law is to provide additional guidance for the development of an independent body of jurisprudence for the New York city human rights law that is maximally protective of civil rights in all circumstances.

§ 2. Section 8-130 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

§ 8-130 Construction. *a.* The provisions of this title shall be construed liberally for the accomplishment of the uniquely broad and remedial purposes thereof, regardless of whether federal or New York [State] *state* civil and human rights laws, including those laws with provisions [comparably-worded] *worded comparably* to provisions of this title, have been so construed. *b. Exceptions to and exemptions from the provisions of this title shall be construed narrowly in order to maximize deterrence of discriminatory conduct.*

*c. Cases that have correctly understood and analyzed the liberal construction requirement of subdivision a of this section and that have developed legal doctrines accordingly that reflect the broad and remedial purposes of this title include *Albunio v. City of New York*, 16 N.Y.3d 472 (2011), *Bennett v. Health Management Systems, Inc.*, 92 A.D.3d 29 (1st Dep't 2011), and the majority opinion in *Williams v. New York City Housing Authority*, 61 A.D.3d 62 (1st Dep't 2009).*

§ 3. This local law takes effect immediately.

DARLENE MEALY, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, ANDY L. KING. Committee on Civil Rights, March 8, 2016. *Other Council Members Attending: Lander and Williams*

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

Report for Int No. 818-A

**Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the provision of attorney's fees under the city human rights law.**

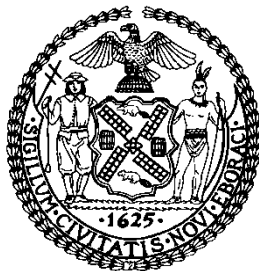
The Committee on Civil Rights, to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, page 2212), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Civil Rights for Int No. 805-A printed in these Minutes)**

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

*The following is the Fiscal Impact Statement for Int No. 818-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 818-A**

**COMMITTEE:** Civil Rights

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the provision of attorney's fees under the city human rights law.

**SPONSORS:** Council Members Mealy, Lander, Johnson, King, Mendez, Rosenthal, and Menchaca

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**SUMMARY OF LEGISLATION:** Proposed Int. No. 818-A would amend the New York City Human Rights Law to give the New York City Commission on Human Rights the authority to award attorney's fees, including expert fees, for a prevailing complainant in a matter brought before the Commission.

This bill would also direct courts to include expert fees in the award of attorney's fees for a prevailing party.

If the hourly rate of an attorney for a prevailing plaintiff in court or complainant before the Commission is factored into the calculation of an attorney's fee award, this bill would require courts and the Commission to apply the hourly market-rate fee charged by attorneys of similar skill and experience practicing in New York County, which customarily has the highest attorney rates in New York City.

**EFFECTIVE DATE:** This legislation 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 anticipated that there would be no impact on revenues resulting from this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures as a result of this legislation. However, the Commission has indicated that it would need additional budgetary resources to implement Proposed Intro. 818-A. This would consist of hiring two additional staff members, one for the Law Enforcement Bureau with an annual salary between \$65,000 and \$72,000 and one for the General Counsel's Office with an annual salary between \$115,000 and \$125,000. Nonetheless, the Finance Division estimates that the Commission has sufficient resources available to meet mandates of Proposed Intro. No. 818-A because it currently has a budgeted headcount of 121 positions, but 36 positions are unfilled.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** NA

**SOURCES OF INFORMATION:** Finance Division

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head, Finance Division

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

**LEGISLATIVE HISTORY:** Intro. No. 818 was introduced by the Council on June 10, 2015 and referred to the Committee on Civil Rights. The Committee considered the legislation at a hearing on December 9, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 818-A, will be voted on by the Committee at a hearing on March 8, 2016. Upon successful vote of the Committee, Proposed Intro. 818-A will be submitted to the full Council for a vote on March 9, 2016.

**DATE PREPARED:** March 8, 2016

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

**(The following is the text of Int No. 818-A:)**

Int. No. 818-A

By Council Members Mealy, Lander, Johnson, King, Mendez, Rosenthal, Menchaca, Rose and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of attorney's fees under the city human rights law.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 8-120 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

§ 8-120 Decision and order. a. If, upon all the evidence at the hearing, and upon the findings of fact, conclusions of law and relief recommended by an administrative law judge, the commission shall find that a respondent has engaged in any unlawful discriminatory practice or any act of discriminatory harassment or violence as set forth in chapter six of this title, the commission shall state its findings of fact and conclusions of law and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice or acts of discriminatory harassment or violence. Such order shall require the respondent to take such affirmative action as, in the judgment of the commission, will effectuate the purposes of this chapter including, but not limited to:

- (1) hiring, reinstatement or upgrading of employees;
- (2) the award of back pay and front pay;
- (3) admission to membership in any respondent labor organization;
- (4) admission to or participation in a program, apprentice training program, on-the-job training program or other occupational training or retraining program;
- (5) the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges;
- (6) evaluating applications for membership in a club that is not distinctly private without discrimination based on race, creed, color, age, national origin, disability, marital status, partnership status, gender, sexual orientation or alienage or citizenship status;
- (7) selling, renting or leasing, or approving the sale, rental or lease of housing accommodations, land or commercial space or an interest therein, or the provision of credit with respect thereto, without unlawful discrimination;
- (8) payment of compensatory damages to the person aggrieved by such practice or act;[ and]
- (9) submission of reports with respect to the manner of compliance[.]; *and*
- (10) *payment of the complainant's reasonable attorney's fees, expert fees and other costs. The commission may consider matter-specific factors when determining the complainant's attorney's fee award, including, but not limited to:*
  - (i) *novelty or difficulty of the issues presented;*
  - (ii) *skill and experience of the complainant's attorney; and*
  - (iii) *the hourly rate charged by attorneys of similar skill and experience litigating similar cases in New York county.*

§ 2. Subdivision g of section 8-502 of the administrative code of the city of New York, as amended by local law number 71 for the year 2013, is amended to read as follows:

g. In any civil action commenced pursuant to this section, the court, in its discretion, may award the prevailing party [costs and] reasonable attorney's fees, *expert fees and other costs*. For the purposes of this subdivision, the term "prevailing" includes a plaintiff whose commencement of litigation has acted as a catalyst to effect policy change on the part of the defendant, regardless of whether that change has been implemented voluntarily, as a result of a settlement or as a result of a judgment in such plaintiff's favor. *The court shall apply the hourly rate charged by attorneys of similar skill and experience litigating similar cases in New York county when it chooses to factor the hourly rate into the attorney's fee award.*

§ 3. This local law takes effect immediately.

DARLENE MEALY, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, ANDY L. KING. Committee on Civil Rights, March 8, 2016. *Other Council Members Attending: Lander and Williams.*

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

Report for Int No. 819

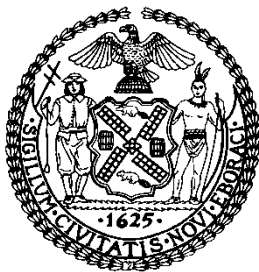
**Report of the Committee on Civil Rights in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to the repeal of subdivision 16 of section 8-107 of such code relating to the applicability of provisions of the human rights law regarding sexual orientation.**

The Committee on Civil Rights, to which the annexed proposed local law was referred on June 10, 2015 (Minutes, page 2213), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Civil Rights for Int No. 805-A printed in these Minutes)**

*The following is the Fiscal Impact Statement for Int No. 819:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**INTRO. NO. 819**

**COMMITTEE: Civil Rights**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the repeal of subdivision 16 of section 8-107 of such code relating to the applicability of provisions of the human rights law regarding sexual orientation.

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**SPONSORS:** Mendez, Lander, Chin, Johnson, Rosenthal and Menchaca.

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**SUMMARY OF LEGISLATION:** Proposed Int. No. 819 would repeal a provision of the New York City Human Rights Law that addresses how to interpret protections against discrimination on the basis of sexual orientation. The subdivision to be repealed provides that the Human Rights Law should not be read to (a) restrict an employer’s right to insist that an employee meet bona fide job qualifications; (b) authorize or require affirmative action because of sexual orientation; (c) limit or override any other exemptions; (d) make lawful any act that violates the New York Penal Law; or (e) “[e]ndorse any particular behavior or way of life.”

These limitations that the Council would repeal only apply to sexual orientation—not to any other class protected by the Human Right Law. The limitations were added in 1986 in the same local law that added protections based on sexual orientation, apparently to address concerns and help gather support for the new sexual orientation protections. However, much has changed in the last 30 years, and this provision singling out sexual orientation protections is outdated and even offensive in 2016. For instance, the part of the Penal Law presumably being referenced is the prohibition against consensual sodomy; the State Legislature repealed that prohibition in 2000. Other portions of the text that Int. No. 819 would repeal also are unnecessary because they merely duplicate more general provisions in the Human Rights Law that apply without singling out sexual orientation or any other protected class.

**EFFECTIVE DATE:** This legislation 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 anticipated that there would be no impact on revenues resulting from this legislation.

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

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

**SOURCES OF INFORMATION:** Finance Division

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head, Finance Division

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

**LEGISLATIVE HISTORY:** Intro. No. 819 was introduced by the Council on June 10, 2015 and referred to the Committee on Civil Rights. The Committee considered the legislation at a hearing on December 9, 2015 and

the legislation was laid over. The legislation will be voted on by the Committee at a hearing on March 8, 2016. Upon successful vote of the Committee, Intro. 819 will be submitted to the full Council for a vote on March 9, 2016.

**DATE PREPARED:** March 8, 2016

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int No. 819:)**

Int. No. 819

By Council Members Mendez, Lander, Chin, Johnson, Rosenthal, Menchaca, Vacca, Rose and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to the repeal of subdivision 16 of section 8-107 of such code relating to the applicability of provisions of the human rights law regarding sexual orientation.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 16 of section 8-107 of the administrative code of the city of New York is REPEALED.

§ 2. This local law takes effect immediately.

DARLENE MEALY, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, ANDY L. KING. Committee on Civil Rights, March 8, 2016. *Other Council Members Attending: Lander and Williams.*

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

Report for Int No. 832-A

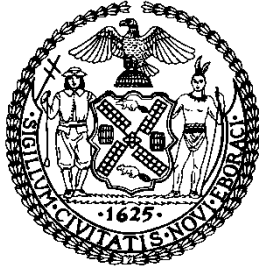
**Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in housing accommodations on the basis of an individual's status as a victim of domestic violence.**

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, page 2230), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Civil Rights for Int No. 805-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 832-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO 832-A**

**COMMITTEE:** Civil Rights

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in housing accommodations on the basis of an individuals' status as a victim of domestic violence.

**SPONSORS:** Williams, Cumbo, The Speaker (Council Member Mark-Viverito), Lander, Eugene, Gentile, Johnson, Mendez, Richards, Wills, Rosenthal and Rose

**SUMMARY OF LEGISLATION:** This bill would make it an unlawful discriminatory practice for landlords and other agents of real estate to refuse to sell, rent or lease, or otherwise deny or withhold an interest in a housing accommodation, because of an individual's actual or perceived status as a victim of domestic violence, or as a victim of sex offenses or stalking.

Proposed Intro. No. 832-A would not apply to housing accommodations that are not publically assisted accommodations and are either: within an owner-occupied building with only one or two units if such accommodations are not publically advertised; or a room within a housing accommodation that is occupied by the owner of such accommodation.

**EFFECTIVE DATE:** This legislation would take effect 120 days after enactment, except that the commission on human rights may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** None

**IMPACT ON EXPENDITURES:** It is estimated that this proposed legislation would have no impact on expenditures and that existing resources could be used to implement the requirements of the legislation. However, the Commission has indicated that it would need additional budgetary resources to implement Proposed Intro. 832-A for both Personal Service (PS) and Other Than Personal Services (OTPS) costs. The Commission anticipates that it would have to hire two additional staff, one for the Law Enforcement Bureau with an annual salary between \$65,000 and \$72,000 and one for the Community Relations Bureau with an annual salary between \$53,000 and \$60,000. Estimated OTPS costs of \$355,000 would be used for communications activities related to updating all brochures with its list of existing protections, creating new materials (design, translation, reproduction), and social media outreach (design, translation, ad placement). Nonetheless, the Finance Division estimates that there would be no fiscal impact and that the Commission on Human Rights can use existing resources to implement the bill.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** NA

**SOURCES OF INFORMATION:** Finance Division

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head, Finance Division

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

**LEGISLATIVE HISTORY:** Intro. No. 832 was introduced by the Council on June 10, 2015 and referred to the Committee on Civil Rights. The Committee considered the legislation at a hearing on October 19, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 832-A, will be voted on by the Committee at a hearing on March 8, 2016. Upon successful vote of the Committee, Proposed Intro. No. 832-A will be submitted to the full Council for a vote on March 9, 2016.

**DATE PREPARED:** March 8, 2016

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

**(The following is the text of Int No. 832-A:)**

Int. No. 832-A

By Council Members Williams, Cumbo, The Speaker (Council Member Mark-Viverito), Lander, Eugene, Gentile, Johnson, Mendez, Richards, Wills, Rosenthal, Rose and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in housing accommodations on the basis of an individual's status as a victim of domestic violence.**

*Be it enacted by the Council as follows:*

Section 1. Section 8-107.1 of the administrative code of the city of New York, as amended by local law number 75 for the year 2003, is amended to read as follows:

[1.]a. Definitions. Whenever used in this chapter the following terms [shall] have the following meanings:

[a.]“Acts or threats of violence” [shall include] *includes*, but *is* not [be] limited to, acts, which would constitute violations of the penal law.

[b.]“Victim of domestic violence” [shall] means a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.

[c.]“Victim of sex offenses or stalking” [shall mean] *means* a victim of acts which would constitute violations of article 130 of the penal law, or a victim of acts which would constitute violations of sections 120.45, 120.50, 120.55, or 120.60 of the penal law.

[d.]Practices “based on,” “because of,” “on account of,” “as to,” “on the basis of,” or “motivated by” an individual's “status as a victim of domestic violence,” or “status as a victim of sex offenses or stalking” include, but are not limited to, those based solely upon the actions of a person who has perpetrated acts or threats of violence against the individual.

[2.]*b.* Unlawful discriminatory practices. *1.* It shall be an unlawful discriminatory practice for an employer, or an agent thereof, to refuse to hire or employ or to bar or to discharge from employment, or to discriminate against an individual in compensation or other terms, conditions, or privileges of employment because of the actual or perceived status of said individual as a victim of domestic violence, or as a victim of sex offenses or stalking.

[3. Applicability; actual or perceived victims of domestic violence, sex offenses or stalking.]

(a) Requirement to make reasonable accommodation to the needs of victims of domestic violence, sex offenses or stalking. Except as provided in [paragraph] *subparagraph* (c), any person prohibited by [this section 8-107.1] *paragraph 1* from discriminating on the basis of actual or perceived status as a victim of domestic violence or a victim of sex offenses or stalking shall make reasonable accommodation to enable a person who is a victim of domestic violence, or a victim of sex offenses or stalking to satisfy the essential requisites of a job provided that the status as a victim of domestic violence or a victim of sex offenses or stalking is known or should have been known by the covered entity.

(b) Documentation of status. Any person required by [paragraph] *subparagraph* (a) to make reasonable accommodation may require a person requesting reasonable accommodation pursuant to [paragraph] *subparagraph* (a) to provide certification that the person is a victim of domestic violence, sex offenses or stalking. The person requesting reasonable accommodation pursuant to [paragraph] *subparagraph* (a) shall provide a copy of such certification to the covered entity within a reasonable period after the request is made. A person may satisfy the certification requirement of this paragraph by providing documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider, from whom the individual seeking a reasonable accommodation or that individual's family or household member has sought assistance in addressing domestic violence, sex offenses or stalking and the effects of the violence or stalking; a police or court record; or other corroborating evidence. All information provided to the covered entity pursuant to this paragraph, including a statement of the person requesting a reasonable accommodation or any other documentation, record, or corroborating evidence, and the fact that the individual has requested or obtained a reasonable accommodation pursuant to this section, shall be retained in the strictest confidence by the covered entity, except to the extent that disclosure is requested or consented to in writing by the person requesting the reasonable accommodation; or otherwise required by applicable federal, state or local law.

(c) Affirmative defense in domestic violence, sex offenses or stalking cases. In any case where the need for reasonable accommodation is placed in issue, it shall be an affirmative defense that the person aggrieved by the alleged discriminatory practice could not, with reasonable accommodation, satisfy the essential requisites of the job or enjoy the right or rights in question.

*2. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee*



*thereof, to refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any person or group of persons such a housing accommodation or an interest therein, or to discriminate in the terms, conditions, or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith because of an actual or perceived status of said individual as a victim of domestic violence, or as a victim of sex offenses or stalking.*

*(a) The provisions of this paragraph 2 shall not apply:*

*(1) to the rental of a housing accommodation, other than a publicly-assisted housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of the owner's family reside in one of such housing accommodations, and if the available housing accommodation has not been publicly advertised, listed, or otherwise offered to the general public; or*

*(2) to the rental of a room or rooms in a housing accommodation, other than a publicly-assisted housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commission on human rights may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

DARLENE MEALY, Chairperson; MATHIEU EUGENE, DANIEL DROMM, ANDY L. KING.  
Committee on Civil Rights, March 8, 2016. Other Council Members Attending: Lander and Williams.

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

### **Report of the Committee on Finance**

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

Report for M-382

### **Report of the Committee on Finance in favor of approving the Operating Budget of the Council of the City of New York.**

The Committee on Finance, to which the annexed preconsidered communication was referred on March 9, 2016 and which same communication was coupled with the resolution shown below, respectfully

### **REPORTS:**

**(For text of Memo and related material, please see the Attachment to Res No. 1003 printed below in these Minutes; for further related material, please also see the Report of the Committee on M-383 & Res No. 1004 printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of M-382 and M-383.*

In connection herewith, Council Member Ferreras-Copeland offered the following resolution (“R1”):

Res No. 1003

**RESOLUTION APPROVING THE FISCAL YEAR 2017 OPERATING BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK.**

By Council Member Ferreras-Copeland.

**Resolved:** By the Council of the City of New York, pursuant to the provisions of section 243 of the New York City Charter that the following amounts shall be submitted to the Mayor, for inclusion in the executive budget for the operating budget for the Council of the City of New York.

**ATTACHMENT:**

**FISCAL YEAR 2017**

**THE OPERATING BUDGET**

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

Submitted pursuant to

Section 243 of the

New York City Charter



**THE COUNCIL  
OF  
THE CITY OF NEW YORK  
CITY HALL  
NEW YORK, N.Y. 10007**

March 3, 2016

**TO:** Honorable Melissa Mark-Viverito  
Speaker

Honorable Julissa Ferreras-Copeland  
Chairperson, Finance Committee

**FROM:** Marcello Testa  
Fiscal Officer

**SUBJECT: THE BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

**Precon. (M- 382) The Operating Budget of the Council of The City of New York**  
**Precon. (M- 383) Schedule Detailing the Lump-Sum OTPS Unit of Appropriation**  
**of the Operating Budget of the Council of the City of New York**

**INITIATION:** Pursuant to section 243 of the New York City Charter, the Council is authorized to present, for inclusion in the executive budget without amendment by the Mayor, its operating budget. This document presents a summary description of the structure and presentation of the Council's budget, and sets forth the proposed Council budget for consideration and approval by the Finance Committee and the Council. Also included is a resolution for the approval of a lump-sum OTPS unit of appropriation.

R1

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

RES. NO.

RESOLUTION APPROVING THE FISCAL YEAR 2017  
OPERATING BUDGET OF THE COUNCIL OF  
THE CITY OF NEW YORK

Resolved: By the Council of the City of New York, pursuant to the provisions of section 243 of the New York City Charter that the following amounts shall be submitted to the Mayor, for inclusion in the executive budget for the operating budget for the Council of the City of New York.

## Summary:

Under the City Charter, the City Council is authorized to structure its own budget. This budget must be presented to the Mayor, for inclusion in the Executive Budget, after the Council approves it.

The Council's staff is described through divisions within three units of appropriation: Council Members and their aides, Committee Staffing, and Council Services. These and the standing committees each have a U/A for PS. OTPS is divided into two categories, one for members, one for central staff and one for each standing committee. A separate resolution approving the central staff's lump sum unit of appropriation is attached for Council approval pursuant to Section 100 (c) of the Charter.

Council Member office budgets are funded in U/A 001 object 021 (PS) and U/A 100 objects 400 and 414 (OTPS). Funds allocated for each Member's budget total \$441,000.

Staffs from the Office of the General Counsel, Governmental Affairs, Finance, Land Use, Infrastructure, and Human Services divisions are specifically assigned to each committee, subcommittee, and select committee. These analysts and attorneys in turn are supported by the Administrative Services Division, which functions as the central administration

**Staffs from the following Divisions are assigned to these  
Committees, Subcommittees and Select Committees:**

**Policy & Innovations**

- ❖ Provides additional policy and data analysis for the Council's Legislative Committees

**Finance**

- ❖ Finance

**Land Use**

- ❖ Land Use
- ❖ Landmarks, Public Siting & Maritime Uses (Subcommittee)
- ❖ Planning, Dispositions & Concessions (Subcommittee)
- ❖ Zoning & Franchises (Subcommittee)

**General Counsel**

- ❖ Rules, Privileges and Elections
- ❖ Standards & Ethics

**Governmental Affairs**

- ❖ Civil Rights
- ❖ Consumer Affairs
- ❖ Contracts
- ❖ Courts and Legal Services
- ❖ Fire & Criminal Justice Services
- ❖ General Welfare
- ❖ Governmental Operations
- ❖ Immigration
- ❖ Juvenile Justice
- ❖ Oversight & Investigations
- ❖ Public Safety
- ❖ State & Federal Legislation

**Human Services**

- ❖ Aging
- ❖ Senior Centers (Subcommittee)
- ❖ Civil Services and Labor
- ❖ Cultural Affairs, Libraries & International Intergroup Relations
- ❖ Libraries (Subcommittee)
- ❖ Education
- ❖ Non-Public Schools (Subcommittee)
- ❖ Health
- ❖ Higher Education
- ❖ Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
- ❖ Small Business
- ❖ Transportation
- ❖ Veterans
- ❖ Women's Issues
- ❖ Youth Services

**Infrastructure**

- ❖ Economic Development
- ❖ Environmental Protection
- ❖ Housing & Buildings
- ❖ Parks & Recreation
- ❖ Public Housing
- ❖ Recovery and Resiliency
- ❖ Sanitation & Waste Management
- ❖ Technology
- ❖ Waterfronts

**Drafting**

- ❖ Responsible for drafting of legislation for the Council's Legislative Committees

## CITY COUNCIL BUDGET

### **Function:**

The New York City Council is the legislative branch of city government. Council members are elected every four years and each represents a district of approximately 160,000 people.

The Council is an equal partner with the Mayor in the governing of New York City. The Council monitors the operation and performance of city agencies. It has sole responsibility for analyzing and approving the city's budget which sets spending priorities and has decision-making powers over major land use issues. It is the city's lawmaking body.

The allocations of funds made through this Resolution are based on current projections and information available. Final allocations may vary from those anticipated in this Resolution, subject to the discretion of the Speaker.



**CITY COUNCIL BUDGET  
FISCAL YEAR 2017**

	FISCAL 2016 ADOPTED BUDGET		FISCAL 2016 UPDATED		FISCAL 2017 COUNCIL BUDGET		CHANGE BETWEEN FY'2016 ADOPTED & FY'2017 PROPOSED BUDGET		
	POS.	AMOUNT	POS.	AMOUNT	POS.	AMOUNT	POS.	AMOUNT	%
<b>PERSONAL SERVICES</b>									
<i>U/A 001</i>	51	\$22,111,500	51	\$21,911,500	51	\$26,415,500	0	\$4,304,000	
<i>U/A 002</i>	156	\$11,987,595	156	\$11,987,595	147	\$12,155,392	(9)	\$167,797	
<i>U/A 005</i>	141	\$10,825,654	141	\$10,825,654	140	\$10,659,072	(1)	(\$166,582)	
<b>COMMITTEES (U/A 600-690)</b>	0	\$38		\$38	0	\$37		(Si)	
<b>PS TOTALS</b>	348	\$44,924,787	348	\$44,724,787	338	\$49,230,001	(10)	\$4,305,214	7.05%
<b>OTHER THAN PERSONAL SERVICES</b>									
	POS.	AMOUNT	POS.	AMOUNT	POS.	AMOUNT	POS.	AMOUNT	%
<i>U/A 100</i>		\$5,457,814		\$5,657,814		\$5,400,000		(\$57,814)	
<i>U/A 200</i>		\$10,641,066		\$10,641,066		\$9,447,406		(\$1,193,660)	
<b>COMMITTEES (U/A 800-890)</b>		\$38		\$38		\$37		(\$1)	
<b>OTPS TOTALS</b>		\$16,098,918		\$16,298,918		\$14,847,443		(\$1,251,475)	-2.05%
<b>COUNCIL BUDGET</b>									
	348	\$61,023,705	348	\$61,023,705	338	\$64,077,444	(10)	\$3,053,739	5.00%

**CITY COUNCIL BUDGET  
FISCAL YEAR 2017  
PERSONAL SERVICES**

DESCRIPTION	U/A	MCAI. 2016 ADOPTED BUDGET		FISCAL 2016 UPDATED		FISCAL 2017 COUNCIL BUDGET		CHANGE FROM ADOPTED	
		POS.	AMOUNT	POS.	AMOUNT	POS.	AMOUNT	POS.	AMOUNT
COUNCIL MEMBERS	001	51	\$22,111,500	51	\$21,911,500	51	\$26,415,500	0	4,304,0
COMMITTEE STAFFING	002	156	\$11,987,595	156	\$11,987,595	147	\$12,155,392	(9)	167,797
COUNCIL SERVICES	005	141	\$10,825,654	141	\$10,825,654	140	\$10,659,072	(1)	(166,58
COMMITTEE ON THE AGING	600	0	\$1	0	\$1	0	\$1	0	\$0
' " CIVIL RIGHTS	602	0	\$1	0	\$1	0	\$1	0	SO
" CIVIL SERVICE & LABOR	605	0	\$1	0	\$1	0	\$1	0	\$0
" ' CONSUMER AFFAIRS	610	0	\$1	0	\$1	0	\$1	0	SO
' " CONTRACTS	615	0	\$1	0	\$1	0	\$1	0	SO
' ' COURTS AND LEGAL SERVICES	617	0	\$1	0	\$1	0	\$1	0	SO
' " CULTURAL AFFAIRS, LIBRARIES & International INTERGROUP RELATIONS	616	0	\$1	0	\$1	0	\$1	0	\$0
" ECONOMIC DEVELOPMENT	620	0	\$1	0	\$1	0	\$1	0	\$0
' ' EDUCATION	625	0	\$1	0	\$1	0	\$1	0	\$0
' ' ENVIRONMENTAL PROTECTION	630	0	\$1	0	\$1	0	\$1	0	\$0
' ' FINANCE	632	0	\$1	0	\$1	0	\$1	0	\$0
' • FIRE & CRIMINAL JUSTICE SERVICES	633	0	\$1	0	\$1	0	\$1	0	\$0
' • GENERAL WELFARE	635	0	\$1	0	\$1	0	\$1	0	\$0
' * GOVERNMENTAL OPERATIONS	640	0	\$1	0	\$1	0	\$1	0	\$0
' • HEALTH	645	0	\$1	0	\$1	0	\$1	0	\$0
' ' HIGHER EDUCATION	647	0	\$1	0	\$1	0	\$1	0	\$0
' ' HOUSING & BUILDINGS	650	0	\$1	0	\$1	0	\$1	0	\$0
' " IMMIGRATION	652	0	\$1	0	\$1	0	\$1	0	\$0
' ' JUVENILE JUSTICE	653	0	\$1	0	\$1	0	\$1	0	SO
' ' LAND USE	654	0	\$1	0	\$1	0	\$1	0	\$0
" RECOVERY AND RESILIENCY	655	0	\$1	0	\$1	0	\$1	0	\$0
' ' MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, SUBSTANCE ABUSE & DISABILITY SERVICES	656	0	\$1	0	\$1	0	\$1	0	SO
" OVERSIGHT AND INVESTIGATIONS	657	0	\$1	0	\$1	0	\$1	0	\$0
' ' PARKS & RECREATION	660	0	\$1	0	\$1	0	\$1	0	\$0
' • PUBLIC HOUSING	667	0	\$1	0	\$1	0	\$1	0	\$0
' ' PUBLIC SAFETY	665	0	\$1	0	\$1	0	\$1	0	\$0
' ' RULES, PRIVILEGES AND ELECTIONS	670	0	\$1	0	\$1	0	\$1	0	\$0
' " SANITATION & SOLID WASTE MANAGEMENT	671	0	\$1	0	\$1	0	\$1	0	\$0
" SMALL BUSINESS	673	0	\$1	0	\$1	0	\$1	0	\$0
' " STANDARDS & ETHICS	675	0	\$1	0	\$1	0	\$1	0	SO
' " STATE & FEDERAL LEGISLATION	680	0	\$1	0	\$1	0	\$1	0	\$0
' " TECHNOLOGY	681	0	\$1	0	\$1	0	\$1	0	\$0
' • TRANSPORTATION	682	0	\$1	0	\$1	0	\$1	0	\$0
' • VETERANS	683	0	\$1	0	\$1	0	\$1	0	\$0
' ' WATERFRONTS	685	0	\$1	0	\$1	0	\$1	0	\$0
' ' WOMEN'S ISSUES	687	0	\$1	0	\$1	0	\$1	0	\$0
' " YOUTH SERVICES	690	0	\$1	0	\$1	0	\$1	0	\$0
<b>TOTAL</b>		<b>348</b>	<b>\$44,924,786</b>	<b>348</b>	<b>\$44,724,786</b>	<b>338</b>	<b>\$49,230,0</b>	<b>(10)</b>	<b>4,305,2</b>

## CITY COUNCIL BUDGET

FISCAL YEAR 2017  
PS DETAIL

U/A 001 PS (COUNCIL MEMBERS)					
BUDGET CODE	OBJ. CODE	DESCRIPTION	POSITIONS	BUDGET	TOTAL
0101	001	Council Members Councilmanic Aides	51	\$7,589,500	
<b>Total U/A 001</b>			51		\$26,415,500

U/A 002 PS (COMMITTEE STAFFING)					
BUDGET CODE	OBJ. CODE	DESCRIPTION	POSITIONS	BUDGET	TOTAL
0102	001	Policy & Innovations	6	\$358,230	\$358,230
1102	001	Finance Division	39	\$3,082,418	\$3,082,418
2102	001	Land Use	13	\$1,129,434	\$1,129,434
3102	001	Office of the General Counsel	14	\$1,386,465	\$1,386,465
	031	Hourly Employees		\$191,000	\$191,000
4102	001	Governmental Affairs	24	\$2,125,815	\$2,125,815
5102	001	Human Services	23	\$1,727,709	\$1,727,709
7102	001	Infrastructure	17	\$1,293,845	\$1,293,845
8102	001	Drafting	11	\$860,479	\$860,479
<b>Total U/A 002</b>			147		\$12,155,392

U/A 005 PS (COUNCIL SERVICE DIVISION)					
BUDGET CODE	OBJ. CODE	DESCRIPTION	POSITIONS	BUDGET	TOTAL
0105	001	Administrative Services	42	\$2,973,808	
	021	Part Time Employees		\$25,000	
	031	Hourly Employees		\$150,000	
					\$3,148,808
2105	001	Information Technology	15	\$1,234,440	\$1,234,440
3105	001	Legislative Documents	6	\$428,613	\$428,613
4105	001	Sergeants-At-Arms	9	\$442,034	
	031	Hourly Employees		\$31,000	
					\$473,034
5105	001	Speaker's Office	14	\$1,290,279	
	031	Hourly Employees		\$31,000	
					\$1,321,279
6105	001	Minority Leader's Office	3	\$247,554	\$247,554
7105	001	Communications	8	\$419,752	\$419,752
8105	001	Community Engagement	31	\$2,174,506	
	031	Hourly Employees		\$130,000	
					\$2,304,506
9205	001	Economic & Community Development	4	\$334,763	
	031	Hourly Employees		\$31,000	
					\$365,763
9305	001	Public Tech	8	\$620,323	
	031	Hourly Employees		\$95,000	
					\$715,323
<b>Total U/A 005</b>			140		\$10,659,072
<b>PS TOTALS 001, 002 &amp; 005</b>			338		\$49,229,964

**CITY COUNCIL BUDGET  
FISCAL YEAR 2017      OTHER THAN PERSONAL SERVICES**

		FISCAL 2016 ADOPTED BUDGET	FISCAL 2016 UPDATED	FISCAL 2017 COUNCIL BUDGET	CHANGE FROM ADOPTED
DESCRIPTION	U/A	AMOUNT	AMOUNT	AMOUNT	AMOUNT
<b>COUNCIL MEMBERS</b>	<b>100</b>	<b>\$5,457,814</b>	<b>\$5,657,814</b>	<b>\$5,400,000</b>	<b>(\$57,814)</b>
<b>CENTRAL STAFF</b>	<b>200</b>	<b>\$10,641,066</b>	<b>\$10,641,066</b>	<b>\$9,447,406</b>	<b>(\$1,193,660)</b>
COMMITTEE ON THE AGING	800	\$1	\$1	\$1	\$0
" ' CIVIL RIGHTS	802	\$1	\$1	\$1	\$0
" CIVIL SERVICE & LABOR	805	\$1	\$1	\$1	\$0
" CONSUMER AFFAIRS	810	\$1	\$1	\$1	\$0
" CONTRACTS	815	\$1	\$1	\$1	\$0
" COURTS AND LEGAL SERVICES	816	\$1	\$1	\$1	\$0
" " CULTURAL AFFAIRS, LIBRARIES & INT'L INTERGROUP RELATIONS	816	\$1	\$1	\$1	\$0
" ' ECONOMIC DEVELOPMENT	820	\$1	\$1	\$1	\$0
" EDUCATION	825	\$1	\$1	\$1	\$0
" ENVIRONMENTAL PROTECTION	830	\$1	\$1	\$1	\$0
" " FINANCE	832	\$1	\$1	\$1	\$0
" FIRE & CRIMINAL JUSTICE SERVICES	833	\$1	\$1	\$1	\$0
" " GENERAL WELFARE	835	\$1	\$1	\$1	\$0
" GOVERNMENTAL OPERATIONS	840	\$1	\$1	\$1	\$0
" ' HEALTH	845	\$1	\$1	\$1	\$0
" HIGHER EDUCATION	847	\$1	\$1	\$1	\$0
" ' HOUSING & BUILDINGS	850	\$1	\$1	\$1	\$0
" " IMMIGRATION	852	\$1	\$1	\$1	\$0
" " JUVENILE JUSTICE	853	\$1	\$1	\$1	\$0
" " LAND USE	854	\$1	\$1	\$1	\$0
" " RECOVERY AND RESIUCY	855	\$1	\$1	\$1	\$0
" MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, SUBSTANCE ABUSE & DISABILITY SERVICES	856	\$1	\$1	\$1	\$0
" " OVERSIGHT AND INVESTIGATIONS	857	\$1	\$1	\$1	\$0
" " PARKS & RECREATION	860	\$1	\$1	\$1	\$0
" ' PUBLIC HOUSING	862	\$1	\$1	\$1	\$0
" PUBLIC SAFETY	865	\$1	\$1	\$1	\$0
" " RULES, PRIVILEGES AND ELECTIONS	870	\$1	\$1	\$1	\$0
" " SANITATION & SOLID WASTE MANAGEMENT	871	\$1	\$1	\$1	\$0
" " SMALL BUSINESS	873	\$1	\$1	\$1	\$0
" " STANDARDS & ETHICS	875	\$1	\$1	\$1	\$0
" ' STATE & FEDERAL LEGISLATION	880	\$1	\$1	\$1	\$0
" " TECHNOLOGY	881	\$1	\$1	\$1	\$0
" " TRANSPORTATION	882	\$1	\$1	\$1	\$0
" VETERANS	883	\$1	\$1	\$1	\$0
" " WATERFRONTS	885	\$1	\$1	\$1	\$0
" WOMEN'S ISSUES	887	\$1	\$1	\$1	\$0
" YOUTH SERVICES	890	\$1	\$1	\$1	\$0
<b>TOTAL</b>		<b>\$16,098,917</b>	<b>51 6,298,917</b>	<b>\$14,847,443</b>	<b>(\$1,251,474)</b>

**CITY COUNCIL BUDGET  
FISCAL YEAR 2017  
OTPS DETAIL**

<b>U/A 100 COUNCIL MEMBERS</b>		
<b>DESCRIPTION</b>	<b>OBJ CODE</b>	<b>COUNCIL BUDGET</b>
Newsletter (Printing)	101	\$700,000
Newsletter (Postage)	117	\$700,000
Council OTPS Procurement	400	\$1,500,000
Rent	414	\$2,500,000
<b>TOTAL U/A 100</b>		<b>\$5,400,000</b>

U/A 200 CENTRAL STAFF		
DESCRIPTION	OBJ CODE	COUNCIL BUDGET
Supplies & Materials	100	\$90,000
Printing Supplies	101	\$15,000
Automotive Supplies	105	\$2,000
WEX Gas	10F	\$25,000
Storehouse Supplies	10X	\$25,000
Postage	117	\$20,400
Computer Supplies	199	\$242,000
Equipment - General	300	\$27,100
Telecommunications Equipment	302	\$56,000
Office Furniture	314	\$50,000
Office Equipment	315	\$15,000
Purchase DP Equipment	332	\$89,000
Books - Other	337	\$211,406
Library Books	338	\$26,000
Contractual Services - General	400	\$80,000
Telephone & Other Comm.	402	\$82,000
Office Services	403	\$31,000
Telephones - Data	40B	\$500,000
Maintenance Repairs Auto	40G	\$25,000
Contractual Services - Intra-City	40X	\$1,000
Rentals of Misc. Equip.	412	\$120,000
Rent	414	\$6,700,000
Advertising	417	\$3,000
Local Travel - General	451	\$22,000
Local Travel - Special	452	\$2,000
Nonlocal Travel - General	453	\$5,000
Nonlocal Travel - Special	454	\$3,000
Contractual Services - General	600	\$100,000
Telecommunications Maint.	602	\$90,000
Maint. & Repairs	608	\$40,000
Office Equipment Maint.	612	\$65,000
DP Equipment	613	\$30,000
Printing Contracts	615	\$50,000
Temporary Services	622	\$90,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$14,000
Economic Development	660	\$117,500
Training City Employees	671	\$5,000
Prof. Svces. - Legal	682	\$150,000
Prof. Svces. - Computer Services	684	\$150,000
Prof. Svces. - Other	686	\$64,000
DCAS Training	79D	\$2,000
<b>TOTAL WA 200</b>		<b>\$9,447,406</b>
<b>OTPS TOTALS</b>		<b>\$14,847,406</b>

**600 Committee on the Aging**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department for the Aging and all federal, state and municipal programs pertinent to senior citizens. The committee has a subcommittee on Senior Centers.

**602 Committee on Civil Rights**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to incidences of discrimination, the Human Rights Commission, the Equal Employment Practices Commission and Equal Employment Opportunity.

**605 Committee on Civil Service and Labor**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal officers and employees, the Office of Labor Relations, Office of Collective Bargaining, municipal pensions, retirement systems and worker rights.

**610 Committee on Consumer Affairs**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Consumer Affairs.

**615 Committee on Contracts**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting oversight on matters related generally to City procurement and specifically to the activities of the Mayor's Office of Contracts, the Procurement Policy Board, City Procurement policies and procedures and specific city contracts.

**616 Committee on Cultural Affairs, Libraries & International Intergroup Relations**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Cultural Affairs, libraries, museums, the Art Commission, the New York City Commission for the United Nations, Consular Corps and Protocol, the Mayor's Office of Special Projects and Community Events and encouraging harmony among the citizens of New York City, promoting the image of New York City and enhancing the relationship of its citizens with the international community. The committee has a subcommittee on Libraries.

**617 Committee on Courts and Legal Services**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the Legal Aid Society, the court system, and the provision of legal services.

**620 Committee on Economic Development**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Economic Development Corporation and Department of Small Business Services.

**625 Committee on Education**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Education and the School Construction Authority. The committee has a subcommittee on Non-Public Schools.

**630 Committee on Environmental Protection**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Environmental Protection.



**632 Committee on Finance**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to budget review and budget modifications, the Banking Commission, the Comptroller's Office, Department of Design and Construction, the Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

**633 Committee on Fire and Criminal Justice Services**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the Fire Department/Emergency Medical Service (non-health related issues), Departments of Correction, Probation and the Office of Emergency Management.

**635 Committee on General Welfare**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services and charitable institutions.

**640 Committee on Governmental Operations**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal governmental structure and organization, the Department of Citywide Administrative Services, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Advisory Committee, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and the Law Department.

**645 Committee on Health**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Health and Mental Hygiene, Emergency Medical Services (health related issues), the Health and Hospitals Corporation and the Office of the Chief Medical Examiner.

**647 Committee on Higher Education**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the City University of New York and issues related to Higher Education.

**650 Committee on Housing and Buildings**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Housing Preservation and Development, Department of Buildings, and rent regulation.

**652 Committee on Immigration**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on issues affecting immigrants in New York City and conducting legislative oversight on matters in relation to the Mayor's Office on Immigrant Affairs.

**653 Committee on Juvenile Justice**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to Juvenile Justice.

**654 Committee on Land Use**

To ensure responsible use of City property, this committee considers and proposes to the full Council resolutions for adoption, prepares committee reports and conducts legislative oversight on matters in relation to the City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications (land use related issues), Landmarks Preservation Commission and Land Use and Landmarks Review. The committee has three subcommittees: Zoning and Franchises; Landmarks, Public Siting and Maritime Uses; and, Planning, Dispositions and Concessions.

**656 Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mental health, developmental disabilities, alcoholism services, drug abuse, disability services, the Department of Health and Mental Hygiene (mental hygiene issues) and the Mayor's Office for People with Disabilities.

**657 Committee on Oversight and Investigations**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Investigation, and to investigate any matters within the jurisdiction of the Council relating to property, affairs or government of New York City.

**660 Committee on Parks and Recreation**

This committee is responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Parks and Recreation.

**665 Committee on Public Safety**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Police Department, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board and the Criminal Justice Coordinator.

**667 Committee on Public Housing**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the New York City Housing Authority.

**668 Committee on Recovery and Resiliency**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to recovery in Hurricane Sandy affected communities and from natural disasters. Efforts to make New York City more resilient in the face of climate change, preparing for, responding to, and recovering from emergencies.

**670 Committee on Rules, Privileges and Elections**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on matters in relation to Council structure and organization and appointments.

**671 Committee on Sanitation & Solid Waste Management**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Sanitation and the Business Integrity Commission.

**673 Committee on Small Business**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters that affect the creation and operation of retail businesses, small businesses and emerging industries throughout the City.

**675 Committee on Standards and Ethics**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Conflicts of Interest Board and for Council ethics.

**680 Committee on State and Federal Legislation**

Responsible for considering and proposing to the full Council legislation, state legislative requests and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to state and federal legislation and home rule requests.

**681 Committee on Technology**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of technology in New York City, for the management and dissemination of public information, the Mayor's Office of Media and Entertainment, NYC-TV, and the non-land use-related activities of the Department of Information Technology and Telecommunications.

**682 Committee on Transportation**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mass transportation issues, agencies and facilities, the New York City Transit Authority, Department of Transportation and the Taxi and Limousine Commission.

**683 Committee on Veterans**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of veterans and the Mayor's Office of Veterans Affairs.

**685 Committee on Waterfronts**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of the City's waterfront and waterfront-related activities.

**687 Committee on Women's Issues**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of women, domestic violence, and the Office to Combat Domestic Violence.

**690 Committee on Youth Services**

Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Youth Board, the Department of Youth and Community Development, the Interagency Coordinating Council, and youth-related programs.

R2

In connection herewith Council Member Ferreras-Copeland offered the following resolution:

RES NO.

RESOLUTION APPROVING FOR FISCAL YEAR 2017 THE SCHEDULE DETAILING THE LUMP SUM OTHER THAN PERSONAL SERVICES UNIT OF APPROPRIATION OF THE OPERATING BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK

Resolved by the Council, pursuant to the provisions of section 100 (c) of the New York City Charter, that the following spending shall be presented in a lump sum OTPS unit of appropriation, the allocation of which corresponds to the following PS units of appropriation.

COUNCIL BUDGET		
PS		
U/A	DESCRIPTION	MEMO OTPS*
002	COMMITTEE STAFFING	\$4,818,915
005	COUNCIL SERVICES	\$4,608,491
	TOTAL OTPS	\$9,447,406

\*Set forth for informational purposes only in accordance with Charter Section 100 (c)

\*See page 8, City Council Fiscal Year 2017 OTPS Detail

JULISSA FERRERAS-COPELAND, Chairperson; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, February 29, 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 M-383

**Report of the Committee on Finance in favor of approving a Schedule detailing the lump sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.**

The Committee on Finance, to which the annexed preconsidered communication was referred on March 9, 2016 and which same communication was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Memo and related material in the text and attachment to Res No. 1003, please see the Report of the Committee on Finance for M-382 & Res No. 1003 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith Council Member Ferreras-Copeland offered the following resolution (“R2”):

Res. No. 1004

**RESOLUTION APPROVING FOR FISCAL YEAR 2017 THE SCHEDULE DETAILING THE LUMP SUM OTHER THAN PERSONAL SERVICES UNIT OF APPROPRIATION OF THE OPERATING BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK.**

**Resolved** by the Council, pursuant to the provisions of section 100 (c) of the New York City Charter, that the following spending shall be presented in a lump sum OTPS unit of appropriation, the allocation of which corresponds to the following PS units of appropriation.

<b>COUNCIL BUDGET</b>		
<b>PS</b>		
<b>U/A</b>	<b>DESCRIPTION</b>	<b>MEMO OTPS*</b>
002	COMMITTEE STAFFING	\$4,838,915
005	COUNCIL SERVICES	\$4,608,491
	<b>TOTAL OTPS</b>	<b>\$9,447,406</b>

\*Set forth for informational purposes only in accordance with Charter Section 100 (c)

\*See page 8, City Council Fiscal Year 2017 OTPS Detail

JULISSA FERRERAS-COPELAND, Chairperson; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, February 29, 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 Fire and Criminal Justice Services**

Report for Int No. 763-A

**Report of the Committee on Fire and Criminal Justice Services in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on security indicators in city jails, and to repeal section 9-130 of such code, in relation to jail data reporting on adolescents.**

The Committee on Fire and Criminal Justice Services, to which the annexed amended proposed local law was referred on April 28, 2015 (Minutes, page 1515), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On March 7, 2016, the Committee on Fire and Criminal Justice Services, chaired by Council Member Elizabeth S. Crowley, will vote on Proposed Introductory Bill Number 763-A (“Int. No. 763-A”), a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on security indicators in city jails, and to repeal section 9-130 of such code, in relation to jail data reporting on adolescents.

The Committee previously held a hearing on Int. No. 763 on May 6, 2015 at which it received support from various advocates and stakeholders.

#### **II. BACKGROUND**

The New York City Department of Correction (“DOC”) is presently required to publicly report a number of key violence indicators for adolescent inmates pursuant to local law.<sup>1</sup> The DOC also reports violence rates for all inmates in the Mayor’s Management Report (“MMR”),<sup>2</sup> and pursuant to a term and condition of their Council funding.<sup>3</sup> The latter reporting includes 7 violence indicators and is reported quarterly,<sup>4</sup> while the MMR is published bi-annually,<sup>5</sup> and the number of violence indicators can vary from year to year at the discretion of the Administration.<sup>6</sup> In its most recent version, the MMR included, arguably, 12 violence indicators.<sup>7</sup>

<sup>1</sup> New York City Administrative Code § 9-130

<sup>2</sup> These reports are publicly available at <http://www1.nyc.gov/site/operations/performance/mmr.page>

<sup>3</sup> These reports are publicly available at [http://council.nyc.gov/html/budget/fy16\\_documents.shtml](http://council.nyc.gov/html/budget/fy16_documents.shtml)

<sup>4</sup> Id.

<sup>5</sup> For the purposes of this Committee Report, the “Preliminary Mayor’s Management Report” and “Mayor’s Management Report” are conflated

<sup>6</sup> See Id.

<sup>7</sup> These indicators include the number of “inmates in a security group,” “fight/assault infractions,” “jail-based arrest of inmates,” “violent inmate-on-inmate incidents,” “serious injury to inmates as a result of inmate-on-inmate incidents,” “inmate assault on staff,”

### III. ANALYSIS OF PROPOSED INT. NO. 763-A

Section 1 of Int. No. 763-A repeals the existing adolescent violence reporting requirement and replace it with a comprehensive reporting requirement that would apply to all inmates. The bill requires 7 key violence indicators to be reported monthly, an additional 16 indicators to be reported quarterly, and 4 additional indicators to be reported yearly. The 7 monthly indicators include the number of inmate fight infractions written,<sup>8</sup> stabbings and slashings of inmates by inmates, assaults of inmates by inmates that resulted in serious injuries that do not include stabbings and slashings,<sup>9</sup> the use of force by DOC staff on inmates, and assaults on staff by inmates that cause serious injuries. The quarterly indicators include more details than the monthly indicators, including: (1) disaggregating stabbings, slashings, and shootings, (2) aggregating all types of inmate fights that result in serious injuries, including stabbings, slashings, and shootings, (3) including categories for hospitalizations resulting from inmate fights, the use of force on inmates by DOC staff, or inmate assaults on staff, (4) homicides, suicides, and attempted suicides by inmates, (5) allegations of the varying levels of the use of force by staff on inmates,<sup>10</sup> and (6) incidents of the least serious use of force by DOC staff on inmates in which chemical agents were used. The quarterly indicators also include incidents in which inmates splash staff with various liquids. Yearly indicators include 4 categories related to sexual assault. The bill requires that the DOC compare these reports to previous reporting periods, and that all reports be stored permanently on the DOC's website.

Section 2 of the bill indicates the local law takes effect July 1, 2016, except that the repeal of section 9-130 of the administrative code of the city of New York takes effect July 16, 2016.

### IV. CHANGES TO PROPOSED INT. NO. 763-A

Since this bill was originally introduced, it has undergone numerous changes, including: (i) adding a category for inmates splashing DOC staff, (ii) removing reporting incidents involving dangerous instruments that were not slashings or stabbings,<sup>11</sup> (iii) replacing criteria for the seriousness of injuries that had been based on the definitions of "physical injury" and "serious physical injury" as defined in the New York State Penal law with a criteria for "serious injury" utilized by the DOC, (iv) changing the reporting period from monthly to the reporting periods as described *supra*, (v) removing an indicator for a certain type of use of force that involves mechanical restraints, and (vi) changing the effective date from 90 days after the bill becomes law to July 1, 2016.

**(The following is the text of the Fiscal Impact Statement for Int No. 763-A:)**

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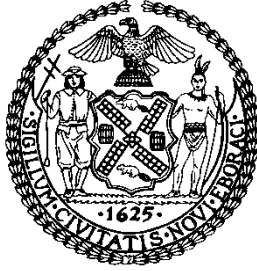
"serious injury to staff as a result of inmate assault on staff," "non-natural deaths of inmates in custody," and incidents of the use of force disaggregated by the amount of force used. See Preliminary Fiscal 2016 Mayor's Management Report at p. 63-64.

<sup>8</sup> According to information provided to the Council by the DOC, every inmate involved in a fight is issued an infraction, therefore tracking the number of infractions indicates the number of inmates involved in a fight, whereas tracking the number of fights would equivocate fights involving any number of inmates.

<sup>9</sup> According to information provided to the Council by the DOC, the DOC tracks all stabbings and slashings separately from other types of fights that result in serious injuries. The monthly reports pursuant to Int. No. 768-A will reflect this distinction, whereas the quarterly reports discussed *infra* will aggregate these two categories.

<sup>10</sup> The monthly reports include only actual incidents of such use of force.

<sup>11</sup> According to information provided to the Council by the DOC, these incidents are relatively rare.



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 763-A**

**COMMITTEE:** Fire and Criminal Justice Services

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on security indicators in city jails, and to repeal section 9-130 of such code, in relation to jail data reporting on adolescents

**SPONSORS:** Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Garodnick, The Public Advocate (Ms. James), Garodnick, Cabrera, Dromm, Johnson, Lander, Levine, Mealy, Richards, Rose, Rosenthal, Mendez and Menchaca

**SUMMARY OF LEGISLATION:** The Department of Correction is currently required to report on a broad array of violence statistics for adolescent inmates. This bill would repeal that law and replace it with an expanded reporting requirement that includes adult inmates. The Department would be required to report on its website seven violence-related statistics by the 20<sup>th</sup> day of each month, and report on a quarterly basis an additional 16 statistics related to instances of inmate-on-inmate violence, uses of force by Department staff, and other related indicators. These statistics would be reported in total and by calculating the rate per 100 inmates. These statistics would also separate reporting for inmates aged 16-17, 18-21, and 22 years old or older. In addition, the Department would be required to report on an additional four statistics yearly related to instances of sexual abuse among inmates and by staff.

**EFFECTIVE DATE:** This local law would take effect July 1, 2016, except that the repeal of section 9-130 of the Administrative Code would take effect July 16, 2016.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY17	FY18 Succeeding Effective FY	Full Fiscal Impact FY17
<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 will be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would have no impact on expenditures because existing resources would be used to implement this legislation.

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



**SOURCE OF INFORMATION:** New York City Department of Correction  
**ESTIMATE PREPARED BY:** Steve Riester, Legislative Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on April 28, 2015 as Intro. No. 763 and referred to the Committee on Fire and Criminal Justice Services. The Committee on Fire and Criminal Justice Services held a hearing on Intro. No. 763 on May 6, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 763-A, will be voted on by the Committee on Fire and Criminal Justice Services on March 7, 2016. Upon successful vote by the Committee, Proposed Intro. No. 763-A will be submitted to the full Council for a vote on March 9, 2016.

**DATE PREPARED:** March 4, 2016

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

**(The following is the text of Int No. 763-A:)**

Int. No. 763-A

By Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), The Public Advocate (Ms. James), Garodnick, Cabrera, Dromm, Johnson, Lander, Levine, Mealy, Richards, Rose, Rosenthal, Mendez and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on security indicators in city jails, and to repeal section 9-130 of such code, in relation to jail data reporting on adolescents.**

*Be it enacted by the Council as follows:*

Section 1. Section 9-130 of the administrative code of the city of New York is REPEALED and a new section 9-130 is added to read as follows:

§ 9-130 Jail data reporting.

*a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Adolescent. The term "adolescent" means an inmate 16 or 17 years of age.*

*Adult. The term "adult" means an inmate 22 years of age or older.*

*Assault. The term "assault" means any action taken with intent to cause physical injury to another person.*

*Department. The term "department" means the New York city department of correction.*

*Hospital. The term "hospital" includes any hospital setting, whether a hospital outside of the department's jurisdiction or a correction unit operated by the department within a hospital.*

*Serious injury. The term "serious injury" means a physical injury that (i) creates a substantial risk of death or disfigurement; (ii) is a loss or impairment of a bodily organ; (iii) is a fracture or break to a bone other than fingers and toes; or (iv) is an injury defined as serious by a physician.*

*Sexual abuse.* The term “sexual abuse” has the same meaning as set forth in section 115.6 of title 28 of the code of federal regulations, or successor regulation, promulgated pursuant to the federal prison rape elimination act of 2003.

*Staff.* The term “staff” means anyone other than an inmate who works at a facility operated by the department.

*Young adult.* The term “young adult” means an inmate 18 to 21 years of age.

*Use of force A.* The term “use of force A” means a use of force by staff on an inmate resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

*Use of force B.* The term “use of force B” means a use of force by staff on an inmate which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

*Use of force C.* The term “use of force C” means a use of force by staff on an inmate resulting in no injury to staff or inmate, including an incident where the use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

b. No later than 20 days after the end of each month, the department shall post on its website a report containing the following information for the prior month, in total and by indicating the rate per 100 inmates in the custody of the department during such prior month:

1. fight infractions written against inmates;
2. assaults on inmates by inmates involving stabbings, shootings or slashings;
3. assaults on inmates by inmates in which an inmate suffered a serious injury, excluding assaults involving stabbings, shootings or slashings;
4. actual incidents of use of force A;
5. actual incidents of use of force B;
6. actual incidents of use of force C;
7. assaults on staff by inmates in which staff suffered serious injury.

c. No later than 45 days after the end of each quarter ending March 31, June 30, September 30 and December 31, the department shall post on its website a report containing the following information for the prior quarter, in total and by indicating the rate per 100 inmates in the custody of the department during such prior quarter. Such report shall also disaggregate the following information by listing adults, young adults, and adolescent inmates separately:

1. fight infractions written against inmates;
2. assaults on inmates by inmates in which an inmate suffered a serious injury, excluding assaults involving stabbings, shootings or slashings;
3. assaults on inmates by inmates involving stabbings;
4. assaults on inmates by inmates involving shootings;
5. assaults on inmates by inmates involving slashings;
6. total number of assaults on inmates by inmates involving stabbings, shootings or slashings;
7. total number of assaults on inmates by inmates involving stabbings, shootings or slashings in which an inmate suffered a serious injury;
8. assaults on inmates by inmates in which an inmate was admitted to a hospital as a result;
9. homicides of inmates by inmates;
10. attempted suicides by inmates;
11. suicides by inmates;
12. assaults on staff by inmates;
13. assaults on staff by inmates in which staff suffered serious injury;

14. *assaults on staff by inmates in which the staff was transported to a hospital as a result;*
15. *incidents in which an inmate splashed staff;*
16. *allegations of use of force A;*
17. *actual incidents of use of force A;*
18. *inmate hospitalization as a result of use of force A;*
19. *allegations of use of force B;*
20. *actual incidents of use of force B;*
21. *allegations of use of force C;*
22. *actual incidents of use of force C;*
23. *incidents of use of force C in which chemical agents were used.*

*d. Beginning July 1, 2016 and every July first thereafter, the department shall post on its website a report for the prior calendar year containing information pertaining to (1) allegations of sexual abuse of an inmate by an inmate; (2) substantiated incidents of sexual abuse of an inmate by an inmate; (3) allegations of sexual abuse of an inmate by staff; and (4) substantiated incidents of sexual abuse of an inmate by staff.*

*e. The information in subdivisions b, c and d of this section shall be compared to previous reporting periods, and shall be permanently stored on the department's website.*

§ 2. This local law takes effect July 1, 2016, except that the repeal of section 9-130 of the administrative code of the city of New York takes effect July 16, 2016.

ELIZABETH S. CROWLEY, *Chairperson*; MATHIEU EUGENE, FERNANDO CABRERA, RORY I. LANCMAN, PAUL A. VALLONE; Committee on Fire and Criminal Justice Services, March 7, 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 for Int No. 701-A

#### **Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to low energy intensity building requirements for certain capital projects.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on March 11, 2015 (Minutes, page 779), respectfully

#### **REPORTS:**

##### **Introduction**

On March 7, 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. 701-A and Proposed Int. No. 721-A. The Committee previously heard these bills on September 25, 2015 and received testimony from representatives of the Department of Buildings (DOB), industry experts, environmentalists, academics, developers, property owners, tenants and other interested members of the public.

### **Proposed Int. No. 701-A**

Proposed Int. No. 701-A would generally require that certain City-owned buildings<sup>1</sup> be designed and constructed to meet energy reduction targets. The bill applies to City-owned buildings undergoing capital projects that involve (1) the construction of a new building or (2) an addition to an existing building or substantial reconstruction of an existing building, where the project involves substantial work on the building envelope. The bill also requires periodic reports on implementation.

#### ***Changes to Proposed Int. No. 701-A***

In addition to various technical edits, Proposed Int. No. 701-A has been substantively amended in the following manner:

- The applicable energy reduction targets have been changed. For example, alternative targets have been provided for buildings used for manufacturing.
- Agencies responsible for project design would be required to consider the feasibility of designing and constructing certain capital projects as onsite energy generating buildings.
- The Mayor would be required to create a plan for ensuring that, by 2030, all capital projects that would be subject to the requirements of this bill would be designed and constructed to have the same energy use intensity as buildings designed and constructed to passive building standards.

### **Proposed Int. No. 721-A**

Proposed Int. No. 721-A updates the Leadership in Energy and Environmental Design (LEED) green building standards referred to in Local Law 86 of 2007, makes those standards more stringent (e.g. requires LEED Gold or higher certification, rather than LEED Silver, for certain types of buildings), and expands the scope of that law to new building types (e.g. residential buildings have been included and must generally comply with an appropriate green building standard).

#### ***Changes to Proposed Int. No. 721-A***

In addition to various technical edits, Proposed Int. No. 721-A has been substantively amended in the following manner:

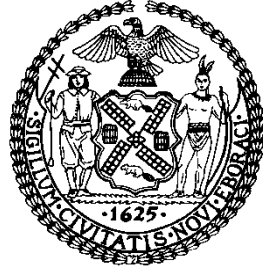
- The bill now requires that residential buildings be designed and constructed to comply with an appropriate green building standard adopted by the Department of Housing Preservation and Development.
- The bill allows an alternative compliance path for buildings used for manufacturing.
- Outdoor assembly spaces and Group U occupancies (e.g. carports, certain fences) have been exempted.

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<sup>1</sup> The bill applies to City-owned buildings undergoing capital projects which involve (1) the construction of a new building or (2) an addition to an existing building or the substantial reconstruction of an existing building, where such project involves substantial work on the building envelope. *See* NYC Charter § 224.1(1)(2)(i).

- The bill allows the Mayor or an office or agency designated by the Mayor to establish alternative green building standards, provided that, where such alternative standards are less stringent than the normally applicable standards, the Mayor or such agency reports the reasons such alternative standards are necessary.

**(The following is the text of the Fiscal Impact Statement for Int No. 701-A:)**



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

**FINANCE DIVISION**

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 701-A**

**COMMITTEE: Housing and Buildings**

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**TITLE:** A local law to amend the New York city charter, in relation to low energy intensity building requirements for certain capital projects

**SPONSOR(S):** The Speaker (Council Member Mark-Viverito) and Constantinides, Levin, Garodnick, Arroyo, Lander, Palma, Richards, Rodriguez, Menchaca, Levine, Vallone, Vacca, Williams, Cumbo, Dromm, Reynoso, Rose, Espinal, Maisel, Crowley, Chin, Rosenthal, Van Bramer, Miller, Kallos, Johnson, Torres, Lancman, Cohen, Barron, Ferreras-Copeland, Treyger and Ulrich

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**SUMMARY OF LEGISLATION:** This bill would require that certain City capital projects that are added to the capital plan on or after July 1, 2017 relating to City-owned buildings be designed and constructed with rigorous energy efficiency standards. the provisions of this bill would apply to capital projects which involve the construction of a new building, an addition to an existing building, or the substantial reconstruction of an existing building with an estimated cost of \$2,000,000 or more (as adjusted for inflation). Such buildings would be required to be designed and constructed as “low energy intensity buildings,” meaning that the building’s energy use intensity (EUI) either:

- matches passive house building standards;
- is 50 percent less than the 2013 edition of the energy standard for buildings published by the American Society of Heating, Refrigerating and Air Conditioning engineers (ASHRAE);
- is 50 percent lower than the median source EUI of benchmarked buildings in the City; or
- meets an alternative target set forth by the Mayor.

It would also require that the design agency for such projects consider both:

- the feasibility of designing and constructing such project to produce energy onsite in an amount equal to or greater than ten percent of such building’s total energy needs; and
- for projects involving buildings no more than three stories tall, the feasibility of designing and constructing such building as a net-zero energy building.

The legislation would authorize the Mayor to set alternative energy intensity targets, but in such case would require that within 60 days the Mayor issue a report describing the alternative target and the buildings or work to which it would apply and, if the alternative target is less stringent than the energy intensity target set forth in the legislation, the report must include the reasons that the energy intensity target in the legislation would be impracticable or unduly burdensome.

The Mayor has under current law the authority to exempt up to 20 percent of the value of the capital work in a given year within the different categories of capital work and design standards outlined in this bill. The bill would require the Mayor to submit a plan to the Speaker, and post online, by January 1, 2017 for ensuring that all eligible projects will meet passive house standards by 2030. The Mayor would also be required to produce a triennial report containing recommended practices for designing and constructing low energy intensity buildings.

**EFFECTIVE DATE:** This local law would take effect on the same date that a local law amending the New York city charter, in relation to green building standards for certain capital projects, as proposed in introduction number 721-A for the year 2016, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	Not Estimable*
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES & EXPENDITURES:** This bill would not impact any items currently in the capital plan because it applies only to capital projects added to the plan on or after July 1, 2017 (i.e. Fiscal 2018 and later). Council Finance is unable to predict which will be added in the future, and, therefore, is unable to reasonably estimate the fiscal impact of this bill. While the current capital plan does currently extend through Fiscal 2019, the legislation would not apply to the projects already in the plan, even in Fiscal 2018 or 2019, so the current plan is not an accurate tool on which to base an estimate.

The City’s capital plan, by its very nature, is idiosyncratic and unpredictable beyond what is any current iteration. The City does not allocate a set, repeated amount for housing or schools each year, but determines an amount needed based on civic priorities and perceived need. It is more than likely that items will be added to the plan after July 1, 2017, but the nature, size, and amount cannot be determined at this time.

While the cost is not estimable, it is expected that Proposed Intro. 701-A will have cost implications for capital projects added to the City’s budget in future years. To give a sense of what those costs could look like,

Council Finance evaluated how the City's expense costs would have shifted had the requirements of this bill and the related Proposed Intro. 721-A had been applied to the capital projects added in Fiscal 2015.

For purposes of this exercise, it was assumed that in meeting the LEED standards mandated by Proposed Intro. 721-A a project could be designed to also meet the energy efficiency requirements of Intro 701-A at the same cost. Similarly, it was assumed that the energy savings associated with Proposed Intro. 701-A would similarly overlap with that of Proposed Intro. 721-A.

The September Commitment Plan in 2015 had about \$10.1 billion in new capital projects added since the same plan the year before (i.e. Fiscal 2015). Of that, Council Finance estimates that \$2.4 billion would have been impacted by the bill. To meet the requirements of Proposed Intros. 701-A and 721-A, capital costs would have increased about \$213.6 million. Financing this over 30 years at a standard (though high by current borrowing rates) five percent interest rate, the annual expense would have been \$13.9 million. This would have been offset by about by energy cost savings of about \$6.9 million, for a net cost of about \$7 million in additional annual debt service costs for the next 30 years. This amount would have been the increase for one year of the capital plan. If the subsequent year had added a similar amount of projects, the new net cost would have been \$14 million in additional annual debt service costs.

Assumptions made in this estimate include:

- construction costs of about \$400 per gross square foot;
- construction cost surcharge of 7.5% to meet the higher standards;
- LEED certification costs equivalent to 1.4% of total construction costs;
- Energy costs of about \$0.15 per kilowatt hour (kWh); and
- Energy usage of about 15 kWh per gross square foot.

It should be noted that both Proposed Intro. 701-A and 721-A give the Mayor discretion in setting lower targets for many of the standards required by the bills. If the Mayor were to do so, the annual costs could be lower than what is presented here.

It is expected that the reporting requirements will be done with existing resources.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS: TBD**

**SOURCE OF INFORMATION:** New York City Council, Finance Division  
Mayor's Office of Legislative Affairs  
New York City Department of Citywide Administrative Services  
US Green Building Council of New York

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 11, 2015 as Intro. 701 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on September 25, 2015 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 701-A, will be considered by the Committee on Housing

and Buildings on March 7, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on March 9, 2016.

**DATE PREPARED:** March 4, 2016

**(For text of Int No. 721-A and its Fiscal Impact Statement, please see the Report of the Committee on Housing and Buildings for Int No. 721-A printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of Int Nos. 701-A and 721-A.*

**(The following is the text of Int No. 701-A:)**

Int. No. 701-A

By the Speaker (Council Member Mark-Viverito) and Council Members Constantinides, Levin, Garodnick, Lander, Palma, Richards, Rodriguez, Menchaca, Levine, Vallone, Vacca, Williams, Cumbo, Dromm, Reynoso, Rose, Espinal, Maisel, Crowley, Chin, Rosenthal, Van Bramer, Miller, Kallos, Johnson, Torres, Lancman, Cohen, Barron, Ferreras-Copeland, Treyger and Ulrich.

**A Local Law to amend the New York city charter, in relation to low energy intensity building requirements for certain capital projects.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (1) of subdivision b of section 224.1 of the New York city charter, as amended by a local law of the city of New York for the year 2016 amending the New York city charter, in relation to green building standards for certain capital projects, as proposed in introduction number 721-A is amended to read as follows:

b. (1) Except as provided in paragraphs (3) of this subdivision, each capital project with an estimated construction cost of \$2,000,000 or more involving (i) the construction of a new building, (ii) an addition to an existing building, or (iii) the substantial reconstruction of an existing building shall be designed and constructed to comply with green building standards not less stringent than the standards prescribed for buildings designed in accordance with the LEED green building rating system to achieve a LEED gold or higher rating, or, with respect to buildings classified in groups F or H, to achieve a LEED certified or higher rating, or with respect to buildings classified in occupancy group R, to comply with the version of the New York city overlay of the Enterprise green communities criteria in effect as of the effective date of the local law adding paragraph (3) of this subdivision, or the version of such criteria designated by the department of housing preservation and development by rule; provided that capital projects with an estimated construction cost of less than \$10,000,000 and that involve only an addition to or substantial reconstruction of an existing building classified in occupancy groups F or H are exempted from complying with this subdivision; *and further provided that capital projects with an estimated construction cost of \$10,000,000 or more involving an addition to or substantial reconstruction of an existing building classified in occupancy groups F or H may be designed and constructed as low energy intensity buildings, as defined in subdivision l of this section, in lieu of complying with this subdivision.* If the mayor elects to utilize green building standards other than the LEED green building rating system, the mayor shall publish findings demonstrating that such other green building standards are not less stringent than the LEED standards described above for achievement of a LEED gold or, if applicable, a LEED certified rating. The green building standards utilized by the city in accordance with this section shall be reviewed and updated, as necessary, by the mayor no less often than once every three years.



§ 2. Subdivisions 1 and m of section 224.1 of the New York city charter, as amended by a local law of the city of New York for the year 2015 amending the New York city charter, in relation to green building standards for certain capital projects, as proposed in introduction number 721-A are amended to read as follows:

1. [Reserved.] (1) *As used in this subdivision:*

*ASHRAE 90.1-2013.* The term “ASHRAE 90.1-2013” means the 2013 edition of the energy standard for buildings except low-rise residential buildings, standard reference number 90.1-2013, published by the American society of heating, refrigerating and air conditioning engineers (ASHRAE).

*Base building systems.* The term “base building systems” has the same meaning as set forth in section 28-308.1 of the administrative code.

*Design energy use intensity.* The term “design energy use intensity” means, for a building, the source energy use intensity projected for such building based on its design at the time of filing with the department of buildings.

*Energy use intensity baseline.* The term “energy use intensity baseline” means, for a building either (i) the median source energy use intensity for buildings designed and constructed for similar uses according to benchmarking data obtained under article 309 of title 28 of the administrative code within the year preceding the effective date of the local law that added this paragraph or (ii) the design energy use intensity of such building if designed and constructed according to the prescriptive and mandatory requirements of ASHRAE 90.1-2013.

*Low energy intensity building.* The term “low energy intensity building” means (i) a building that is not classified in occupancy groups F or H and that has been designed and constructed such that its design energy use intensity is equal to or less than (A) the low energy intensity target for such building or (B) if the mayor, or an office or agency designated by the mayor, has adopted an alternative low energy intensity target pursuant to paragraph (3) of this subdivision, such alternative target or (ii) a building that is classified in occupancy groups F or H and that has been designed and constructed such that (A) the energy usage of its base building systems, exclusive of process loads, is equal to or less than the low energy intensity target for such building or, if the mayor, or an office or agency designated by the mayor, has adopted an alternative low energy intensity target pursuant to paragraph (3) of this subdivision, such alternative target for such building or (B) its design energy use intensity is at least 50 percent below the median source energy use intensity for buildings designed and constructed for similar uses according to benchmarking data obtained under article 309 of title 28 of the administrative code within the year preceding the effective date of the local law that added this paragraph.

*Low energy intensity target.* The term “low energy intensity target” means, (i) for a building that is not classified in occupancy groups F or H, the less stringent of (A) 50 percent below the energy use intensity baseline or (B) for new buildings, a source energy use intensity of 38 kBtu/yr per square foot of floor area and for additions to, or substantial reconstructions of, existing buildings, a source energy use intensity of 42 kBtu/yr per square foot of floor area and (ii) for a building classified in occupancy groups F or H, energy usage of the base building systems, exclusive of process loads, which is at least 50 percent less than such energy usage would be if such building were designed and constructed according to ASHRAE 90.1-2013.

*Net zero energy building.* The term “net zero energy building” means a building that has been designed and constructed to produce energy onsite from renewable energy sources in an amount equal to or greater than such building’s total energy needs.

*Onsite energy generating building.* The term “onsite energy generating building” means a building that has been designed and constructed to produce energy onsite from renewable energy sources in an amount equal to or greater than ten percent of such building’s total energy needs.

*Renewable energy sources.* The term “renewable energy sources” means qualified energy resources, as such term is defined in section 45 of title 26 of the United States code.

*Source energy use intensity.* The term “source energy use intensity” means, for a building, the total energy used by such building in a year, including losses that take place during generation, transmission and distribution of such energy, divided by the building’s gross floor area.

(2) (i) *Each capital project that involves the construction of a new city-owned building and each capital project that involves an addition to an existing city-owned building or the substantial reconstruction of an existing city-owned building, where such substantial reconstruction involves substantial work on the building envelope, shall be designed and constructed as a low energy intensity building.*

(ii) *For each capital project subject to subparagraph (i) of this paragraph the design agency shall consider the feasibility of designing and constructing such project as an onsite energy generating building.*

(iii) *For each capital project subject to subparagraph (i) of this paragraph with an estimated height of no more than three stories above grade, the design agency shall consider the feasibility of designing and constructing such project as a net zero energy building.*

(iv) *This paragraph shall apply only to capital projects which are added to the capital plan on or after July 1, 2017.*

(3) *The mayor, or an office or agency designated by the mayor, may establish an alternative low energy intensity target for buildings designed and constructed for a particular use, or for additions to, or substantial reconstructions of, existing buildings. Such alternative target may be equivalent to or more stringent than the low energy intensity target or, if the mayor or such designated office or agency determines that compliance with subparagraph (i) of paragraph (2) of this subdivision would be impracticable or unduly burdensome for such buildings or such work using the low energy intensity target, less stringent than such target. Where the mayor or such designated office or agency adopts such an alternative target, the mayor or such designated office or agency shall, no later than 60 days after such adoption, submit to the council and make publicly available online a report describing such alternative target and the types of buildings or work to which it will apply. If such alternative target is less stringent than the corresponding low energy intensity target, such report shall set forth the reasons that compliance with subparagraph (i) of paragraph (2) of this subdivision using such low energy intensity target would be impracticable or unduly burdensome for such types of buildings or work and, in each fiscal year thereafter, the mayor or such designated office or agency shall submit to the council and make publicly available online a report stating whether the mayor or such designated office or agency has determined that such alternative targets continue to be necessary and, if so, a description of the reasons therefor and whether such targets can reasonably be made more stringent.*

(4) *No later than January 1, 2017, the mayor shall submit to the speaker of the council and make publicly available online a plan for ensuring that by 2030 capital projects subject to paragraph (2) of this subdivision will be designed and constructed so that new buildings have a source energy use intensity no greater than 38 kBtu/yr per square foot of floor area and that additions to, or substantial reconstructions of, existing buildings have a source energy use intensity of no greater than 42 kBtu/yr per square foot of floor area. Such plan shall include a list of policies, programs and actions that the city will seek to undertake to achieve such targets.*

(5) *In 2019 and every third year thereafter, the mayor shall, by June 30 of such year, submit to the speaker of the council and make publicly available online a report containing, at a minimum, recommended practices for designing and constructing low energy intensity buildings.*

m. By no later than December 1 of each year, the mayor shall submit to the speaker of the council a report, in accordance with the procedure and format established by the department of design and construction, containing, at a minimum, the following information:

(1) for each capital project subject to this section completed during the preceding fiscal year:

(i) a brief description of such project, *including the total cost of the project;*

(ii) the street address of such project and the community district and council district in which such project is located;

(iii) the estimated level of LEED certification such project has achieved as determined by the city agency that designed such project in accordance with the LEED green building rating system or, if applicable, the level achieved, as certified by the U.S. Green Building Council;

(iv) additional costs attributed to complying with the LEED green building rating system or any other green building standard; [and]

(v) *a statement as to whether such project has been designed and constructed as a low energy intensity building, onsite energy generating building or a net zero energy building and, for each project designed and*

*constructed as a low energy intensity building, the low energy intensity target for such building or if the mayor, or an office or agency designated by the mayor, has adopted an alternative low energy intensity target pursuant to paragraph (3) of this subdivision, such alternative target;*

*(vi) if such capital project was not designed and constructed as an onsite energy generating building, a description of the reasons therefor, a statement as to whether such building has been designed and constructed to produce any energy onsite from renewable energy sources and, if so, the amount of such onsite energy production expressed as a percentage of the building's total energy needs;*

*(vii) additional costs attributable to complying with the low energy intensity building requirements, the onsite energy generating requirements and the net zero energy building requirements of paragraph (2) of subdivision 1 of this section; and*

*(viii) an assessment of the health, environmental and energy-related benefits achieved in comparison with a base-case code compliant project, including projected energy savings and reductions in peak load, reductions in emissions and potable water use;*

*(2) for each capital project subject to paragraph (2) of subdivision 1 that was commissioned before the preceding fiscal year and that is not a low energy intensity building, a summary of remedial actions taken and to be taken and the anticipated or actual start and completion dates of such actions;*

*(3) a summary of agency findings related to additional investment in energy efficiency pursuant to subparagraphs (i) and (ii) of paragraph 2 of subdivision b of this section, including any additional investment in energy efficiency considered and the estimated payback time for such investment through savings in energy cost; and*

*[(3)] (4) the total value of capital allocations in the preceding calendar year to projects exempted from the requirements of this section by the mayor pursuant to subdivision f of this section, and a list and brief description of each such project, including but not limited to square footage, project cost and the reason for such exemption, disaggregated by city agency.*

§ 3. This local law shall take effect on the same date that a local law amending the New York city charter, in relation to green building standards for certain capital projects, as proposed in introduction number 721-A for the year 2016, takes effect.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES,; Committee on Housing and Buildings, March 7, 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. 721-A

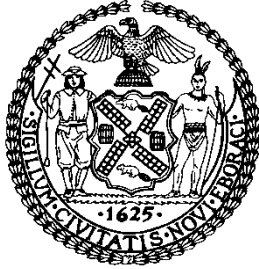
**Report for the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to green building standards for certain capital projects, and to repeal section 3 of local law number 86 for the year 2005, relating to certain reporting requirements.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on March 11, 2015 (Minutes, page 779), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 701-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 721-A:*



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

**FINANCE DIVISION**

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 721-A**

**COMMITTEE: Housing and Buildings**

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**TITLE:** A local law to amend the New York city charter, in relation to green building standards for certain capital projects, and to repeal section 3 of local law number 86 for the year 2005, relating to certain reporting requirements

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**SPONSOR(S):** Council Members  
Williams, Rose and Rodriguez

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**SUMMARY OF LEGISLATION:** This bill would update Local Law 86 of 2007, which imposed green building standards for certain capital projects. It would also change the Leadership in Energy and Environmental Design (LEED) green building rating which certain capital projects are required to achieve, from LEED silver to LEED gold. This bill would require that certain City capital projects with an estimated construction cost of \$2 million dollars or more (as adjusted for inflation) meet the requirements outlined in LEED version 4 and would require residential occupancies to meet the 2015 overlay of the Enterprise green communities criteria. Capital projects, except for schools and residential projects, with a cost ranging from \$12 million to \$30 million would have to reduce energy use by 20 percent, and projects with a cost of \$30 million or more would have to reduce energy use by 25 percent. The bill would exempt assembly occupancies, miscellaneous structures, and substantial reconstruction of existing buildings with an estimated construction cost of \$10 million or less.

In certain cases, the Mayor would be given the authority to implement an alternative design and construction standards, but would require that within 60 days of adopting such alternative standards, but Mayor must submit to the Council, and make publicly available online, a report detailing the alternative standards and occupancy groups to which they would be applied. If the alternative standards are less stringent than those set forth in the legislation, in every third year thereafter, the Mayor would be required to submit a report to the Council, and make publicly available online, stating whether such less stringent standards continue to be necessary and if so, a description of the reasons why and whether they can reasonably be made more stringent. In addition, the Mayor has under existing law the authority to exempt capital projects accounting for up to 20 percent of the capital dollars in each fiscal year subject to the legislation if the Mayor determines that the exemption would be in the public interest.

**EFFECTIVE DATE:** This local law would take effect immediately, except that this local law would apply only to capital projects which are added to the capital plan on or after July 1, 2017. All other capital projects would comply with section 224.1 ‘Green Buildings Standards’ of such charter, as in effect before the effective date of this local law, subject to the provisions of section four of local law 86 for the year 2005.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2018

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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>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	Not Estimable*
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES & EXPENDITURES:** This bill would not impact any items currently in the capital plan because it applies only to capital projects added to the plan on or after July 1, 2017 (i.e. Fiscal 2018 and later). Council Finance is unable to predict which will be added in the future, and, therefore, is unable to reasonably estimate the fiscal impact of this bill. While the current capital plan does currently extend through Fiscal 2019, the legislation would not apply to the projects already in the plan, even in Fiscal 2018 or 2019, so the current plan is not an accurate tool on which to base an estimate.

The City’s capital plan, by its very nature, is idiosyncratic and unpredictable beyond what is any current iteration. The City does not allocate a set, repeated amount for housing or schools each year, but determines an amount needed based on civic priorities and perceived need. It is more than likely that items will be added to the plan after July 1, 2017, but the nature, size, and amount cannot be determined at this time.

While the cost is not estimable, it is expected that Proposed Intro. 721-A will have cost implications for capital projects added to the City’s budget in future years. To give a sense of what those costs could look like, Council Finance evaluated how the City’s expense costs would have shifted had the requirements of this bill and the related Proposed Intro. 721-A had been applied to the capital projects added in Fiscal 2015.

For purposes of this exercise, it was assumed that in meeting the LEED standards mandated by Proposed Intro. 721-A a project could be designed to also meet the energy efficiency requirements of Intro 701-A at the same cost. Similarly, it was assumed that the energy savings associated with Proposed Intro. 701-A would similarly overlap with that of Proposed Intro. 721-A.

The September Commitment Plan in 2015 had about \$10.1 billion in new capital projects added since the same plan the year before (i.e. Fiscal 2015). Of that, Council Finance estimates that \$2.4 billion would have been impacted by the bill. To meet the requirements of Proposed Intros. 701-A and 721-A, capital costs would have increased about \$213.6 million. Financing this over 30 years at a standard (though high by current borrowing rates) five percent interest rate, the annual expense would have been \$13.9 million. This would have been offset by about by energy cost savings of about \$6.9 million, for a net cost of about \$7 million in

additional annual debt service costs for the next 30 years. This amount would have been the increase for one year of the capital plan. If the subsequent year had added a similar amount of projects, the new net cost would have been \$14 million in additional annual debt service costs.

Assumptions made in this estimate include:

- construction costs of about \$400 per gross square foot;
- construction cost surcharge of 7.5% to meet the higher standards;
- LEED certification costs equivalent to 1.4% of total construction costs;
- Energy costs of about \$0.15 per kilowatt hour (kWh); and
- Energy usage of about 15 kWh per gross square foot.

It should be noted that both Proposed Intro. 701-A and 721-A give the Mayor discretion in setting lower targets for many of the standards required by the bills. If the Mayor were to do so, the annual costs could be lower than what is presented here.

It is expected that the reporting requirements will be done with existing resources.

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

**SOURCE OF INFORMATION:** New York City Council, Finance Division  
Mayor's Office of Legislative Affairs  
New York City Department of Citywide Administrative Services

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 11, 2015 as Intro. 721 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on September 25, 2015 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 721-A, will be considered by the Committee on Housing and Buildings on March 7, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on March 9, 2016.

**DATE PREPARED:** March 4, 2016

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

**(The following is the text of Int. No. 721-A:)**

Int. No. 721-A

By Council Members Williams, Richards, Rose, Rodriguez, Vallone and Kallos.

**A Local Law to amend the New York city charter, in relation to green building standards for certain capital projects, and to repeal section 3 of local law number 86 for the year 2005, relating to certain reporting requirements.**

*Be it enacted by the Council as follows:*

Section 1. Section 224.1 of the New York city charter, as added by local law number 86 for the year 2005, is amended to read as follows:

§ 224.1 Green building standards. a. As used in this section the following terms shall have the following meanings:

[(1)] *Capital project.* The term “capital project” [shall mean] *means* a capital project as defined in section 210 of this chapter that is paid for in whole or in part from the city treasury.

[(2)] *City agency.* The term “city agency” [shall mean] *means* a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid, in whole or in part, from the city treasury.

[(3)] *Construction work.* The term “construction work” [shall mean] *means* any work or operations necessary or incidental to the erection, demolition, assembling, alteration, installing, or equipping of any building.

[(4)] *Green building standards.* The term “green building standards” [shall mean] *means* design guidelines, a rating system or rules for constructing buildings that ensure site planning, water efficiency, energy efficiency and renewable energy, conservation of materials and resources and indoor environmental quality.

[(5)] *Inflation.* The term “inflation” shall mean the annual [twelve (12) month] *12-month* average of the consumer price index published by the United States department of labor.

[(6)] *LEED energy and atmosphere: optimize energy performance credit.* The term “LEED energy and atmosphere: optimize energy performance credit [1]” [shall mean] *means* the credit [point] *to achieve points* under LEED for New Construction version [2.1] 4 intended to achieve increased energy performance.

[(7)] *LEED green building rating system.* The term “LEED green building rating system” [shall mean] *means* a version of the Leadership in Energy and Environmental Design (LEED) building rating system published by the [United States] U.S. Green Building Council, not less stringent than the selected green building rating system, including a standard developed by or for the city consisting of practices and technologies derived from the LEED rating system that are reasonable and appropriate for building in New York city.

[(8)] *LEED water efficiency: indoor water use reduction credit.* The term “LEED water efficiency: indoor water use reduction credit [3.2]” [shall mean] *means* the credit [point] *to achieve points under the LEED for New Construction version [2.1] 4 intended to achieve water use reduction.*

[(9)] Not less stringent. The term “not less stringent” [shall mean] *means* providing no less net environmental and health benefits.

*Occupancy group.* The term “occupancy group” *means* occupancy group as classified in accordance with the New York city construction codes.

[(10)] *Rehabilitation work.* The term “rehabilitation work” [shall mean] *means* any restoration, replacement or repair of any materials, systems and/or components.

[(11)] *Selected green building rating system.* The term “selected green building rating system” [shall mean] *means* the [current and most appropriate building rating system published by the United States] U.S. Green Building Council; provided, however, at the mayor’s discretion, the term “selected green building rating system” shall mean] Building Design and [New] Construction version [2.1] 4, [Existing Buildings] *Building Operations and Maintenance* version [2] 4 or [Commercial Interiors] *Interior Design and Construction* version [2] 4 of the building rating system published by the U.S. Green Building Council, whichever is most appropriate for the project under [United States] U.S. Green Building Council guidelines.

[(12)] *The] Substantial reconstruction.* For buildings other than buildings classified in occupancy group R<sub>2</sub> the term “substantial reconstruction” [shall mean] *means* a capital project in which (i) the scope of work

includes rehabilitation work in at least two of the *following* three major systems[,] *of the building*: electrical, HVAC (heating, ventilating and air conditioning) and plumbing, [of a building] and (ii) construction work affects at least [fifty] 50 percent [(50%)] of the building's floor area. *For buildings classified in occupancy group R, the term "substantial reconstruction" means a capital project that includes (i) heating system replacement, (ii) work on at least 75 percent of dwelling units contained within such building, including but not limited to fixture replacements in kitchens and bathrooms, and (iii) substantial work on the building envelope, including but not limited to the addition of building wide air sealing measures performed in conjunction with window replacements on at least 50 percent of total glazing, addition of roof insulation on 100 percent of the roof or the addition of at least 50 percent wall insulation.*

b. (1) [Each] *Except as provided in paragraph (3) of this subdivision, each capital project with an estimated construction cost of [two million dollars (\$2,000,000)] \$2,000,000 or more involving (i) the construction of a new building, (ii) an addition to an existing building, or (iii) the substantial reconstruction of an existing building shall be designed and constructed to comply with green building standards not less stringent than the standards prescribed for buildings designed in accordance with the LEED green building rating system to achieve a LEED [silver] gold or higher rating, or, with respect to buildings classified in occupancy groups [G or H-2] F or H, to achieve a LEED certified or higher rating, or with respect to buildings classified in occupancy group R, to comply with the version of the New York city overlay of the Enterprise green communities criteria in effect as of the effective date of the local law adding paragraph (3) of this subdivision, or the version of such criteria designated by the department of housing preservation and development by rule; provided that capital projects with an estimated construction cost of less than \$10,000,000 and that involve only an addition to or substantial reconstruction of an existing building classified in occupancy groups F or H are exempted from complying with this subdivision. If the mayor elects to utilize green building standards other than the LEED green building rating system, the mayor shall publish findings demonstrating that such other green building standards are not less stringent than the LEED standards described above for achievement of a LEED [silver] gold or, if applicable, a LEED certified rating. The green building standards utilized by the city in accordance with this section shall be reviewed and updated, as necessary, by the mayor no less often than once every three years.*

(2) In addition, if the estimated construction cost of a *capital* project required to comply with green building standards in accordance with paragraph [one] (1) of this subdivision is [12 million dollars (\$12,000,000)] \$12,000,000 or more, such project shall be designed and constructed to reduce energy cost as follows; *provided that this paragraph shall not apply to capital projects involving city-owned buildings or buildings classified in occupancy groups E or R:*

(i) Capital projects[, other than buildings classified in occupancy group G,] with an estimated construction cost of [12 million dollars (\$12,000,000)] \$12,000,000 or more but less than [30 million dollars (\$30,000,000)] \$30,000,000 shall be designed and constructed to reduce energy cost by a minimum of [twenty] 20 percent [(20%)], as determined by the methodology prescribed in LEED energy and atmosphere: *optimize energy performance* credit [1] or the New York state energy conservation code, whichever is more stringent. In addition to such [twenty] 20 percent [(20%)] reduction in energy cost, the design agency shall make investments in energy efficiency that reduce energy cost by an additional five percent [(5%)] if it finds that the payback on such investment through savings in energy cost would not exceed seven years.

(ii) Capital projects[, other than buildings classified in occupancy group G,] with an estimated construction cost of [30 million dollars (\$30,000,000)] \$30,000,000 or more shall be designed and constructed to reduce energy cost by a minimum of [twenty-five] 25 percent [(25%)], as determined by the methodology prescribed in LEED energy and atmosphere: *optimize energy performance* credit [1] or the New York state energy conservation code, whichever is more stringent. In addition to such [twenty-five] 25 percent [(25%)] reduction in energy cost, the design agency shall make investments in energy efficiency that reduce energy cost by an additional five percent [(5%)] if it finds that the payback on such investment through savings in energy cost would not exceed seven years.

[(iii) Capital projects involving buildings classified in occupancy group G with an estimated construction cost of 12 million dollars (\$12,000,000) or more shall be designed and constructed to reduce energy cost by a minimum of twenty percent (20%), as determined by the methodology prescribed in LEED energy and



atmosphere credit 1 or the New York state energy conservation code, whichever is more stringent. In addition to such twenty percent (20%) reduction in energy cost, the design agency shall make investments in energy efficiency that reduce energy cost by an additional five percent (5%) if it finds that the payback on such investment through savings in energy cost would not exceed seven years or, in the alternative, the design agency shall make investments in energy efficiency that reduce energy cost by an additional ten percent (10%) if it finds that the payback on such investment through savings in energy cost would not exceed seven years.]

(3) *For capital projects required to comply with paragraph (1) of this subdivision which are buildings classified in occupancy groups E, I-2 or in any occupancy group that, before the enactment of the local law adding this paragraph, was not required to comply with paragraph (1) of this subdivision, the mayor or an office or agency designated by the mayor may, in conjunction with the New York city economic development corporation, the New York city school construction authority and any other relevant offices or agencies, establish alternative design and construction standards. Such alternative standards may be as stringent or more stringent than the standards described by paragraph (1) of this subdivision. For buildings that are not classified in occupancy group E, such alternative standards may be less stringent than the standards described by paragraph (1) of this subdivision if the mayor or such designated office or agency determines that compliance with the standards described by such paragraph would be impracticable or unduly burdensome for a particular occupancy group; provided that such alternative standards may be less stringent than the standards described by such paragraph only to the minimum extent necessary and, except in the case of alternative standards prescribed for buildings classified in occupancy group R, shall be not less stringent than standards prescribed for buildings designed to achieve a LEED certified rating under version 4 of the LEED green building rating system. For buildings that are classified in occupancy group E, such alternative standards may be the New York city green schools guide in effect as of the effective date of the local law adding this paragraph, or the version of such guide designated by rule by the mayor or such designated office or agency; provided that such alternative standards are not less stringent than standards prescribed for buildings designed to achieve a LEED certified rating under version 4 of the LEED green building rating system. If the mayor or such designated office or agency establishes alternative standards under this paragraph, the mayor or such designated office or agency shall:*

(i) *Within 60 days after adopting such alternative standards, submit to the council and make publicly available online a report that, at a minimum:*

(A) *Describes such standards and the occupancy groups to which they will apply;*

(B) *Identifies any provisions in such standards that are less stringent than the standards described in paragraph (1) of this subdivision and, for each such provision, sets forth the reasons why compliance with the standards described in such paragraph would be impracticable or unduly burdensome for buildings classified in such occupancy groups;*

(C) *Except in the case of alternative standards prescribed for buildings classified in occupancy group R, describes how such alternative standards are not less stringent than the standards prescribed for buildings designed to achieve a LEED certified rating under version 4 of the LEED green building rating system; and*

(ii) *If such alternative standards are less stringent than the standards described in paragraph (1) of this subdivision, in every third fiscal year thereafter, submit to the council and make publicly available online a report that, at a minimum, states whether the mayor or such designated office or agency has determined that such less stringent standards continue to be necessary and, if so, a description of the reasons therefor and whether such standards can reasonably be made more stringent.*

c. Capital projects, other than those required to comply with green building standards in accordance with subdivision b of this section, shall be subject to the following:

(1) Each capital project that includes the installation or replacement of a boiler at an estimated construction cost for such installation or replacement of [two million dollars (\$2,000,000)] \$2,000,000 or more, or that involves the installation or replacement of lighting systems in a building at an estimated construction cost for such installation or replacement of [one million dollars (\$1,000,000)] \$1,000,000 or more, shall be designed and constructed to reduce energy cost by a minimum of ten percent [(10%)], as determined by the methodology prescribed in LEED energy and atmosphere: *optimize energy performance* credit [1] or the New York state energy conservation code, whichever is more stringent; *provided that*

*compliance with this paragraph shall not be required for capital projects that would be subject to this paragraph solely because such project involves replacement of a boiler, unless the cost of such project equals or exceeds 50 percent of the cost of replacing the heating distribution system of such building.*

(2) Each capital project, other than a project required to comply with paragraph [one] (1) of this subdivision, that involves the installation or replacement of HVAC [comfort controls] *systems* at an estimated construction cost for such installation or replacement of [two million dollars (\$2,000,000)] *\$2,000,000* or more, shall be designed and constructed to reduce energy cost by a minimum of five percent [(5%)] as determined by the methodology prescribed in LEED energy and atmosphere: *optimize energy performance* credit [1] or the New York state energy conservation code, whichever is more stringent.

d. In addition to complying with any other applicable subdivision in this section, each capital project involving the installation or replacement of plumbing systems that includes the installation or replacement of plumbing fixtures at an estimated construction cost for such installation or replacement of plumbing systems of [five hundred thousand dollars (\$500,000)] *\$500,000* or more shall be designed and constructed to reduce potable water consumption in the aggregate by a minimum of [thirty] *30 percent [(30%)]*, as determined by a methodology not less stringent than that prescribed in LEED water efficiency: *indoor water use reduction* credit [3.2]; provided, however, that such percentage shall be reduced to a minimum of [20%] *20 percent* if the department of buildings rejects an application for the use of waterless urinals for the project.

e. [This section shall apply only to capital projects involving buildings classified in occupancy groups B-1, B-2, C, E, F-1a, F-1b, F-3, F-4, G, H-1 and H-2.] *This section shall not apply to capital projects that only involve buildings classified in occupancy groups A-5 or U.*

f. The mayor may exempt from each provision of this section [capitol] *capital* projects accounting for up to [20%] *20 percent* of the capital dollars in each fiscal year subject to such provision if in [his or her] *such mayor's* sole judgment such exemption is necessary in the public interest. At the conclusion of each fiscal year the mayor shall report to the council the exemptions granted pursuant to this section.

g. This section shall not apply to capital projects of entities that are not city agencies unless [fifty] *50 percent [(50%)]* or more of the estimated cost of such project is to be paid for out of the city treasury. This exemption shall not apply to any capital project that receives [ten million dollars (\$10,000,000)] *\$10,000,000* or more out of the city treasury.

h. This section shall not apply to capital projects that have received capital dollars from the city treasury before January 1, 2007.

i. The mayor shall promulgate rules to carry out the provisions of this section.

j. The costs listed in subdivisions b, c, d and g of this section *are denominated in January 2007 dollars and shall be indexed to inflation annually.*

k. Capital projects [accounting for at least fifty percent (50%) of the capital dollars in each fiscal year allocated for each city agency] that are subject to paragraph [one] (1) of subdivision b of this section that utilize a version of the LEED green building rating system for which the [United States] *U.S.* Green Building Council will accept applications for certification, shall apply to the [United States] *U.S.* Green Building Council for certification that such projects have achieved a [silver] *gold* or higher rating under the LEED green building rating system [or, with respect to projects involving buildings classified in occupancy groups G or H-2, a certified or higher rating under such rating system]. *The mayor or an office or agency designated by the mayor shall by rule establish an alternative certification process for capital projects that are complying with alternative standards promulgated by the mayor or such designated office or agency under paragraph (3) of subdivision b of this section.*

l. *Reserved.*

m. *By no later than December 1 of each year, the mayor shall submit to the speaker of the council a report, in accordance with the procedure and format established by the department of design and construction, containing, at a minimum, the following information:*

*(1) for each capital project subject to this section completed during the preceding fiscal year:*

*(i) a brief description of such project;*

*(ii) the street address of such project and the community district and council district in which such project is located;*

(iii) *the estimated level of LEED certification such project has achieved as determined by the city agency that designed such project in accordance with the LEED green building rating system or, if applicable, the level achieved, as certified by the U.S. Green Building Council;*

(iv) *additional costs attributed to complying with the LEED green building rating system or any other green building standard; and*

(v) *an assessment of the health, environmental and energy-related benefits achieved in comparison with a base-case code compliant project, including projected energy savings and reductions in peak load, reductions in emissions and potable water use;*

(2) *a summary of agency findings related to additional investment in energy efficiency pursuant to subparagraphs (i) and (ii) of paragraph 2 of subdivision b of this section, including any additional investment in energy efficiency considered and the estimated payback time for such investment through savings in energy cost; and*

(3) *the total value of capital allocations in the preceding calendar year to projects exempted from the requirements of this section by the mayor pursuant to subdivision f of this section, and a list and brief description of each such project, including but not limited to square footage, project cost and the reason for such exemption, disaggregated by city agency.*

§ 2. Section three of local law number 86 for the year 2005 is REPEALED.

§ 3. Section four of local law number 86 for the year 2005 is amended to read as follows:

§ 4. This local law shall take effect on January 1, 2007 and shall apply to capital projects for which the final design is approved pursuant to section 223 of the New York city charter after such effective date, except that prior to such effective date the mayor shall take all actions necessary for the timely implementation of this local law, including the promulgation of rules, and shall take all practicable steps to implement this local law. [Section 3 of this local law shall expire and shall be of no further force and effect on and after January 1, 2019. Subdivision k of section 224.1 of the charter, as added by section 2 of this local law shall expire and shall be of no further force and effect on and after January 1, 2017.]

§ 4. This local law takes effect immediately, except that this local law shall apply only to capital projects which are added to the capital plan on or after July 1, 2017. All other capital projects shall comply with section 224.1 of such charter, as in effect before the effective date of this local law, subject to the provisions of section four of local law 86 for the year 2005.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., MARK LEVINE, ANTONIO REYNOSO, HELEN K. ROSENTHAL, RITCHIE J. TORRES; Committee on Housing and Buildings, March 7, 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 Land Use**

Report for Res No. 935

**Report of the Committee on Land Use in favor of approving a proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.**

The Committee on Land Use, to which the annexed authorizing resolution was referred on December 16, 2016 (Minutes, page 4549) respectfully

**REPORTS:**

**SUBJECT**

**CITYWIDE**

**20165265 GFY**

Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.

**INTENT**

To permit the continuation of the provision of mobile telecommunications services.

**PUBLIC HEARING**

**DATE:** January 12, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 25, 2016

The Subcommittee recommends that the Land Use Committee approve the Authorizing Resolution.

**In Favor:** Richards (Chair), Gentile, Williams, Reynoso, Torres.

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

**COMMITTEE ACTION**

**DATE:** February 29, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield (Chair), Gentile, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Richards, Barron, Cohen, Kallos, Torres, Treyger.

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

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of authorizing Res No. 935:)**

Res No. 935

**Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.**

By Council Member Greenfield (at the request of the Mayor).

**CITYWIDE**

**20165265 GFY**

**WHEREAS**, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications as the responsible agency for the granting of telecommunications franchises; and

**WHEREAS**, pursuant to Section 363 of the Charter ("the Charter") of the City of New York ("the City"), the Commissioner of the Department of Information Technology and Telecommunications has made the initial determination of the need for franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services, and has prepared a proposed authorizing resolution for the granting of such franchises; and

**WHEREAS**, the Mayor has submitted to the Council a proposed authorizing resolution for the granting of such franchises pursuant to Section 363 of the Charter; and

**WHEREAS**, the Council has determined that it is appropriate to authorize the granting of such franchises as described hereinafter;

The Council hereby resolves that:

A. The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the installation of telecommunications equipment and facilities on, over and under the inalienable property of the City to be used in providing mobile telecommunications services in the City of New York.

B. For purposes of this resolution, "inalienable property of the City" shall mean the property designated as inalienable in Section 383 of the Charter.

C. For purposes of this resolution, "mobile telecommunications services" shall mean any "mobile service", as defined in Section 153 of Title 47 of the United States Code, and other voice and/or data communications or information services employing electromagnetic waves propagated through space to serve portable sending and/or receiving equipment.

D. The public services to be provided under such franchises shall be mobile telecommunications services.

E. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council (the "Expiration Date"). No franchises shall be approved pursuant to this resolution by the Department of Information Technology and Telecommunications, the Franchise and Concession Review Committee, or the Mayor pursuant to this resolution after the Expiration Date.

F. Prior to the grant of any such franchise, a Request For Proposals ("RFP") or other solicitation shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such RFP or other solicitation, all necessary environmental and land use review shall be conducted in accordance with City Environmental Quality Review ("CEQR") and Section 197-c of the Charter. The distribution list for each such RFP or other solicitation shall include, without limitation, certified minority owned business enterprises and certified women owned business enterprises as defined in Section 1304 of the City Charter. The criteria to be used by the Department of Information Technology and Telecommunications to evaluate responses to such RFPs or other solicitations shall include, but not be limited to, the following to the extent permitted by law:

(1) the adequacy of the proposed compensation (which may include monetary and/or in-kind compensation, as provided in the applicable RFP or other solicitation) to be paid to the City for the use of City property;

(2) the ability of the respondent(s) to maintain the property of the City in good condition throughout the term of the franchise;

(3) the consistency of the response(s) to the City's management of local rights-of-way activities, plans and goals.

In no event, however, shall the Department of Information Technology and Telecommunications include any criteria in any such RFP or other solicitation which the City would be preempted, pursuant to federal law, from thus including; and in no event shall the Department of Information Technology and Telecommunications apply any criteria to be included in any such RFP or other solicitation in a manner which the City would be preempted, pursuant to federal law, from thus applying.

G. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, the following terms and conditions to the extent permitted by law (provided, however, that no term or condition, whether or not listed hereafter, shall be included in a written franchise agreement if the City is preempted, by federal law, from including such a term or condition in such agreement, and provided that no term or condition, whether or not listed hereafter, shall be included in a written franchise agreement in a form or manner which the City is preempted by federal law from using with respect to such agreement):

(1) the term of the franchise, including options to renew if any, shall not exceed fifteen (15) years;

- (2) the compensation to be paid to the City shall be adequate and may include monetary or in-kind compensation or both;
- (3) the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;
- (4) a security fund shall be established to ensure the performance of the franchisee's obligations under the agreement;
- (5) the City shall have the right to inspect the facilities of the franchisee located on the inalienable property of the City and to order the relocation of such facilities as appropriate at the direction of the applicable agency;
- (6) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;
- (7) there shall be provisions to ensure access by the City to books and records of the franchisee as necessary or appropriate to review and/or enforce compliance with the franchise agreement;
- (8) there shall be provisions to ensure quality workmanship and construction methods in the use of the inalienable property;
- (9) there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;
- (10) there shall be provisions requiring the franchisee to comply with City laws, regulations and policies related to, but not limited to, employment, purchasing and investigations;
- (11) there shall be provisions to restrict the assignment or other transfer of the franchise without the prior written consent of the City and provisions to restrict changes in control of the franchisee without the prior written consent of the City;
- (12) there shall be remedies to protect the City's interest in the event of the franchisee's failure to comply with the terms and conditions of the agreement;
- (13) all franchisees shall be subject to review under the City's Vendor Information Exchange System ("VENDEX");
- (14) franchisees shall be required to hold any applicable licenses and permits required by the New York State Public Service Commission and the Federal Communications Commission;
- (15) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;
- (16) there shall be provisions requiring the franchisee to protect the property of the City, and the delivery of public services that utilize the property of the City, from damage or interruption of operation resulting from the construction, operation, maintenance, repair or removal of facilities, equipment or other improvements related to the franchise; and

(17) there shall be provisions designed to minimize the extent to which the public use of the streets of the City are disrupted in connection with the construction of improvements relating to the franchise.

(18) there shall be provisions requiring that prior to installation of a wireless antenna on any pole (whether City or utility-owned) on a City street which pole is less than ten (10) feet from an existing buildings, DoITT will provide not less than fifteen (15) business days notice of, and opportunity to submit written comment regarding, such proposed installation to the Community Board in whose community district such building lies (for purposes of this provision, the distance from a pole to a building shall be measured by the distance from the base of the pole facing the building to the building line);

(19) there shall be provisions that offer incentives to the franchisee to serve areas beyond the core business districts of Manhattan south of 96<sup>th</sup> Street;

(20) there shall be provisions requiring the franchisee to (i) comply, on an on-going basis, with respect to any facilities installed by the franchisee within the City's public rights-of-way, with FCC maximum permitted levels of radio frequency energy exposure (calculated on an aggregate basis with any other radio frequency energy emitters that may be present), (ii) comply with all FCC rules and requirements, regarding the protection of health and safety with respect to radio frequency energy exposure, in the operation and maintenance of such facilities (taking into account the actual conditions of human proximity to such facilities), and (iii) at the direction of the City, pay the costs of testing such facilities for compliance with the preceding clauses (i) and (ii);

(21) there shall be provisions designed to encourage the franchisee, in selecting contractors who will perform work affecting City facilities, to choose entities that are also "Contractors" as that term is defined in Section 6-129 of the Administrative Code (which section is titled "Participation by minority-owned and women-owned business enterprises and emerging businesses enterprises in city procurement"; and

(22) there shall be provisions requiring franchisee to provide maps and other information, including resiliency information, regarding locations of facilities placed on, over or in the inalienable property of the City.

K. The Department of Information Technology and Telecommunications shall file with the Council the following documents:

(1) within fifteen (15) days of issuance, a copy of each RFP or other solicitation issued pursuant to this resolution;

(2) simultaneously with each to an applicable Community Board pursuant to Section G.(18) above, a copy of such notice shall be sent to the City Council member in whose Council district the building that is the subject of such notice lies;

(3) within fifteen (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and

(3) on or before July 1 of each year, a report detailing the revenues received by the City during the preceding calendar year from each franchise granted pursuant to this resolution.



DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 29, 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 L.U. No. 332

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, a Resolution approving a motion to file pursuant to withdrawal of the application for a revocable consent for an unenclosed sidewalk café located at 210 East 3<sup>rd</sup> Street, Borough of Manhattan (20165174 TCM; L.U. No. 332).**

The Committee on Land Use, to which the annexed Land Use item was referred on February 5, 2016 (Minutes, page 336) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 3**

**20165174 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Café Cortadito, LLC, d/b/a Café Cortadito, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 210 East 3<sup>rd</sup> 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:** February 25, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** Four

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 25, 2016

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

**In Favor:** Richards (Chair), Gentile, Williams, Reynoso, Torres.

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

By a letter dated February 25, 2016, and submitted to the City Council on February 25, 2016, the applicant withdrew the application submitted to the Department of Consumer Affairs for recommendation for approval for the revocable consent.

**COMMITTEE ACTION**

**DATE:** February 29, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield (Chair), Gentile, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Richards, Barron, Cohen, Kallos, Torres, Treyger.

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

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

Res No. 1005

**Resolution approving a motion to file pursuant to withdrawal of the application for a revocable consent for an unenclosed sidewalk café located at 210 East 3<sup>rd</sup> Street, Borough of Manhattan (20165174 TCM; L.U. No. 332).**

By Council Members Greenfield and Richards.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 19, 2016 its approval dated January 14, 2016 of the petition of Café Cortadito, LLC, d/b/a Café Cortadito, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 210 East 3<sup>rd</sup> Street, 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**, by letter dated February 25, 2016, and submitted to the City Council on February 25, 2016, 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, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 29, 2016.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 336

**Report of the Committee on Land Use in favor of approving a Resolution approving Resolution affirming the designation by the Landmarks Preservation Commission of the Bedford Historic District, Borough of Brooklyn, Designation List No. DL-485/LP-2514 (L.U. No. 336; 20165266 HKK; N 160134 HKK).**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2016 (Minutes, page 513) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN - CB 3**

**20165266 HKK (N 160134 HKK)**

Designation by the Landmarks Preservation Commission [DL-485/LP-2514], pursuant to Section 3020 of the New York City Charter of the landmark designation of the Bedford Historic District.

**PUBLIC HEARING**

**DATE:** February 25, 2016

**Witnesses in Favor:** Six

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 25, 2016

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

**In Favor:** Koo (Chair), Palma, Levin, Barron, Kallos.

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

**COMMITTEE ACTION**

**DATE:** February 29, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield (Chair), Gentile, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Richards, Barron, Cohen, Kallos, Torres, Treyger.

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

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

Res No. 1006

**Resolution affirming the designation by the Landmarks Preservation Commission of the Bedford Historic District, Borough of Brooklyn, Designation List No. DL-485/LP-2514 (L.U. No. 336; 20165266 HKK; N 160134 HKK).**

By Council Members Greenfield and Koo.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on December 18, 2015 a copy of its designation dated December 8, 2015 (the "Designation"), of the Bedford Historic District, Community District 3, Borough of Brooklyn, with the following district boundaries:

The Bedford Historic District consists of the properties bounded by a line beginning at the northwest corner of Jefferson Avenue and Tompkins Avenue, extending westerly along the northern curb line of Jefferson Avenue to a point in said curb line formed by extending a line northerly from the eastern property line of 338 Jefferson Avenue, southerly across Jefferson Avenue and along said property line and a portion of the eastern property line of 297 Hancock Street, easterly along the northern property line of 299 Hancock Street, southerly along the eastern property line of 299 Hancock Street to the northern curb line of Hancock Street, westerly along said curb line to a point in said curb line formed by extending a line northerly from the eastern property line of 288 Hancock Street, southerly across Hancock Street and along said property line, westerly along the southern property lines of 288 to 256 Hancock Street, southerly along the eastern property line of 191 Halsey Street to the northern curb line of Halsey Street, westerly along said curb line to the northwest corner of Marcy Avenue and Halsey Street, southerly across Halsey Street and along the western curb line of Marcy Avenue to a point in said curb line formed by extending a line easterly from the southern property line of 112 Macon Street (aka 936 Marcy Avenue), westerly along the southern property lines of 112 to 104 Macon Street, southerly along a portion of the eastern property line of 102 Macon Street, westerly along the southern property lines of 102 to 94 Macon Street, southerly along the eastern property lines of 9 to 17 Verona Place and a portion of the eastern property line of 19 Verona Place, easterly along a portion of the northern property line of 21 Verona Place, southerly along a portion of the eastern property line of 21 Verona Place, westerly along a portion of the southern property line of 21 Verona Place, southerly along a portion of the eastern property line of 21 Verona Place, westerly along a portion of the southern property line of 21 Verona Place, across Verona Place and along the southern property line of 20 Verona Place, northerly along the western property lines of 20 to 16 Verona Place and a portion of the western property line of 14 Verona Place, westerly along southern property lines of 72 to 38 Macon Street, northerly along the western property line of 38 Macon Street to the northern curb line of Macon Street, westerly along said curb line, across Nostrand Avenue, to the northeast corner of Macon Street and 1 Arlington Place, northerly along the eastern curb line of Arlington Place to a point in said curb line formed by extending a line easterly from the southern property line of 22 Arlington Place, westerly across Arlington Place and along said property line, northerly along the western property lines of 22 to 14 Arlington Place, westerly along the southern property lines of 48 to 22

Halsey Street, northerly along the western property line of 22 Halsey Street to the northern curb line of Halsey Street, westerly along the northern curb line of Halsey Street to a point in said curb line formed by extending a line southerly from the western property line of 9 Halsey Street, northerly along the western property lines of 9 Halsey Street and 60 Hancock Street to the northern curb line of Hancock Street, westerly along the northern curb line of Hancock Street to a point in said curb line formed by extending a line southerly from the western property line of 57 Hancock Street, northerly along said property line, easterly along the northern property lines of 57 to 61 Hancock Street, northerly along a portion of the western property line of 63 Hancock Street, easterly along the northern property lines of 63 to 137 Hancock Street, southerly along a portion of the eastern property line of 137 Hancock Street, easterly along the northern property lines of 139 to 147 Hancock Street, across Nostrand Avenue to the eastern curb line of Nostrand Avenue, northerly along said curb line to the southeast corner of Jefferson Avenue and Nostrand Avenue, easterly along the southern curb line of Jefferson Avenue to a point in said curb line formed by extending a line southerly from the eastern property line of 189 Jefferson Avenue, northerly across Jefferson Avenue and the western property line of 189 Jefferson Avenue, easterly along the northern property lines of 189 to 193 Jefferson Avenue, northerly along a portion of the western property line of 280 Putnam Avenue, westerly along the southern property lines of 278 to 270 Putnam Avenue, northerly along the western property line of 270 Putnam Avenue to the southern curb line of Putnam Avenue, easterly along the southern curb line of Putnam Avenue to a point in said curb line formed by extending a line southerly from the western property line of 299 Putnam Avenue, northerly across Putnam Avenue and along said property line, easterly along the northern property line of 299 Putnam Avenue and a portion of the northern property line of 301-303 Putnam Avenue, northerly along the western property line of 230 Madison Street to the northern curb line of Madison Street, westerly along the northern curb line of Madison Street to a point in said curb line formed by extending a line southerly from the western property line of 227 Madison Street, northerly along said property line, westerly along the southern curb line of 230 Monroe Street, northerly along the western property line of 230 Monroe Street to the southern curb line of Monroe Street, easterly along said curb line to the southwest corner of Marcy Avenue and Monroe Street, southerly along the western curb line of Marcy Avenue to a point in said curb line formed by extending a line westerly from the northern property line of 815 Marcy Avenue, easterly across Marcy Avenue and said property line, southerly along the eastern property lines of 815 to 829 Marcy Avenue, westerly along the southern property line of 829 Marcy Avenue to the western curb line of Marcy Avenue, southerly along said curb line across Madison Street and Putnam Avenue to the southwest corner of Marcy Avenue and Putnam Avenue, easterly across Marcy Avenue and along the southern curb line of Putnam Avenue to a point in said curb line formed by extending a line northerly from the eastern property line of 418 Putnam Avenue, southerly along said property line, easterly along the northern property lines of 335 to 343 Jefferson Avenue to the western curb line of Tompkins Avenue, southerly along said curb line 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 February 5, 2016, its report on the Designation dated February 3, 2016 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on February 25, 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, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 29, 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 L.U. No. 337

**Report of the Committee on Land Use in favor of approving a Resolution to approve an amendment to a previously approved tax exemption under Section 577 of the Private Housing Finance Law consisting of the Exemption Area located at 332 Bergen Street (Block 389, Lot 22), Community District 2, Borough of Brooklyn (L.U. No. 337; 20165373 HAK).**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2016 (Minutes, page 513) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN - CB 2**

**20165373 HAK**

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for the approval of an amendment to a previously approved tax exemption located at 332 Bergen Street (Block 389, Lot 22), Borough of the Brooklyn, Community District 2, Council District 33. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law.

**INTENT**

To amend a previously approved tax exemption to facilitate the continued affordability of one multiple dwelling.

**PUBLIC HEARING**

**DATE:** February 25, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** February 25, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by HPD.

**In Favor:** Rodriguez (Chair), Cohen, Treyger.**Against:** None **Abstain:** None**COMMITTEE ACTION****DATE:** February 29, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield (Chair), Gentile, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Richards, Barron, Cohen, Kallos, Torres, Treyger.**Against:** None **Abstain:** None

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

Res No. 1007

**Resolution to approve an amendment to a previously approved tax exemption under Section 577 of the Private Housing Finance Law consisting of the Exemption Area located at 332 Bergen Street (Block 389, Lot 22), Community District 2, Borough of Brooklyn (L.U. No. 337; 20165373 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 9, 2016 its request dated February 8, 2016 that the Council approve an amendment to a previously approved tax exemption under Section 577 of the Private Housing Finance Law (the "Amended Exemption") located at 332 Bergen Street (Block 389, Lot 22, the "Exemption Area"), to facilitate the continued affordability of the Exemption Area, Community District 2, Borough of Brooklyn;

**WHEREAS**, the HPD request is related to previously approved City Council Resolution No. 662, L.U. No. 203, of April 16, 2015 (the "Prior Resolution");

**WHEREAS**, HPD submitted to the Council on February 9, 2016 its revised request dated February 8, 2016 relating to the Exemption Area (The "Revised HPD Request");

**WHEREAS**, upon due notice, the Council held a public hearing on the Amended Exemption on February 25, 2016; and

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

**RESOLVED:**

The Council approves the Amended Exemption pursuant to the Revised HPD Request by amending the Prior Resolution by (i) deleting paragraph 2 thereof, (ii) renumbering paragraphs 3 through 5 thereof as paragraphs 2 through 4, and (iii) replacing paragraph 1 and renumbered paragraphs 3 and 4 thereof in their entirety with the following:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) "Effective Date" shall mean June 11, 1997.
  - b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 389, Lot 22 on the Tax Map of the City of New York.
  - d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of expiration or termination of the New Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e) "HDFC" shall mean Fifth Avenue Committee Housing Development Fund Corporation.
  - f) "HPD" shall mean the City of New York Department of Housing Preservation and Development.
  - g) "New Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner executed on or after December 1, 2015, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - h) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
3. Notwithstanding any provision hereof to the contrary:
  - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the New Regulatory Agreement by December 31, 2016, (iii) the Exemption Area is not being operated in accordance with the requirements of the New Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (vi) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than



- sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that existed on the Effective Date.
  - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 29, 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 L.U. No. 338

**Report of the Committee on Land Use in favor of approving a Resolution pursuant to Article 16 of the New York General Municipal Law to approve an amendment to a previously approved Urban Development Action Area Project, waive the urban development action area designation requirement, and waive Section 197-c and 197-d of the New York City Charter, for property located at 163 Columbia Street (Block 319, Lot 12), Borough of Brooklyn (L.U. No. 338; 20165374 HAK).**

The Committee on Land Use, to which the annexed Land Use item was referred on February 24, 2016 (Minutes, page 513) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN - CB 6**

**20165374 HAK**

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for the approval of an amendment of a previously approved urban development action area project under Article 16 of the General Municipal Law for property located at 163 Columbia Street (Block 319, Lot 12), Borough of Brooklyn, Community District 6, Council District 39. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the General Municipal Law.

**INTENT**

To amend a previously approved Urban Development Action Area Project which when completed would provide a four-unit condominium housing project on the project area.

**PUBLIC HEARING**

**DATE:** February 25, 2016

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 25, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by HPD.

**In Favor:** Rodriguez (Chair), Cohen, Treyger

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

**COMMITTEE ACTION**

**DATE:** February 29, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Greenfield (Chair), Gentile, Garodnick, Mealy, Rodriguez, Koo, Lander, Levin, Richards, Barron, Cohen, Kallos, Torres, Treyger

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

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

Res No. 1008

**Resolution pursuant to Article 16 of the New York General Municipal Law to approve an amendment to a previously approved Urban Development Action Area Project, waive the urban development action area designation requirement, and waive Section 197-c and 197-d of the New York City Charter, for property located at 163 Columbia Street (Block 319, Lot 12), Borough of Brooklyn (L.U. No. 338; 20165374 HAK).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 9, 2016 its request dated February 8, 2016 that the Council take the following actions regarding an amendment to and Urban Development Action Area Project (the "Amended Project") located at 163 Columbia Street (Block 319, Lot 12), Community District 6, Borough of Brooklyn (the "Project Area"):

1. Find that the present status of the Project Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

**WHEREAS**, the HPD request is related to previously approved City Council Resolution No. 1351, L.U. No. 525, of November 12, 1991 (the "Prior Resolution");

**WHEREAS**, the Amended Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

**WHEREAS**, HPD submitted to the Council on February 9, 2016 its revised request dated February 8, 2016 relating to the Amended Project (The "Revised HPD Request");

**WHEREAS**, upon due notice, the Council held a public hearing on the Amended Project on February 25, 2016;

**RESOLVED:**

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 Amended Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Amended Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on February 9, 2016, a copy of which is attached hereto and made part hereof.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, February 29, 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 Rules, Privileges and Elections**

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

Report for Res No. 1002

### **Report of the Committee on Rules, Privileges and Elections approving a Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in Committee Membership and deletion of a Standing Committee.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on March 9, 2016 respectfully

### **REPORTS:**

#### **PRECONSIDERED RESOLUTION NO. 1002**

**SUBJECT:** Resolution Approving Changes in Membership to Certain Standing Committees and an Deletion of a Standing Committee.

**ANALYSIS:** Before the Committee for its consideration are proposed changes in Committee Membership and deletion of a Standing Committee. See the Resolution for each of the specific changes.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 1002:)**

Preconsidered Res. No. 1002

**Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in Committee Membership and deletion of a Standing Committee.**

By Council Member Lander.

**RESOLVED**, That pursuant to Rules 7.00 and 7.20 of the Rules of the Council and Sections 46 of the New York City Charter, the Council does hereby consent to the following changes in Committee Membership and the deletion of a Standing Committee:

**STANDING COMMITTEES**

**[Community Development]**

**STANDING COMMITTEES**

**AGING**

Salamanca

**CIVIL RIGHTS**

Salamanca

[Rose]

**EDUCATION**

Rodriguez

Rosenthal

Salamanca

[Williams]

**GENERAL WELFARE**

Salamanca

[Menchaca]

**GOVERNMENTAL OPERATIONS**

Menchaca

Reynoso

**HOUSING AND BUILDINGS**

Salamanca

[Reynoso]

**JUVENILE JUSTICE**

Salamanca

**LAND USE**Rose**PUBLIC HOUSING**GibsonSalamanca

## SUBCOMMITTEES

**LANDMARKS, PUBLIC SITING AND MARITIME USES**Rose

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, March 7, 2015.

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

Special Supplement to the Committee on Rules, Privileges and Elections Reports sectionSTANDING COMMITTEES OF THE COUNCILMarch 9, 2016

<b>AGING</b>	<b>CIVIL RIGHTS</b>	<b>CIVIL SERVICE &amp; LABOR</b>	<b>CONSUMER AFFAIRS</b>
<b>CHIN, CHAIR</b> KOSLOWITZ ROSE DEUTSCH TREYGER VALLONE SALAMANCA	<b>MEALY, CHAIR</b> EUGENE DROMM KING SALAMANCA	<b>MILLER, CHAIR</b> CROWLEY DROMM CONSTANTINIDES CORNEGY	<b>ESPINAL, CHAIR</b> GENTILE FERRERAS-COPELAND KOSLOWITZ LANCMAN
<b>CONTRACTS</b>	<b>COURTS AND LEGAL SERVICES</b>	<b>CULTURAL AFFAIRS, LIBRARIES &amp; INTERNATIONAL INTERGROUP RELATIONS</b>	<b>ECONOMIC DEVELOPMENT</b>
<b>ROSENTHAL, CHAIR</b> KOO WILLS CONSTANTINIDES DEUTSCH JOHNSON MILLER	<b>LANCMAN, CHAIR</b> GIBSON COHEN KALLOS MENCHACA VALLONE GRODENCHIK	<b>VAN BRAMER, CHAIR</b> CROWLEY FERRERAS-COPELAND KOO LEVIN KING CONSTANTINIDES CUMBO ROSENTHAL	<b>GARODNICK, CHAIR</b> GENTILE FERRERAS-COPELAND KOSLOWITZ WILLS RICHARDS BARRON MILLER BORELLI
<b>EDUCATION</b>	<b>ENVIRONMENTAL PROTECTION</b>	<b>FINANCE</b>	<b>FIRE &amp; CRIMINAL JUSTICE SERVICES</b>
<b>DROMM, CHAIR</b> GENTILE GARODNICK CHIN LEVIN ROSE KING BARRON DEUTSCH KALLOS LEVINE MAISEL REYNOSO TREYGER RODRIGUEZ ROSENTHAL SALAMANCA	<b>CONSTANTINIDES, CHAIR</b> RICHARDS LEVIN LANCMAN ULRICH	<b>FERRERAS- COPELAND, CHAIR</b> RODRIGUEZ VAN BRAMER GIBSON CORNEGY CUMBO JOHNSON LEVINE MILLER ROSENTHAL MATTEO	<b>CROWLEY, CHAIR</b> EUGENE CABRERA LANCMAN VALLONE

GENERAL WELFARE	GOVERNMENTAL OPERATIONS	HEALTH	HIGHER EDUCATION
<b>LEVIN, CHAIR</b> PALMA CABRERA WILLS GIBSON JOHNSON TORRES GRODENCHIK SALAMANCA	<b>KALLOS, CHAIR</b> GREENFIELD LEVINE TORRES BORELLI MENCHACA REYNOSO	<b>JOHNSON, CHAIR</b> MENDEZ VACCA EUGENE KOO VAN BRAMER BARRON CORNEGY ESPINAL	<b>BARRON, CHAIR</b> VACCA RODRIGUEZ CABRERA WILLIAMS GIBSON CUMBO
HOUSING & BUILDINGS	IMMIGRATION	JUVENILE JUSTICE	LAND USE
<b>WILLIAMS, CHAIR</b> MENDEZ RODRIGUEZ CORNEGY ESPINAL LEVINE ROSENTHAL TORRES GRODENCHIK ULRICH SALAMANCA	<b>MENCHACA, CHAIR</b> EUGENE DROMM KOO ESPINAL	<b>CABRERA, CHAIR</b> BARRON LANCMAN GRODENCHIK SALAMANCA	<b>GREENFIELD, CHAIR</b> GENTILE PALMA DICKENS GARODNICK MEALY MENDEZ RODRIGUEZ KOO LANDER LEVIN ROSE WILLIAMS WILLS RICHARDS BARRON COHEN KALLOS REYNOSO TORRES TREYGER



<b>MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, SUBSTANCE ABUSE &amp; DISABILITY SERVICES</b>	<b>OVERSIGHT &amp; INVESTIGATIONS</b>	<b>PARKS &amp; RECREATION</b>	<b>PUBLIC HOUSING</b>
<b>COHEN, CHAIR</b> CROWLEY WILLS JOHNSON VALLONE GRODENCHIK BORELLI	<b>GENTILE, CHAIR</b> DICKENS DROMM CONSTANTINIDES DEUTSCH LANCMAN ROSENTHAL	<b>LEVINE, CHAIR</b> MEALY CABRERA VAN BRAMER COHEN MAISEL TREYGER	<b>TORRES, CHAIR</b> MENDEZ VAN BRAMER RICHARDS GIBSON CUMBO SALAMANCA
<b>PUBLIC SAFETY</b>	<b>RECOVERY AND RESILIENCY</b>	<b>RULES, PRIVILEGES &amp; ELECTIONS</b>	<b>SANITATION &amp; SOLID WASTE MANAGEMENT</b>
<b>GIBSON, CHAIR</b> GENTILE VACCA FERRERAS-COPELAND WILLIAMS CORNEGY DEUTSCH ESPINAL LANCMAN TORRES MATTEO	<b>TREYGER, CHAIR</b> MENDEZ CHIN RICHARDS MENCHACA ULRICH MATTEO	<b>LANDER, CHAIR</b> DICKENS GARODNICK RODRIGUEZ CHIN ROSE WILLIAMS ESPINAL LEVINE MARK-VIVERITO MATTEO	<b>REYNOSO, CHAIR</b> KING GIBSON CONSTANTINIDES MATTEO
<b>SMALL BUSINESS</b>	<b>STANDARDS &amp; ETHICS</b>	<b>STATE &amp; FEDERAL LEGISLATION</b>	<b>TECHNOLOGY</b>
<b>CORNEGY, CHAIR</b> DICKENS EUGENE KOO KOSLOWITZ WILLS MENCHACA VALLONE ULRICH	<b>MAISEL, CHAIR</b> FERRERAS-COPELAND LANDER MENCHACA MATTEO	<b>KOSLOWITZ, CHAIR</b> DICKENS LANDER ESPINAL KALLOS MAISEL REYNOSO	<b>VACCA, CHAIR</b> PALMA GREENFIELD GRODENCHIK BORELLI

TRANSPORTATION	VETERANS	WATERFRONTS	WOMEN'S ISSUES
<b>RODRIGUEZ, CHAIR</b> GARODNICK VACCA CHIN LEVIN ROSE VAN BRAMER GREENFIELD RICHARDS CONSTANTINIDES MENCHACA MILLER REYNOSO	<b>ULRICH, CHAIR</b> CABRERA MAISEL VALLONE BORELLI	<b>ROSE, CHAIR</b> GARODNICK DEUTSCH JOHNSON BORELLI	<b>CUMBO, CHAIR</b> MEALY CROWLEY KOSLOWITZ KALLOS
YOUTH SERVICES			
<b>EUGENE, CHAIR</b> PALMA MEALY CHIN GREENFIELD KING CUMBO			

**LAND USE**  
**SUBCOMMITTEES**

LANDMARKS, PUBLIC SITING & MARITIME USES	PLANNING, DISPOSITION & CONCESSIONS	ZONING & FRANCHISES
<b>KOO, CHAIR</b> PALMA MENDEZ LEVIN ROSE BARRON KALLOS	<b>DICKENS, CHAIR</b> MEALY RODRIGUEZ COHEN TREYGER	<b>RICHARDS, CHAIR</b> GENTILE GARODNICK WILLIAMS WILLS REYNOSO TORRES

**SUBCOMMITTEES**

<b>SENIOR CENTERS</b> (Aging)	<b>LIBRARIES</b> (Cultural Affairs, Libraries And International Intergroup Relations)
<b>VALLONE, CHAIR</b>	<b>KING, CHAIR</b>
<b>NON-PUBLIC SCHOOLS</b> (Education)	
<b>DEUTSCH, CHAIR</b>	

**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>
Andrew Bailyn	18 Stuyvesant Oval #3B New York, N.Y. 10009	4
Avra Holley	2541 Seventh Avenue New York, N.Y. 10039	9
Joey Tai	198-11 32nd Avenue Flushing, N.Y. 11358	19
Stephanie Van Buren	751 St. Marks Avenue #C9 Brooklyn, N.Y. 11216	36
Khyre Castello	903 Lenox Road #8C Brooklyn, N.Y. 11203	41
Aiyanna Milligan	291-A Marion Avenue Brooklyn, N.Y. 11233	41
Cheyenne Ralph	295 Bainbridge Street #2F Brooklyn, N.Y. 11233	41
Teresa Rodriguez	45 Fremont Avenue Staten Island, N.Y. 10306	50
Stacey Sclafani	255 Rudyard Street Staten Island, N.Y. 10306	50

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Zhao Yun Lin	12 Monroe Street #HG11 New York, N.Y. 10002	1
Daryl Williams	55 Rutgers Street #7B New York, N.Y. 10002	1
Stephen L. D'Andrilli	40 First Avenue #11C New York, N.Y. 10009	1
Lydia Pabon	26 Madison Street #11F New York, N.Y. 10038	2
Gilda Schoenholtz	330 Third Avenue #7E New York, N.Y. 10010	2
Leonard Taubenblatt	150 East 69th Street New York, N.Y. 10021	4
Idris Dalhi	411 East 57th Street #2B New York, N.Y. 10022	5
Antoniette Harris-McMahon	244 West 104th Street #5D New York, N.Y. 10025	6
Sandy Chuang	300 West 110th Street #2K New York, N.Y. 10026	7
Carmen Gonzalez	75 East 116th Street #2J New York, N.Y. 10029	8
Desiree Whitlow	400 St. Nicholas Avenue #4D New York, N.Y. 10027	9
Gladys Echevarria	666 West 188th Street #5H New York, N.Y. 10040	10
Carmen P. Montano	507 West 186th Street #C6 New York, N.Y. 10033	10
Madelyn Vasquez	266 Bedford Park Blvd #7A Bronx, N.Y. 10458	11
Annette Kale	140 Carver Loop #8E Bronx, N.Y. 10475	12
Debra Wade	3227 Mickle Avenue Bronx, N.Y. 10469	12

Joseph J. Furgiuele	925 Morris Park Avenue Bronx, N.Y. 10462	13
Glenda Willock	2910 Wallace Avenue #1A Bronx, N.Y. 10467	13
Doreen Richardson	1491 Grand Concourse #2B Bronx, N.Y. 10452	14
LaKrinda Williams	40 Richman Plaza #6B Bronx, N.Y. 10453	16
Carmen Bizardi	539 Fox Street Bronx, N.Y. 10455	17
Luis M. Marte	961 Elder Avenue Bronx, N.Y. 10473	17
Aisha Porter	2010 Bruckner Blvd #8A Bronx, N.Y. 10473	18
John A. Boduch	223-50 56th Avenue #2 Oakland Gardens, N.Y. 11364	23
Pater J. Sammarco	82-40 166th Street Queens, N.Y. 11432	24
Paul Bader	33-17 73rd Street Jackson Heights, N.Y. 11372	25
Nyema Dolma	71-09 35th Avenue Jackson Heights, N.Y. 11372	25
Marcia Greenberg	35-20 Leverich Street #C740 Jackson Heights, N.Y. 11372	25
Arlene E. Bailey	216-37 117th Road Queens, N.Y. 11411	27
Josianne Dieudonne	100-06 222nd Street Queens Village, N.Y. 11429	27
Jean Yvette Parrish-Chenault	186-09 Ilion Avenue St. Albans, N.Y. 11412	27
Patricia L. Emanuel	172-24 133rd Avenue#10D Queens, N.Y. 11434	28

Jasmine Collado	70-21 69th Place Glendale, N.Y. 11385	30
Joseph Martino	64-19 Metropolitan Avenue Queens, N.Y. 11379	30
Norian Bertram	137-40 169th Street Queens, N.Y. 11434	31
Javier Acevedo	84-39 153rd Avenue #6L Howard Beach, N.Y. 11414	32
Nicholas F. Cutrone	113 Ainslie Street Brooklyn, N.Y. 11211	34
Darren Fail	90 Downing Street #24 Brooklyn, N.Y. 11238	35
Louis Grell	129 Carlton Avenue #2B Brooklyn, N.Y. 11205	35
William Rodriguez	115 Ashland Place #12B Brooklyn, N.Y. 11201	35
Craig Anderson	981 Bedford Avenue #3 Brooklyn, N.Y. 11205	36
Heather Peskin	4323 Ninth Avenue #4H Brooklyn, N.Y. 11232	38
Veronica H. Julien	2150 Bedford Avenue #D2S Brooklyn, N.Y. 11226	40
Leslie Grandberry	192 Sumpter Street Brooklyn, N.Y. 11233	41
Lillian Ingram	1607 Prospect Place #2G Brooklyn, N.Y. 11233	41
Tracey Jennings	105 Sutter Avenue #2B Brooklyn, N.Y. 11212	42
Gem Gardner	339 Berriman Street Brooklyn, N.Y. 11208	42
Belinda McDowell	10307 Flatlands Avenue #6C Brooklyn, N.Y. 11236	43
Marie J. Ortel	7119 Shore Road #2G Brooklyn, N.Y. 11209	43

Denise A. Rallakis	240 94th Street Brooklyn, N.Y. 11209	43
Stephanie Meyer	1373 Brooklyn Avenue Brooklyn, N.Y. 11203	45
Daniel Foote	105-51 Flatlands 7th Street Brooklyn, N.Y. 11236	46
Agnes Shapiro	2451 East 70th Street Brooklyn, N.Y. 11234	46
Seth Shapiro	2451 East 70th Street Brooklyn, N.Y. 11234	46
Katrina Adaven	30 Bay 25th Street #A2 Brooklyn, N.Y. 11214	47
Cynthia R. Klein	45 Bay 35th Street #1A Brooklyn, N.Y. 11214	47
Fern Riback	3743 Nautilus Avenue Brooklyn, N.Y. 11224	47
Susan Jacobson	1814 East 22nd Street Brooklyn, N.Y. 11229	48
Saniya Omarova	1150 Brighton Beach Avenue #4D Brooklyn, N.Y. 11235	48
Galina Shapiro	2750 Homecrest Avenue #316 Brooklyn, N.Y. 11235	48
Largima Duka	44 Dudley Avenue Staten Island, N.Y. 10301	49
Luis LaLuz	30 Doreen Drive Staten Island, N.Y. 10303	49
Joette Pompeo	173 Winham Avenue Staten Island, N.Y. 10306	49
Rosemarie Romano	7 Pamela Lane Staten Island, N.Y. 10304	50
Rina Amato	9 Zephyr Avenue Staten Island, N.Y. 10312	51

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



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

- (1) **M 382 & Res 1003 -** The Operating Budget of the Council of the City of New York.
- (2) **M 383 & Res 1004 -** Schedule detailing the lump sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.
- (3) **Int 701-A -** Low energy intensity building requirements for certain capital projects.
- (4) **Int 721-A -** Green building standards for certain capital projects.
- (5) **Int 763-A -** Requiring the department of correction to report on security indicators in city jails.
- (6) **Int 805-A -** Expanding the protections of the city of New York human rights law.
- (7) **Int 814-A -** Construction of the New York city human rights law.
- (8) **Int 818-A -** Attorney's fees under the city human rights law.
- (9) **Int 819 -** Provisions of the human rights law regarding sexual orientation.
- (10) **Int 832-A -** Prohibiting discrimination in housing accommodations on the basis of an individual's status as a victim of domestic violence.
- (11) **Res 935 -** Granting of franchises for installation of telecommunications equipment and facilities **(Authorizing Resolution)**.
- (12) **Res 1002 -** Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in Committee Membership and deletion of a Standing Committee.
- (13) **L.U. 332 & Res 1005 -** App. **20165174 TCM**, Café Cortadito LLC, d/b/a Café Cortadito, sidewalk café, Manhattan, Community Board 3, Council District 2 **(Coupled to be Filed)**.
- (14) **L.U. 336 & Res 1006 -** App. **20165266 HKK**, (N 160134 HKK), Bedford Historic District, Brooklyn, Community Board 3, Council District 36.
- (15) **L.U. 337 & Res 1007 -** App. **20165373 HAK**, Real Property Tax Exemption, Brooklyn, Community Board 2, Council District 33.
- (16) **L.U. 338 & Res 1008 -** App. **20165374 HAK**, Urban Development Action Area, Brooklyn, Community Board 6, Council District 39.
- (17) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – 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, Lander, Levine, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Treyger, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **42**.

**The General Order vote recorded for this Stated Meeting was 42-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Preconsidered M-382 & Res No. 1003 and Preconsidered M-383 & Res No. 1004**: :

**Affirmative** – Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lander, Levine, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **40**.

**Negative** – Borelli and Matteo – **2**.

The following was the vote recorded for **Int Nos. 701-A and 721-A**:

**Affirmative** – Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lander, Levine, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **40**.

**Negative** – Borelli and Matteo – **2**.

The following was the vote recorded for **Int Nos. 814-A and 819**:

**Affirmative** – Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lander, Levine, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Salamanca, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **40**.

**Negative** – Borelli and Matteo – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 701-A, 721-A, 763-A, 805-A, 814-A, 818-A, 819, and 832-A.*

**INTRODUCTION AND READING OF BILLS**

Int. No. 1103

By Council Members Barron, Cohen and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring signage about the risks of sugars and other carbohydrates for people with diabetes and prediabetes.***Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1506 to read as follows:

*§ 17-1506 Required diabetes information signage. a. Every food service establishment that sells food for consumption on the premises of such establishment shall display the poster created by the department pursuant to subdivision b of this section in a conspicuous location within such establishment.*

*b. The department shall create a poster containing information on the risks of excessive sugar and other carbohydrate intake for diabetic and prediabetic individuals. Such poster shall be made available to food service establishments in covered languages.*

*c. Any person who violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than \$500, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings, except that a person shall not be subject to such civil penalty for a first-time violation of subdivision a of this section, or any rules promulgated pursuant to this section, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The department shall permit such proof to be submitted electronically or in person. A person may seek review, before the tribunal within any agency of the city of New York designated to conduct such proceedings, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 2. This local law takes effect 120 days after it becomes law, except that the department of health and mental hygiene shall take such actions as necessary for the timely implementation of this local law, including the creation of a poster pursuant to the requirements of section 1 of this local law and the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Int. No. 1104

By Council Members Cohen, Levine, Williams, Gentile, Chin and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring transparency regarding the tax arrears and housing maintenance code violations of housing development fund companies.**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

*CHAPTER 12  
HOUSING DEVELOPMENT FUND COMPANIES*

*§ 26-1201 Definitions.*

*§ 26-1202 Tax arrears.*

*§ 26-1203 Housing maintenance code violations.*

*§ 26-1201 Definitions. For the purposes of this chapter:*

*Department. The term “department” means the department of housing preservation and development.*

*Housing development fund company. The term “housing development fund company” means housing development fund company as defined by subdivision 8 of the private housing finance law.*

*§ 26-1202 Tax arrears. By no later than March 1 of each year, the department shall report to the council on tax arrears owed to the city by each housing development fund company under its supervision.*

*§ 26-1203 Housing maintenance code violations. By no later than March 1 of each year, the department shall report to the council on the number of outstanding violations of the housing maintenance code for each housing development fund company under its supervision.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1105

By Council Members Cornegy, Barron, Levine, Cumbo, Espinal, Palma, Reynoso, Rosenthal and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers.**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph f-2 of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 82 of 2015, is amended to read as follows:

f-2. contacting any person lawfully entitled to occupancy of such dwelling unit to offer money or other valuable consideration to induce such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, unless such owner discloses to such person in writing (i) at the time of the initial contact, and (ii) in the event that contacts continue more than 180 days after the prior written disclosure, at the time of the first contact occurring more than 180 days after the prior written disclosure:

(1) the purpose of such contact,

(2) that such person may reject any such offer and may continue to occupy such dwelling unit,

(3) that such person may seek the guidance of an attorney regarding any such offer and may, for information on accessing legal services, refer to The ABCs of Housing guide on the department’s website,

(4) that such contact is made by or on behalf of such owner, [and]

(5) that such person may, in writing, refuse any such contact and such refusal would bar such contact for 180 days, except that the owner may contact such person regarding such an offer if given express permission by a court of competent jurisdiction or if notified in writing by such person of an interest in receiving such an offer.[:]

(6) *the median market rent, as reported by the department pursuant to section 27-2096.1, for a dwelling unit with the same number of bedrooms located in the same community district as such dwelling unit,*

(7) *the number of months of such median market rent such money would cover; calculated by dividing the value of such offer, or if such offer includes valuable consideration other than money, the value of the money portion of such offer, by such median market rate rent, and*

(8) *that there is no guarantee that such person will be able to rent a dwelling unit in the same community district with the same number of bedrooms for such median market rent and that the number provided pursuant to item 7 of this subparagraph is calculated based solely upon such median market rent and does not include broker fees, security deposits or any other costs or fees associated with renting a dwelling unit;*

§ 2. Article 1 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.1 to read as follows:

§ 27-2096.1 *Median market rents. By no later than July first in 2016 and in every year thereafter, the commissioner shall submit to the mayor and the council, and publish online, a listing of median rents for market rate dwelling units, disaggregated by community district and the number of bedrooms. For the purposes of this section, the term “market rate dwelling unit” means a dwelling unit for which the rent is not regulated pursuant to a law, rule or provision of an affordable housing program.*

§ 3. This local law takes effect immediately, except that section one of this local law takes effect on September 1, 2016, and except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1106

By Council Members Cumbo, Rosenthal, Cohen, Chin and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to sexual assault awareness and prevention training for drivers of vehicles licensed by the taxi and limousine commission.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-505 of the administrative code of the city of New York is amended by adding a new subdivision r to read as follows:

*r. The commission shall develop and commence a sexual assault awareness and prevention training program to inform drivers of all vehicles licensed by the commission of the causes and types of sexual assault, laws against sexual assault, civil and criminal penalties associated with sexual assault, and how to recognize, respond, prevent, and take positive action against sexual assault. Such training may be presented through live instruction, video, or an interactive computer course, and shall be updated regularly to reflect changes in law or other relevant circumstances. Completion of such training shall be a requirement for initial licensure and subsequent license renewal for such drivers, except that any driver who has completed such program at least once may subsequently satisfy the requirements of this subdivision, at the discretion of the commission, by reviewing written materials, to be developed by the commission, that contain the information in such training. All drivers licensed by the commission shall be required to certify that they have completed such program or received and reviewed such materials.*

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

Referred to the Committee on Transportation.

## Res. No. 999

**Resolution calling upon the New York City Department of Education, as well as the New York State and federal governments, to include instruction in peaceful conflict resolution as part of the required curriculum in all schools.**

By Council Members Eugene, Cohen, Gentile, Chin, and Palma.

**Whereas**, Social scientists increasingly believe that while conflict is a natural and inevitable part of human interaction, aggression or violence need not be; and

**Whereas**, The Centers for Disease Control and Prevention (CDC) defines interpersonal violence as "the intentional use of physical force or power, threatened or actual, against another person or against a group or community that results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation;" and

**Whereas**, The CDC also considers violence to be a serious public health problem in the United States (U.S.), particularly among youth aged 10 to 24; and

**Whereas**, According to the CDC, every day 13 young people are victims of homicide and more than 1,600 are treated in emergency departments for nonfatal physical assault-related injuries; and

**Whereas**, Additionally, the CDC reported that, during the 2013-14 school year, 1 out of 4 high school students was in at least one physical fight, 7% of high school students were threatened or injured with a weapon, and 1 out of every 5 high school students was bullied at school; and

**Whereas**, In order to combat the growing incidence of violence, the CDC established the Division of Violence Prevention in 1993 to conduct research and promote evidence-based violence prevention strategies; and

**Whereas**, Since the CDC considers violence to be a public health problem affecting all communities, they suggest that violence must be addressed by many players, including families, public health professionals, community and faith-based groups, using a range of strategies in homes, schools and communities; and

**Whereas**, According to the CDC, community-based organizations and programs that serve children and youth have an important role to play in violence prevention; and

**Whereas**, Sports programs for children and youth are particularly well-suited to aid in violence prevention; and

**Whereas**, In fact, in recent years, a wide variety of organizations, including the United Nations, have used sport as an interventionist tool to nurture peacemaking across divided communities, such as using soccer to promote conflict resolution and peaceful co-existence of Jewish and Arab children in Israel; and

**Whereas**, Among other CDC recommended approaches to combat violence are school-based youth violence prevention programs that provide students and educators with information about violence and teach skills to nonviolently resolve disputes; and

**Whereas**, Peaceful conflict resolution has been utilized more in schools in recent years, primarily in the realm of school discipline; and

**Whereas**, Conflict resolution is among several restorative practices increasingly used to replace zero tolerance disciplinary policies adopted by many school systems in response to a surge in juvenile crime during the 1980s and a number of school shootings starting in the late 1990s; and

**Whereas**, Such restorative practices have been found to be more effective, both for addressing school violence and improving student behavior, than punitive approaches to school discipline; and

**Whereas**, Not only can conflict resolution programs help prevent school violence, diminish inappropriate behavior and create a positive school climate, they can also enhance academic learning; and

**Whereas**, When incorporated into the curriculum, comprehensive conflict resolution instruction teaches skills basic to all learning: effective communication and listening, critical and creative thinking, and an emphasis on personal responsibility and self-discipline; and

**Whereas**, Such conflict resolution education programs emphasize problem-solving processes of negotiation, mediation, and consensus decisionmaking; and

**Whereas,** Conflict resolution education should be introduced early in elementary school to be most effective; and

**Whereas,** A longitudinal study of students in Seattle, conducted by the University of Washington, found that children exposed to conflict resolution curriculum in grades 5 and 6 did not benefit as much as those who were exposed to it beginning in 1st grade; and

**Whereas,** The Seattle study found that exposure to an elementary school curriculum that emphasizes conflict resolution, negotiation, and decisionmaking skills can reduce the chances that students will commit violent acts, abuse alcohol, and engage in risky sexual relationships as teenagers; and

**Whereas,** Further, the study found that students who participate in conflict resolution education are more likely than those who don't to behave better in school, achieve at higher levels, and have a more positive attitude toward school; and

**Whereas,** These efforts can also save taxpayers money in the long run by heading off future criminal-justice and crime-victim costs, according to the Washington State Institute for Public Policy; and

**Whereas,** Conflict resolution education programs provide a framework for addressing intergroup conflict, whether based on differences in national origin or ethnicity, gender, sexual orientation, class, physical or mental abilities; and

**Whereas,** According to a guide on *Conflict Resolution Education*, developed through a collaboration of the United States Departments of Justice and Education, one of the primary purposes of conflict resolution education is to promote responsible citizenship; and

**Whereas,** As stated in that guide, “Conflict resolution can be viewed as a responsibility of law-abiding members of our society... [r]esponsible citizens in a democracy express their concerns peacefully and seek resolutions to problems that take into account common interests and recognize the human dignity of all involved”; and

**Whereas,** Schools are where children prepare to assume their future roles as parents, as community members and leaders, and as productive members of the workforce and conflict resolution skills are essential to public life in schools, communities, and workplaces; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education, as well as the New York State and federal governments, to include instruction in peaceful conflict resolution as part of the required curriculum in all schools.

Referred to the Committee on Education.

Int. No. 1107

By Council Members Garodnick, Johnson, Dickens and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to an exemption from the commercial rent tax.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision e of section 11-704 of the administrative code of the city of New York, as amended by local law number 57 for the year 1995, is amended to read as follows:

e. (2) (i) Notwithstanding any other provision of law to the contrary, a tenant who uses taxable premises for the production and performance of a theatrical work shall be exempt from the tax imposed by this chapter with respect to the rent paid for such taxable premises for a period not exceeding fifty-two weeks beginning on the date that the production of such theatrical work commences, provided, however, that this subparagraph shall not apply to any theatrical work the production of which commenced prior to June first, nineteen hundred ninety-five.

(ii) *A tenant who uses taxable premises for the advertisement of a production and performance of a theatrical work shall be exempt from the tax imposed by this chapter with respect to the rent paid for such taxable premises for a period beginning on the date that the advertisement is first posted and not exceeding fifty-two weeks beyond the date that the production of such theatrical work commences.*

(iii) For purposes of this paragraph, the term “theatrical work” shall mean a performance or repetition thereof in a theater of a live dramatic performance (whether or not musical in part) that contains sustained plots or recognizable thematic material, including so-called legitimate theater plays or musicals, dramas, melodramas, comedies, compilations, farces or reviews, provided that such performance is intended to be open to the public for at least two weeks. The term “theatrical work” shall not include performances of any kind in a roof garden, cabaret or similar place, circuses, ice skating shows, aqua shows, variety shows, magic shows, animal acts, concerts, industrial shows or similar performances, or radio or television performances, whether or not such performances are pre-recorded for later broadcast.

§ 2. This local law takes effect on June 1, 2016.

Referred to the Committee on Finance.

Int. No. 1108

By Council Members Greenfield and Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to the collection of waste and recyclables from not-for-profit corporations by the department of sanitation.**

*Be it enacted by the Council as follows:*

Section 1. Section 16-114 of the administrative code of the city of New York is amended to read as follows:

§ 16-114 Rates for collection and disposal. The commissioner may charge for the collection and disposal of ashes, street sweepings, garbage, refuse, rubbish, dead animals, night soil and offal, and all wastes *and recyclables*, including trade waste from business, industrial, manufacturing, or other establishments conducted for profit, at rates established by the council by local law, upon recommendation of the commissioner, and on such terms and conditions as the commissioner shall prescribe and subject to rules of the department governing such collection and disposal. *The commissioner shall not charge for collection or disposal of such materials from any property or portion of a property that is (1) utilized by a not-for-profit corporation, as defined in paragraph five of subdivision a of section one hundred two of the New York state not-for-profit corporation law, or a foreign corporation, as defined in paragraph seven of such subdivision, when that property or portion of a property is being utilized for a not-for-profit purpose or (2) utilized as a public library, museum, botanical garden, arboretum, memorial building, aquarium, zoological garden or similar public facility.*

§2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.



## Int. No. 1109

By Council Members Johnson, Garodnick, Lander, Rodriguez and Torres.

**A Local Law to amend the administrative code of the city of New York, in relation to pedestrian plazas.**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended to add a new section 19-157 to read as follows:

§ 19-157 *Pedestrian Plazas. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Event. The term “event” means any activity within a pedestrian plaza where the activity will interfere with or obstruct the regular use of such pedestrian plaza, but shall not include activities conducted pursuant to a valid film permit, demonstrations, or parades.*

*Pedestrian plaza. The term “pedestrian plaza” means an area designated by the department as such for pedestrian circulation, use and enjoyment on property under the jurisdiction of the department including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.*

*Pedestrian plaza partner. The term “pedestrian plaza partner” means an organization selected by the department to assist with functions related to pedestrian plazas, pursuant to a non-exclusive agreement with the department, pursuant to chapter 13 of the charter of the city of New York. Such functions may include, but are not limited to, the design, daily management, maintenance, programming, and the provision of funding to support such functions.*

*b. Pedestrian plaza designation. 1. The department may designate an area as a pedestrian plaza. In making such designation, the department shall consider factors, including but not limited to, the following: i) availability of and need for open space in the surrounding areas; ii) the ability of the department or any pedestrian plaza partner to properly maintain such pedestrian plaza and develop programming; and iii) relationship of such pedestrian plaza to surrounding land uses, traffic and pedestrian activity and safety.*

*No less than 60 days before designating a pedestrian plaza, the department shall forward notice of its intent to any affected council members, community boards, and borough presidents. Within 45 days of receipt of such notice, such council members, community boards, and borough presidents may submit comments regarding such proposed pedestrian plaza. The department shall consider such comments before making a determination in regard to such proposed pedestrian plaza.*

*2. Proposals for the designation of an area as a pedestrian plaza may be submitted by a community board, council member, borough president, or non-profit organization pursuant to rules of the department. Within 90 days of the receipt of such application, the department shall issue a response to such a proposal.*

*3. All pedestrian plazas identified on the department’s website pursuant to section 19-101.4 prior to June 1, 2016 shall be deemed designated pedestrian plazas pursuant to this section.*

*4. At least 90 days before the department rescinds the designation of a pedestrian plaza, the department shall notify the affected council member, community board, borough president, and any pedestrian plaza partner. The department shall consider any comments submitted to the department before rescinding such designation.*

*c. Pedestrian plaza rules. 1. The commissioner may promulgate uniform rules applicable to pedestrian plazas, including, but not limited to, setting general rules of conduct.*

*2. In addition to uniform rules promulgated pursuant to paragraph 1 of this subdivision, the commissioner may promulgate pedestrian plaza-specific rules to regulate the use of, and activities within an individual pedestrian plaza. In developing such pedestrian plaza-specific rules, the department shall consider factors including, but not limited to: the individual needs of such pedestrian plaza; pedestrian traffic and congestion; public safety concerns; the size of such pedestrian plaza; current and potential usage demands and the need to*

*manage competing uses; the need to create or maintain the aesthetics or special character of such pedestrian plaza and its surroundings, or to promote tourism or other forms of economic development; and the need to regulate commercial activity or expressive matter vending in such pedestrian plaza.*

*3. If the department has selected a pedestrian plaza partner for a pedestrian plaza, the department shall consult with such partner in developing rules related solely to such pedestrian plaza.*

*d. Pedestrian plaza events. A plaza activity permit issued by the department shall be required for any event held completely within a pedestrian plaza. The commissioner shall promulgate rules establishing a process for the issuance of such permits, including, but not limited to, rules relating to the submission and processing of applications, approval or denial of applications, an appeals process, and applicable fees.*

§ 2. This local law takes effect 60 days after it becomes law, except that the commissioner of transportation shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 1110

By Council Members Kallos and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to a single user identification system for city websites.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-303 to read as follows:

*§ 23-303 User identification system for city websites. The department of information technology and telecommunications shall establish a system through which each user of a publicly accessible website maintained by or on behalf of the city or a city agency may create a single user identification and password that can be used to access any such publicly accessible website that requires a user identification or password.*

§ 2. This local law shall take effect one year after it becomes law, except that the commissioner of information technology and telecommunications shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Res. No. 1000

**Resolution recognizing March 5<sup>th</sup> as “Three-Fifths Clause Awareness Day” to be officially observed each year in New York City.**

By Council Members King and Chin.

**Whereas**, The Three-Fifths Clause enacted in the United States Constitution in 1787 declared that enslaved persons, the majority of whom were African-Americans, would be counted as three-fifths of a person in calculating each state’s total population; and

**Whereas**, The clause was enacted as a compromise in the debate over whether and how enslaved persons would be counted when determining a state’s total population for legislative and taxing purposes; and

**Whereas**, The Three-Fifths Clause provided that representation in Congress would be based on the “whole Number of free Persons” and “three-fifths of all other persons” meaning those who were enslaved were not considered whole persons; and

**Whereas**, Due to this clause and the fact that representation within the federal legislature is based on a state’s total population, southern states were granted significantly more seats in Congress and the Electoral College; and

**Whereas**, The enactment of the Three-Fifths Clause allowed the interests of slaveholders to largely dominate the United States government, considering that African-Americans were denied the right to vote and were treated as property; and

**Whereas**, Although southern states largely benefitted from this clause, northern states such as New York, where slavery was not abolished until 1827, did as well; and

**Whereas**, In addition to the precise impacts the Three-Fifths Clause had on representation, it also set a precedent for the perpetual unequal treatment of African-Americans in the United States that would go on for centuries and is still felt today; and

**Whereas**, Through the Emancipation of Slavery, the Reconstruction Era, repealing of Jim Crow Laws, and the Civil Rights Movement of the 1950’s, African-Americans have not only fought for equal rights, but the acknowledgement of their full humanity; and

**Whereas**, Bringing awareness to the Three-Fifths Clause is of importance to understanding the current day plight of African-Americans in New York City and the nation; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes March 5<sup>th</sup> as “Three-Fifths Clause Awareness Day” to be officially observed each year in New York City.

Referred to the Committee on Civil Rights.

Res. No. 1001

**Resolution calling upon Congress to add an amendment to the Constitution of the United States directly negating the language of Article 1, Section two, Paragraph 3, known as the “three-fifths clause”.**

By Council Members King and Chin.

**Whereas**, Article one, Section two, Paragraph three of the Constitution of the United States, contains what is known as the “three-fifths clause”; and

**Whereas**, The three-fifths clause allows a state to consider as part of its population, for the purposes of determining representation in Congress, three-fifths of the slave population within that state; and

**Whereas**, The three-fifths clause was established in 1787 as a compromise between states with and those without a slave population; and

**Whereas**, Although the three-fifths clause takes into consideration the number of slaves in any given state, enslaved persons were barred from voting at the time the clause was added; and

**Whereas**, The systematic disenfranchisement of enslaved African Americans during the 18<sup>th</sup>, 19<sup>th</sup>, and early 20<sup>th</sup> centuries created a system of sociopolitical inequality, the effects of which are still felt today; and

**Whereas**, The 13<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution technically superseded the three-fifths clause, but did not denounce or repeal it; and

**Whereas**, Despite the passage of these Amendments, the “three-fifths” language remains part of the Constitution; and

**Whereas**, The continued existence of the three-fifths clause in the Constitution is a vestige of a time when African Americans were enslaved in the United States and denied basic human and civil rights; and

**Whereas**, While our nation had made progress to ensure civil rights of all Americans, race-based discrimination still persists today; and

**Whereas**, The nation's premier body of law should be free of language that condones slavery, discrimination, and the denial of civil rights; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to add an amendment to the Constitution of the United States directly negating the language of Article 1, Section two, Paragraph 3, known as the "three-fifths clause".

Referred to the Committee on Civil Rights.

Int. No. 1111

By Council Members Levine, Williams, Cohen, Gentile and Chin.

**A Local Law in relation to requiring the department of housing preservation and development to report on regulatory agreements with housing development fund companies.**

*Be it enacted by the Council as follows:*

Section 1. a. By no later than December 31, 2016, the department of housing preservation and development shall prepare and file with the mayor and the council, and post on its website, a report on regulatory agreements executed on or before June 30, 2016 between such department and housing development fund companies organized pursuant to the provisions of article 11 of the private housing finance law, with the following information reported citywide and by community district based on the locations of the buildings subject to such agreements:

- (1) the median and average maximum allowable incomes for tenants under such agreements, disaggregated by household size;
- (2) the median and average maximum allowable resale price for dwelling units under such agreements, disaggregated by the number of bedrooms;
- (3) the median and average maximum allowable maintenance fees under such agreements; and
- (4) the median and average maximum allowable rents for dwelling units under such agreements.

b. The department may decline to report on a community district where (i) there is only one building owned by a housing development fund company in such district and (ii) the department determines in accordance with paragraph (b) of subdivision 2 of section 87 of the public officers law that disclosure of such information would constitute an unwarranted invasion of personal privacy.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Housing and Buildings.

Preconsidered Res. No. 1002

**Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in Committee Membership and deletion of a Standing Committee.**

By Council Member Lander.

**RESOLVED**, That pursuant to Rules 7.00 and 7.20 of the Rules of the Council and Sections 46 of the New York City Charter, the Council does hereby consent to the following changes in Committee Membership and the deletion of a Standing Committee:

**STANDING COMMITTEES****[Community Development]****STANDING COMMITTEES****AGING***Salamanca***CIVIL RIGHTS***Salamanca**[Rose]***EDUCATION***Rodriguez**Rosenthal**Salamanca**[Williams]***GENERAL WELFARE***Salamanca**[Menchaca]***GOVERNMENTAL OPERATIONS***Menchaca**Reynoso***HOUSING AND BUILDINGS***Salamanca**[Reynoso]***JUVENILE JUSTICE***Salamanca***LAND USE***Rose***PUBLIC HOUSING***Gibson**Salamanca***SUBCOMMITTEES****LANDMARKS, PUBLIC SITING AND MARITIME USES***Rose*

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

## Int. No. 1112

By Council Members Matteo, Levine, Borelli, Ulrich, Johnson, Vacca, Constantinides, Cohen, Gibson and Grodenchik, Gentile and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree maintenance work.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-146 to read as follows:

*§ 18-146 Tree maintenance information posted online. The department shall post on its website, certain information relating to tree maintenance and sidewalk repair. Such information shall be updated not less frequently than monthly and shall include (i) a tree pruning schedule sorted by the date and location of planned prunings; (ii) a tree stump removal schedule sorted by the date and location of planned removals; (iii) a tree planting schedule sorted by the date and location of planned plantings, (iv) a sidewalk inspection and repair schedule for all work performed pursuant to a 311 citizen service center request to inspect and repair sidewalk damage caused by a tree under the jurisdiction of the department sorted by the date and location of planned inspections and repairs; (v) the status of all tree pruning, stump removal and planting work and all sidewalk inspection and repair work that either occurred within the previous six months, or was otherwise removed from the applicable schedule, sorted by the type, date and location of such work; and (vi) the total number of requests received through the 311 citizen service center to inspect and repair sidewalk damage caused by a tree under the jurisdiction of the department for each of the previous six months, and the total number of outstanding 311 citizen service center requests that have not been inspected or repaired by the department for more than 30 days.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Parks and Recreation.

## Int. No. 1113

By Council Members Reynoso, Levine, Williams, Gentile and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring increased transparency regarding the sale of housing development fund company units.**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

*CHAPTER 12*

*HOUSING DEVELOPMENT FUND COMPANIES*

*§ 26-1201 Definitions.*

*§ 26-1202 Sales.*

*§ 26-1201 Definitions. For the purposes of this chapter:*

*Department. The term “department” means the department of housing preservation and development.*

*Housing development fund company. The term “housing development fund company” means housing development fund company as defined by subdivision 8 of the private housing finance law.*

*§ 26-1202 Sales. By no later than June 1 of each year, the department shall report to the council on the average sale price of housing development fund company units sold within each community board district where a housing development fund company unit exists, in the prior year.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1114

By Council Members Treyger, Cohen, Gentile, Chin, and Borelli.

**A Local Law to amend the New York city charter, in relation to the development of a disaster plan by the board of elections.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

*§1057-c Disaster plan. The board of elections shall develop a plan for holding an election event following a natural disaster or other state of emergency. Such plan shall:*

- a. be developed in coordination with the emergency management department;*
- b. include, but need not be limited to, plans for administering an election event as effectively as possible in cases of extreme weather, power outages, and acts of terrorism;*
- c. include information on who is responsible for necessary tasks in the event of such a disaster, what financial and labor resources would be required to run an election event, which other agencies' assistance would be necessary to assist in running the election event or making it possible to run the election event, and what steps will or have been taken to limit the disruption of such a potential disaster on the board of elections' ability to hold an election event;*
- d. be completed by March 1, 2017 and updated periodically as necessary; and*
- e. be sent to the mayor and the speaker of the council.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1115

By Council Members Vacca, Cohen and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for operating a taxicab or for-hire vehicle without a license.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision b of section 19-506 administrative code of the city of New York is amended to read as follows:

b. 1. Except as provided in paragraph 2 of this subdivision, any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, wheelchair accessible van, HAIL vehicle or for-hire vehicle in the city, without first having obtained or knowing that another has obtained a license for such vehicle pursuant to the provisions of section 19-504 of this chapter, shall be guilty of a violation, and upon conviction in the criminal court shall be punished by a fine of not less than [one thousand dollars] \$2,000 or more than [two thousand dollars] \$4,000 or imprisonment for not more than sixty days, or both such fine and imprisonment. This paragraph shall apply to the owner of such vehicle and, if different, to the operator of such vehicle.

§ 2. Subdivision d of section 19-506 of the administrative code of the city of New York is amended to read as follows:

d. Any person, other than a person holding a driver's license issued pursuant to section 19-505 and a New York state class A, B, C or E license, neither of which is revoked or suspended, who drives or operates for hire a licensed vehicle in the city except a commuter van, shall be guilty of a violation, and upon conviction in the criminal court, shall be punished by a fine of not less than [five hundred dollars] \$1,000 nor more than [one thousand dollars] \$2,000 or imprisonment for a term not exceeding thirty days, or both such fine and imprisonment.

§ 3. This local law takes effect in 60 days.

Referred to the Committee on Transportation.

Int. No. 1116

By Council Members Van Bramer, Rodriguez, Constantinides, Cohen, Chin and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on motor vehicle related injuries and fatalities.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-195 to read as follows:

§ 19-195 *Reporting on motor vehicle related injuries and fatalities.* a. *For purposes of this section, the following terms have the following meanings:*

*Fatality.* The term “fatality” means a personal injury categorized as a “K” fatality by the New York state department of motor vehicles.

*Injury.* The term “injury” means a personal injury categorized as a “B” or “C” injury by the New York state department of motor vehicles.

*Serious injury.* The term “serious injury” means a personal injury categorized as an “A” injury by the New York state department of motor vehicles.

b. *The commissioner, in consultation with the police commissioner, shall publish on the department’s website the following information for each motor vehicle related injury, serious injury or fatality in the city, based on the most current information available to the department:*

1. *The date, time and location of the crash that resulted in the injury, serious injury or fatality and the speed limit at such location;*

2. *A categorization of the vehicles involved in such crash using the following categories:*

- (a) All-terrain vehicle;*
- (b) Ambulance;*
- (c) Bicycle;*
- (d) Bus;*



- (e) Fire truck;*
- (f) Large commercial vehicle (six or more tires);*
- (g) Livery vehicle;*
- (h) Motorcycle;*
- (i) Passenger vehicle;*
- (j) Pedicab;*
- (k) Pick-up truck;*
- (l) Scooter;*
- (m) Small commercial vehicle (four tires);*
- (n) Sports utility vehicle/station wagon;*
- (o) Taxi vehicle;*
- (p) Van;*
- (q) Other; and*
- (r) Unknown;*

3. A categorization of such crash as one or more of the following: a rear-end collision, a head-on collision, a turning-vehicle collision, a collision involving a bicycle, a collision involving a pedestrian, a collision with a stationary object or another category of collision as determined by the commissioner;

4. A list of crash contributing factors, including (i) any applicable contributing factors as listed by the New York state department of motor vehicles in its summary of New York city motor vehicle crashes, (ii) whether any of the vehicles involved in such crash was turning at the time of such crash, (iii) whether any cyclist or pedestrian who was injured, seriously injured or fatally injured in such crash had the right of way at the time of such crash, if known, and (iv) any other applicable contributing factors as determined by the commissioner; and

5. The following anonymous information about each person involved in such crash:

- (a) Whether such person was a motorist, passenger, cyclist or pedestrian;*
- (b) Such person's age; and*
- (c) Whether such person was (i) not injured, (ii) injured, (iii) seriously injured or (iv) fatally injured.*

c. The commissioner shall publish on the department's website a map showing the approximate locations of motor vehicle related injuries, serious injuries and fatalities in the city. Such map shall allow users to disaggregate crashes that resulted in an injury, serious injury or fatality by year, month and time of day of occurrence if known. Times of day shall be aggregated into eight three-hour windows, commencing with a window from midnight to 3:00 a.m. and concluding with a window from 9:00 p.m. to midnight. Such map shall display the speed limit of each street in the city.

d. The commissioner shall publish on the department's website summaries of recent design improvements that the department has made to the streets of the city for the purpose of improving motorist, passenger, cyclist or pedestrian safety.

e. The commissioner shall publish on the department's website a report on the department's recent outreach and education efforts.

e. The commissioner shall ensure that the information required by subdivision b of this section is also published on the city's website in a non-proprietary format that permits automated processing.

f. The commissioner shall update all information published pursuant to this section not less than once a month.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation, in consultation with the police commissioner, shall take any measures necessary for the implementation of this local law before its effective date.

Referred to the Committee on Transportation.

## Int. No. 1117

By Council Members Van Bramer, Rodriguez, Rosenthal, Kallos, Constantinides and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to operating a bicycle for a commercial purpose.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 10-157 of the administrative code of the city of New York is amended to read as follows:

c. Every business using a bicycle for commercial purposes must assign to every bicycle operator [employed by such business] *operating a bicycle on behalf of such business* a three digit identification number. Such business must issue to every bicycle operator an identification card which contains the name, three digit identification number and photo of the bicycle operator and the name, address and telephone number of the business [by which] *using* the bicycle operator [is employed]. Such business shall ensure that such identification card is carried by the bicycle operator while such bicycle operator is making deliveries, or otherwise riding a bicycle on behalf of the business, and such bicycle operator shall carry such identification card while operating a bicycle on behalf of such business. Such bicycle operator shall be required to produce such identification upon the demand of an authorized employee of the police department or department of transportation or any other person authorized by law.

§ 2. Subdivision d of section 10-157 of the administrative code of the city of New York is amended to read as follows:

d. Every business using a bicycle for commercial purposes shall maintain a roster of bicycle operators [employed by such business] *operating a bicycle on behalf of such business*. Such roster shall include the name and place of residence address of every [employee] *person* operating a bicycle on behalf of such business, the date [of employment and discharge of each such employee] *the operator began and, if applicable, ceased operating a bicycle on behalf of such business*, every such [employee's] *operator's* three digit identification number, and whether such [employee] *operator* has completed the bicycle safety course required by paragraph 3 of subdivision e of this section. The owner of any business using a bicycle for commercial purposes shall be responsible for maintaining such roster. Such roster shall be made available for inspection during regular and usual business hours or any other such time that such entity is open for business upon request of an authorized employee of the police department or department of transportation or any other person authorized by law.

§ 3. Paragraph 3 of subdivision e of section 10-157 of the administrative code of the city of New York is amended to read as follows:

(3) Each bicycle operator shall be required to complete a bicycle safety course. For purposes of this section, “bicycle safety course” shall mean information provided by the department of transportation, regarding safe bicycling and adherence to traffic and commercial bicycle laws. Such requirement shall include, but not be limited to, the following:

(i) Each bicycle operator shall complete a bicycle safety course prior to operating a bicycle on behalf of a business using a bicycle for commercial purposes;

(ii) Each business using a bicycle for commercial purposes shall indicate on the roster required to be maintained by subdivision d of this section that each bicycle operator [employed by] *operating a bicycle on behalf of such business* has completed such bicycle safety course;

(iii) The owner of any business using a bicycle for commercial purposes shall ensure that all bicycle operators [employed by] *operating a bicycle on behalf of such business* shall complete such bicycle safety course prior to operating a bicycle on behalf of such business, shall maintain records of such operators' completion of such bicycle safety course, and shall make such records available for inspection during regular business hours or any other time such business is open for business upon request of an authorized employee of the police department or department of transportation or any other person authorized by law; and

(iv) The commissioner of transportation shall post on the department of transportation's website the content of the bicycle safety course required by this section on or before the effective date of this section.

§ 4. Subdivision f of section 10-157 of the administrative code of the city of New York is amended to read as follows:

f. The owner of any business using a bicycle for commercial purposes, notwithstanding that a bicycle may be provided by [an employee thereof] *a person operating a bicycle on behalf of such business*, shall provide at its own expense and ensure that each bicycle is equipped with a lamp; a bell or other device capable of giving an audible signal from a distance of at least one hundred feet, provided however that a siren or whistle shall not be used; brakes; reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel; as well as other devices or material in accordance with section 1236 of the vehicle and traffic law.

§ 5. Subdivision g of section 10-157 of the administrative code of the city of New York is amended to read as follows:

g. Any business using a bicycle for commercial purposes shall be responsible for the compliance with the provisions of this section of any [employees it shall retain] *person operating a bicycle on behalf of such business*. Violation of any of the provisions of this section by any such business, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition, any business using a bicycle for commercial purposes that violates any of the provisions of this section or any of the rules promulgated pursuant hereto shall be subject to a civil penalty of one hundred dollars. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than thirty days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of two hundred fifty dollars. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board.

§ 6. Subdivision i of section 10-157 of the administrative code of the city of New York is amended to read as follows:

i. A business using a bicycle for commercial purposes shall provide for and require each bicycle operator [employed by] *operating a bicycle on behalf of such business* to wear and each such bicycle operator shall wear a retro-reflective jacket, vest, or other wearing apparel on the upper part of such operator's body as the outermost garment while making deliveries, or otherwise riding a bicycle on behalf of such business, the back of which shall indicate such business' name and such bicycle operator's individual identification number as assigned pursuant to subdivision c of this section in lettering and numerals not less than one inch in height so as to be plainly readable at a distance of not less than ten feet.

§ 7. Subdivision k of section 10-157 of the administrative code of the city of New York is amended to read as follows:

k. A business using a bicycle for commercial purposes shall not possess any motorized scooter and shall not permit any [employee of such business] *person* to operate such a motorized scooter on behalf of such business. A business using a bicycle for commercial purposes shall be liable for any violation of section 19-176.2(b) of this code committed by [an employee] *any person operating on behalf of such business* while such [employee] *person* is operating a motorized scooter on behalf of such business. For purposes of this section, "motorized scooter" shall be as defined in section 19-176.2 of this code.

§ 8. Paragraph 2 of subdivision b of section 10-157.1 of the administrative code of the city of New York is amended to read as follows:

(2) posted in a manner conspicuous to bicycle operators utilized by the business and to patrons of the business present at the [employment] *business* site.

§ 9. This local law takes effect immediately.

Referred to the Committee on Transportation.

## Int. No. 1118

By Council Members Williams, Dickens and Gentile (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation of alterations and improvements to multiple dwellings.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 11-243 of the administrative code of the city of New York, as amended by local law number 48 for the year 2013, is amended to read as follows:

b. Subject to the limitations provided in subdivision d of this section and the restrictions in this section on conversion of buildings used in whole or in part for single room occupancy, any increase in the assessed valuation of real property shall be exempt from taxation for local purposes to the extent such increase results from the reasonable cost of: (1) the conversion of a class B multiple dwelling to a class A multiple dwelling except insofar as the gross cubic content of such building is increased thereby; or (2) the conversion of any nonresidential building or structure situated in the county of New York to a class A multiple dwelling except insofar as the gross cubic content of such building is increased; or (3) the conversion of any nonresidential building or structure situated in the counties of Bronx, Kings, Queens or Richmond to a class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (4) alterations or improvements to the exterior of an otherwise eligible building or structure visible from a public street pursuant to a permit issued by the landmarks commission with respect to a designated historic or landmark site or structure; or (5) alterations or improvements constituting a moderate rehabilitation of a substantially occupied class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (6) alterations or improvements to an otherwise eligible building or structure commenced after January first, nineteen hundred eighty designed to conserve the use of fuel, electricity or other energy sources or to reduce demand for electricity, including the installation of meters for purposes of measuring the amount of electricity consumed for each dwelling unit, and conversions of direct metering to a system that includes a master meter and submeters in any cooperative, condominium, or housing development fund company organized under article eleven of the private housing finance law; or (7) alterations or improvements to existing dwellings to eliminate existing unhealthy or dangerous conditions in any such existing dwelling or replace inadequate and obsolete sanitary facilities in any such existing dwelling, any of which represents fire or health hazards, including as improvements asbestos abatement to the extent such asbestos abatement is required by federal, state or local law, except insofar as the gross cubic content of such existing dwelling is increased thereby; or (8) conversion of residential units qualified for the protection of article seven-C of the multiple dwelling law in buildings or portions thereof registered with the New York city loft board as interim multiple dwellings pursuant to such article to units which are in compliance with the standards of safety and fire protection set forth in article seven-B of the multiple dwelling law or to units which have a certificate of occupancy as class A multiple dwellings; or (9) alterations or improvements commenced on or after September first, nineteen hundred eighty-seven constituting a substantial rehabilitation of a class A multiple dwelling, or a conversion of a building or structure into a class A multiple dwelling, as part of a program to provide housing for low and moderate income households as defined by the department of housing preservation and development pursuant to the rules and regulations promulgated pursuant to subdivision m of this section, provided that such alterations or improvements or conversions shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality, including, in the discretion of the department of housing preservation and development, a subsidy in the form of a below market sale from the city of New York; or (10) alterations or improvements to any private dwelling or conversion of any private dwelling to a multiple dwelling or conversion of any multiple dwelling to a private dwelling, provided that such alterations, improvements or conversions are part of a project that has applied for or is receiving benefits pursuant to this section and shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality. Such conversions, alterations or improvements shall be completed within thirty months after the date on which

same shall be started except that such thirty month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to paragraph eight of this subdivision. Notwithstanding the foregoing, a sixty-month period for completion shall be available for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York if alterations and improvements are completed within seven years after the date of transfer. In addition, the department of housing preservation and development may grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations, improvements or conversions are completed within sixty months from commencement of construction. Provided, further, that such conversions, alterations or improvements shall in any event be completed prior to June thirtieth, two thousand [fifteen] *nineteen*. Exemption for conversions, alterations or improvements pursuant to paragraph one, two, three, four, six, seven, eight or ten of this subdivision shall continue for a period not to exceed fourteen years and begin no sooner than the first tax period immediately following the completion of such conversions, alterations or improvements. Exemption for alterations or improvements pursuant to paragraph five or nine of this subdivision shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first tax period immediately following the completion of such alterations or improvements. Such exemption shall be equal to the increase in the valuation, which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements is fully taxable. Provided, however, exemption for any conversions, alterations or improvements, which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen, or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing act, (42 U.S.C.A. 12701 et seq.), or started after July first, nineteen hundred eighty-three by a housing development fund company organized pursuant to article eleven of the private housing finance law which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York and where alterations and improvements are completed within seven years after the date of transfer may commence at the beginning of any tax period subsequent to the start of such conversions, alterations or improvements and prior to the completion of such conversions, alterations or improvements. The assessed valuation of the land occupied by such dwelling and any increase in assessed valuation resulting from conversions, alterations, or improvements other than those made pursuant to this section shall not be affected by the provisions of this section.

§2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1119

By Council Members Williams and Dickens (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to tax exemption and abatement for certain rehabilitated buildings as authorized by section 488-a of the real property tax law.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (i) of subdivision b of section 11-244 of the administrative code of the city of New York, as amended by local law number 56 for the year 2007, is amended to read as follows:

(i) the eligible improvements are commenced after July first, nineteen hundred eighty, and prior to December thirty-first, two thousand [eleven] *nineteen*, and are completed within thirty-six months from commencement;

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1120

By Council Members Williams and Chin (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to notification of proposed excavation or drilling.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended to add a new section 24-367 to read as follows:

§ 24-367 *Excavation and drilling; notification and permit. Whenever excavation or drilling, for any purpose, to a depth greater than 50 feet is proposed, the owner of the premises or the contractor shall notify the department of the location of such activity 30 business days prior to commencement of such activity. Within 10 business days of receiving such notification, the department shall determine whether the location of such activity is in close proximity to critical infrastructure, as defined in rules promulgated by the department, and notify the owner or contractor of such determination. If the department determines that the location of such activity is in close proximity to critical infrastructure, the owner or contractor shall obtain a permit from the department prior to commencement of such activity. The issuance of any permit or approval by the department of buildings shall not relieve the owner or contractor of the obligation to comply with any notification or permitting requirements of the department.*

§ 2. Section 3304.3.3 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3304.3.3 Notification to the Department of Environmental Protection.**

Whenever excavation or drilling, for any purpose, to a depth greater than [100 feet (30 480mm)] *50 feet (15 240 mm)* is proposed [in a block that has any part of its boundary falling within 500 feet (152 m) horizontal distance from the centerline of any water tunnel as measured at or near the surface (the “Corridor”), an approval and permit shall be obtained from the New York City Department of Environmental Protection. The], *the owner of the premises or the contractor shall notify the New York City Department of Environmental Protection prior to commencement of [any] such activity in accordance with Section 24-367 of the Administrative Code and any rules promulgated thereunder.* The issuance of any permit or approval by the department shall not relieve the applicant, *owner or contractor* of the obligation to comply with any [approval] *notification* or permitting requirements of the New York City Department of Environmental Protection.

§ 3. This local law takes effect 180 days after it becomes law, provided, however, that the commissioner of environmental protection may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

## Preconsidered L.U. No. 341

By Council Member Greenfield:

**Application No. C 160035 ZMK submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17c and 17d, Borough of Brooklyn, Community Boards 5 and 16, Council Districts 37 and 42.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 342

By Council Member Greenfield:

**Application No. C 160037 HUK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for an amendment to the Dinsmore-Chestnut Urban Renewal Plan for the Dinsmore-Chestnut Urban Renewal Area, Borough of Brooklyn, Community Boards 5, Council Districts 37.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 343

By Council Member Greenfield:

**Application No. C 160042 HDK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the disposition of City-owned property comprising Site A (Block 4142, Lot 32), within the Dinsmore-Chestnut Urban Renewal Area, Borough of Brooklyn, Community Board 5, Council Districts 37.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 344

By Council Member Greenfield:

**Application No. N 160050 ZRK submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of establishing Special Mixed Use District 16, establishing Special Enhanced Commercial Districts, and establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community Boards 5 and 16, Council Districts 37 and 42.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises)..

L.U. No. 345

By Council Member Greenfield:

**Application No. C 150343 ZSK submitted by STGG Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 94-096 of the Zoning Resolution to modify requirements for floor area, location of use, height, and accessory parking, to facilitate an enlargement of an existing commercial building on property located at 3133-3135 Emmons Avenue (Block 8804, Lot 75) within the Special Sheepshead Bay District, Borough of Brooklyn, Community Board 15, Council District 48. 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).**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 346

By Council Member Greenfield:

**Application No. N 150342 ZRK submitted by STGG Realty, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the use, bulk, and parking regulations in Article IX, Chapter 4 (Special Sheepshead Bay District), Borough of Brooklyn, Community Board 15, Council District 48.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 347

By Council Member Greenfield:

**Application No. 20165414 HAM submitted by New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for amendment to a previously approved urban development action area project for property located at 401/411 East 20<sup>th</sup> Street (Block 1808, Lot 10), Borough of Manhattan, Community Board 11, Council District 8.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.



<http://legistar.council.nyc.gov/Calendar.aspx>

## ANNOUNCEMENTS

**Thursday, March 10, 2016**

**10:00 a.m. Fire & Criminal Justice Services Committee – Council Chambers – City Hall**  
 10:00 a.m. Fire/Emergency Medical Service  
 11:00 a.m. Department of Probation  
 11:30 a.m. Department of Correction  
 12:30 p.m. Office of Emergency Management  
 1:15 p.m. Public

**Friday, March 11, 2016**

**10:00 a.m. Mental Health, Developmental Disabilities, Alcoholism, Substance Abuse Disability Services Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Health & Mental Hygiene  
 11:30 a.m. Public

**1:00 p.m. Environmental Protection Committee – Committee Room – City Hall**  
 1:00 p.m. Department of Environmental Protection  
 3:30 p.m. Public

**Monday, March 14, 2016**

**★ Addition**

**★★ Note Time Change**

**10:00 a.m. Governmental Operations Committee – Committee Room – City Hall**  
 10:00 a.m. Department of Citywide Administrative Services  
 11:00 a.m. Law Department  
 12:00 p.m. Board of Elections  
 1:00 p.m. Office of Administrative Trials and Hearings  
 1:45 p.m. Financial Information Services Agency/ Office of Payroll Administration  
 2:30 p.m. Tax Commission  
 3:00 p.m. Department of Records and Information Services  
 ★3:30 p.m. Board of Standards and Appeals  
 ★★4:00 p.m. Community Boards  
 4:30 p.m. Public

**★ Deferred**

~~**11:00 a.m. Immigration Committee – Council Chambers – City Hall**~~  
~~11:00 a.m. Mayor's Office of Immigrant Affairs/Human Resources Administration/Department of Youth and Community Development/City University of New York~~  
~~1:00 p.m. Public~~

**Tuesday, March 15, 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

**★ Note Time Change**

**9:30 a.m. General Welfare Committee – Council Chambers – City Hall**  
 ★9:30 a.m. Human Resources Administration / Department of Social Services  
 ★11:00 a.m. Department of Homeless Services  
 1:00 p.m. Administration for Children’s Services joint with Women’s Issues and Juvenile Justice Committees  
 2:30 p.m. Public

**★ Deferred**

~~10:00 a.m. Courts and Legal Services Committee – Committee Room – City Hall~~  
~~10:00 a.m. Legal Aid / Indigent Defense Services / Human Resources Administration~~  
~~11:00 a.m. Public~~

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#) .....11:00 a.m.

**[See Land Use Calendar](#)**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Peter Koo, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#) .....1:00 p.m.

**[See Land Use Calendar](#)**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Inez Dickens, Chairperson

**Wednesday, March 16, 2016**

**10:00 a.m. Education Committee – Council Chambers – City Hall**

10:00 a.m. Department of Education (Expense)

1:00 p.m. Public

**10:00 a.m. Economic Development Committee – Committee Room – City Hall**

10:00 a.m. Department of Small Business Services and Economic Development Corporation (Capital) (joint with Small Business Committee)

12:00 p.m. Public

**1:30 p.m. Sanitation & Solid Waste Management Committee – Committee Room – City Hall**

1:30 p.m. Department of Sanitation

3:30 p.m. Business Integrity Commission

4:00 p.m. Public

**Thursday, March 17, 2016**

**★ Deferred**

~~10:00 a.m. Public Housing Committee – Council Chambers – City Hall~~

~~10:00 a.m. — NYC Housing Authority~~  
~~12:00 p.m. — Public~~

**★ *Deferred***

~~10:00 a.m. — Health Committee — Council Chambers — City Hall~~  
~~10:00 a.m. — Medical Examiner~~  
~~11:00 a.m. — Department of Health & Mental Hygiene~~  
~~1:00 p.m. — Public~~

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

**12:00 p.m. Land Use Committee – Committee Room – City Hall**  
12:00 p.m. Department of Information, Technology & Telecommunications (joint with the  
Technology Committee)  
1:00 p.m. Landmarks Preservation Commission  
2:00 p.m. Department of City Planning  
3:00 p.m. Public

**Friday, March 18, 2016**

**10:00 a.m. Youth Services Committee – Council Chambers – City Hall**  
10:00 a.m. Department of Youth and Community Development (Joint with Community  
Development Committee)  
11:30 a.m. Public

**★ *Addition***

**1:00 p.m. Health Committee – Council Chambers – City Hall**  
1:00 p.m. Medical Examiner  
2:00 p.m. Department of Health & Mental Hygiene  
4:00 p.m. Public

**Monday, March 21, 2016**

**★ *Addition***

**10:00 a.m. Health Committee – Council Chambers – City Hall**  
10:00 a.m. Health & Hospitals Corporation  
11:30 a.m. Public

**10:00 a.m. Veterans Committee – Committee Room – City Hall**  
10:00 a.m. Department of Veterans Affairs  
11:00 a.m. Public

**★Deferred**

Committee on Rules, Privileges & Elections ..... 1 ..... 1:00 a.m.

~~M 321 Ramon Peguero, a resident of Queens, candidate for designation by the Council and subsequent appointment by the Mayor to the New York City Civilian Complaint Review Board, pursuant to § 440 (b)(1) of the New York City Charter.~~

~~M Marbre C. Stahly Butts, candidate for designation by the Council and subsequent appointment by the Mayor to the New York City Civilian Complaint Review Board.~~

~~M Michael J. Regan, candidate for re-appointment by the Council to the New York City Board of Correction.~~

~~Committee Room 250 Broadway, 16<sup>th</sup> Floor Brad Lander, Chairperson~~

<b>12:00 p.m.</b>	<b>Consumer Affairs Committee – Committee Room – City Hall</b>
12:00 p.m.	Department of Consumer Affairs
1:00 p.m.	Public

**★Addition**

<b>1:00 p.m.</b>	<b>Public Safety Committee – Council Chambers – City Hall</b>
1:00 p.m.	Police Department
3:00 p.m.	Public

**Tuesday, March 22, 2016**

Stated Council Meeting ..... *Ceremonial Tributes – 1:00 p.m.*  
..... *Agenda – 1:30 p.m.*

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, March 22, 2016.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor’s Local Law Note: Preconsidered Int No. 1054, adopted by the Council at the February 5, 2016 Stated Meeting, was signed by the Mayor on February 25, 2016 as, respectively, Local Law No. 23 of 2016.*