

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, April 20, 2016, 2:13 p.m.

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

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Members Cabrera, King, Koo, and Van Bramer.

Medical Leave: Council Member Wills.

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

During the Roll Call for Attendance, the proceedings were temporarily halted and the balcony was cleared so that emergency personnel could attend to a young woman who was in need of medical attention. Later in the Meeting, the Speaker (Council Member Mark-Viverito) announced that the young woman was being taken care of and she wished her a speedy recovery on behalf of the Council.

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

There were 46 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

ADOPTION OF MINUTES

Council Member Barron moved that the Minutes of the Stated Meeting of March 22, 2016 be adopted as printed.

INVOCATION

The Invocation was delivered by Rabbi Haskel Lookstein, Rabbi Emeritus, Congregation Kehilath Jeshurun, 125 East 85th Street, New York, N.Y. 10028.

Let us pray.
 Heavenly Father,
 we thank you on this beautiful spring day.
 You've given us health and strength.
 You've blessed us with liquid sunshine
 and we say thank you.
 We also come to ask a special blessing
 of wisdom and discernment
 upon this special group of legislators,
 men and women that you have ordained,
 51 people that you have purposed together
 for such a time as this.
 We ask that you will watch over this city,
 which is one of your many wonderful creations,
 a city that never sleeps, but we are thankful
 that you never sleep nor slumber.
 Thank you for being the Eternal Keeper
 in a world that is ever changing.
 Strengthen them as they seek to make
 a better New York for all.
 May the Lord bless you, and keep you.
 May the Lord make his face to shine on you
 and be gracious to you.
 May the Lord turn his face toward you
 and give each of you peace.
 Amen.

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

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Mark-Viverito) asked those assembled to recognize and remember the victims of the recent earthquakes in Ecuador and Japan that took place on April 16, 2016. Over four hundred people lost their lives in Ecuador and at least thirty-two were killed in Japan with thousands more injured in both these countries. She asked everyone to keep these victims in their thoughts and prayers.

MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-392

Communication from the Mayor - Submitting the name of Manuel Miranda to the Council for its advice and consent regarding his appointment as a member of the New York City Art Commission, pursuant to Sections 31 and 851 of the New York City Charter.

April 7, 2016

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

Dear Speaker Mark-Viverito:

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

When appointed, Mr. Miranda will serve for the remainder of a three-year term expiring on December 31, 2017.

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

Sincerely,

Bill de Blasio
Mayor

BDB:tf

cc: Manuel Miranda
Alicia Glen, Deputy Mayor for Housing and Economic Development
Signe Nielsen, President, New York City Public Design Commission

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL-UPS

M-393

By Council Member Van Bramer:

Pursuant to Rule 11.20.b of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 050319 MMQ shall be subject to Council review.

Coupled on Call-up vote.

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

Affirmative – Barron, Borelli, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo and the Speaker (Council Member Mark-Viverito) – **46**.

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

Committee on Civil Service and Labor

Report for Int. No. 1004-A

Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, a Local Law to repeal section 22-505 of the administrative code of the city of New York, relating to displaced building service workers and to re-enact such section.

The Committee on Civil Service and Labor, to which the annexed amended proposed local law was referred on November 24, 2015 (Minutes, page 4130), respectfully

REPORTS:

INTRODUCTION

On April 19, 2016, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, will hold a hearing on Proposed Int. No. 1004-A, a Local Law to repeal section 22-505 of the administrative code of the city of New York, relating to displaced building service workers and to re-enact such section. The committee previously heard this bill as Preconsidered Int. No. 1004-A on November 23, 2015. This will be the second hearing on this bill.

BACKGROUND

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

Referring to a newly enacted California statewide law that provides a retention period for private sector grocery workers, Mickey Kasparian, President of the United Food and Commercial Workers Union Local 135 in San Diego, commented that the “grocery industry is changing at a fast and furious pace, and that can create a lot of uncertainty for the employees that have made these stores so profitable. It’s important that workers have a fair chance to keep their jobs.”⁴

New York’s first such law, the Displaced Building Service Worker Protection Act (DBSWPA), was enacted by the City Council in 2002. The DBSWPA has been enforced by the National Labor Relations Board, as recently as August of 2015.⁵ However, New York City was not the first to pass legislation for the retention of workers.

In 1994, Washington, D.C. passed a worker retention law, referred to as the “Displaced Worker Protection Act,” that covered contractors who employ 25 or more persons and perform food, janitorial, maintenance, or nonprofessional health care services. The terms of the D.C. law are similar to the DBSWPA. Since the DBSWPA, several other jurisdiction have put retention laws into effect, including numerous cities: Philadelphia, PA; Providence, RI; Los Angeles, CA; San Francisco, CA; Oakland, CA; Long Beach, CA; Berkeley, CA; San Jose, CA; Santa Cruz, CA; San Leandro, CA; Gardena, CA; Emeryville, CA; and New Haven, CT; by the Counties of Los Angeles, CA; Santa Cruz, CA; and Westchester, NY; by the District of Columbia and the State of California.

Finally, earlier this year the Council passed the Displaced Grocery Worker Retention Act on January 20, 2016.⁶

As detailed below, Preconsidered Int. No. 1004-A would amend the DBWPA in numerous ways, including, covering tenants, insourcing, outsourcing, increasing and indexing to inflation a salary cap for coverage of the law and increased remedies for violating the law.

BILL SUMMARY

Proposed Intro. No. 1004-A, modifies the DBWPA in numerous ways, including:

- Additional covered job titles: The law currently sets forth a series of job titles, but makes clear that coverage extends beyond those titles by using the language “includes, but is not limited to.” This bill would explicitly add the titles of security officer and fire safety director.
- Raise salary cap: The protections of the law do not apply to workers who earn more than \$25.00 per hour. The salary cap would be raised to \$35.00 per hour by this bill and indexed to inflation.
- Extend coverage to commercial lessees, i.e., Major commercial office tenants. As the same displacement problems arise when lessees switch from one contractor to another, the law’s protections would be extended to commercial lessees with more than 35,000 square feet of space.

¹ Partnership for Working Families, “Policy & Tools: Worker Retention Policies,” available at <http://www.forworkingfamilies.org/resources/policy-tools-worker-retention-policies>

² *Id.*

³ *Id.*

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

⁵ *GVS Properties, LLC*, 29-CA-077359; 362 NLRB No. 194 (Aug. 27, 2015).

⁶ Local Law 11 of 2016, N.Y.C. Admin Code § 22-507.

- Eliminates the exemption for city-leased buildings: The law currently has an exemption for buildings if the City leases more than 50% of the space in the building. This bill would eliminate this carve out.
- In-sourcing of work: Sometimes a building owner or manager decides to take work in house that has previously been contracted out. In such cases, under this bill the worker would receive the same protections as if the building were sold.
- Outsourcing of work: The law currently only covers direct employees of a building owner or manager when the building is sold, but not when the owner decides to contract such work out. This bill would extend the protection of the law to the building's employees in such a scenario.
- Remedies: This bill clarifies and amends the remedies available in cases of violation of the law. This bill states that courts would be empowered to order preliminary and permanent equitable relief including reinstatement, they can also award more than 90 days of backpay if a worker remains out of work for more than 90 days.
- Language: Conforms language to current drafting preferences.

The first section of the bill would repeal and re-enact section 22-505 of chapter 5 of title 22 of the Administrative Code of the City of New York ("Code"), entitled the Displaced Building Service Workers.

Subdivision a of new section 22-505 would provide the following definitions:

Building service. The term "building service" would mean work performed in connection with the care or maintenance of an existing building and includes, but is not limited to, work performed by a watchman, guard, security officer, fire safety director, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, window cleaner, and superintendent.

Building service contract. The term "building service contract" would mean a contract for the furnishing of building services, and includes any subcontracts for such services.

Building service employee. The term "building service employee" would mean any person employed to perform a building service who has been regularly assigned to a building on a full or part-time basis for at least ninety days immediately preceding any transition in employment subject to this section except for (i) persons who are managerial, supervisory, or confidential employees, provided that this exemption would not apply to building superintendents or resident managers; (ii) persons earning in excess of thirty-five dollars per hour from a covered employer, provided that this amount would be adjusted on January 1, 2017 and annually thereafter by the mayor's office of labor standards based upon the preceding twelve-month percentage increase, if any, in the consumer price index for all urban consumers for all items, as published by the bureau of labor statistics of the United States department of labor; and (iii) persons regularly scheduled to work fewer than eight hours per week at a building.

City of New York. The term "city of New York" would mean any city, county or borough, 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.

Covered employer. The term "covered employer" would mean any person who hires or retains building service employees or a building service contractor, including, but not limited to, a lessee of commercial space, housing cooperative, condominium association, building managing agent, or any other person who owns, leases or manages real property, either on its own behalf or for another person, within the city of New York, provided, however, that the requirements of this section would not apply (i) to residential buildings of less than 50 units, (ii) to commercial office, institutional or retail buildings of less than 100,000 square feet, (iii) to any lessee of commercial office space whose leasehold is less than 35,000 square feet, or (iv) to the extent that such requirements conflict with section 162 of the state finance law.

Former building service contractor. The term "former building service contractor" would mean any person who furnishes building services pursuant to a building service contract prior to a termination of such contract.

Person. The term "person" would mean any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ persons or enter into service contracts, but does not include the city of New York, the state of New York, and the federal government or any other governmental entity, or any individual or entity managing real property for a governmental entity.

Successor building service contractor. The term “successor building service contractor” would mean any person who, pursuant to a contract, furnishes building services that are substantially similar to those that were provided under a terminated building service contract or to those that were provided by building service employees previously employed by a covered employer.

Subdivision b of such new section would cover terminated building service contracts.

Paragraph one of such subdivision would require that no less than 15 calendar days before terminating any building service contract or, in the situation where such contract covers multiple buildings, terminating such contract as to one or more buildings, any covered employer would be required request the former building service contractor to provide, any covered employer or the successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, a full and accurate list containing the name, address, date of hire and employment classification of each building service employee employed at the buildings covered by the terminated contract. The former building service contractor would be required to provide such list within 72 hours of receipt of the request from the covered employer. At the same time that the former building service contractor provides such list, the former building service contractor would be required to post the list in a notice to the building service employees that also sets forth the rights provided by this section, in the same location and manner that other statutorily required notices to employees are posted at the affected building. Such notice would also be required to be provided to the employees’ collective bargaining representative, if any.

Paragraph 2 of subdivision b would require that upon termination of a building service contract, any covered employer or the successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, would be required to retain those building service employees employed at the buildings covered by the terminated contract for a 90-day transition employment period.

The third paragraph of subdivision b would require that if at any time the covered employer or successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, determines that fewer building service employees are required to perform building services at the affected buildings than had been performing such services by the former building service contractor, the covered employer or the successor building service contractor would be required to retain the building service employees by seniority within job classification; provided, that during the 90-day transition period, the covered employer or successor building service contractor would be required to maintain a preferential hiring list of those building service employees not retained at the buildings who would be given a right of first refusal to any jobs within their classifications that become available during that period.

Paragraph four of such subdivision would require that except as provided in paragraph 3 of this subdivision, during the 90-day transition period, the covered employer or successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, would be required to not discharge without cause a building service employee retained pursuant to this section.

The fifth paragraph of subdivision b would require that at the end of the 90-day transition period, the covered employer or successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, would be required to perform a written performance evaluation for each building service employee retained pursuant to this section. If such employee’s performance during such 90-day transition period is satisfactory, the covered employer or successor building service contractor would be required to offer such employee continued employment under the terms and conditions established by the covered employer or successor building service contractor.

The sixth and final paragraph of subdivision b would state that for purposes of this subdivision, “covered employer” would include any person to which a controlling interest in the affected building has been or is being transferred.

Subdivision c of new section 22-505 would cover when a building is sold or a transfer of controlling interest is made.

The first paragraph of subdivision b would require that no less than 15 calendar days before transferring a controlling interest in any building in which building services employees are employed, the covered employer who is transferring the controlling interest in such building would be required to provide to the covered employer to which the controlling interest is being transferred a full and accurate list containing the name, address, date of hire and employment classification of each building service employee employed at the buildings covered by the transfer of such controlling interest. At the same time, the covered employer who is transferring the controlling interest in such building would be required to post such list in a notice to its building service employees that also sets forth the rights provided by this section, in the same location and manner that other statutorily required notices to employees are posted at the affected building. Such notice would also be required to be provided to the employees' collective bargaining representative, if any.

Paragraph 2 of subdivision c would require the covered employer to which the controlling interest is being transferred to retain those building service employees employed at the buildings covered by the transfer of the controlling interest for a 90-day transition employment period.

The third paragraph of such subdivision would require that if at any time the covered employer to which the controlling interest is being transferred determines that fewer building service employees are required to perform building services at the affected buildings than had been performing such services for the covered employer who is transferring the controlling interest, the covered employer to which the controlling interest is being transferred would be required to retain the building service employees by seniority within job classification; provided, that during the 90-day transition period, such covered employer maintain a preferential hiring list of those building service employees not retained at the buildings who would be given a right of first refusal to any jobs within their classifications that become available during that period.

The fourth paragraph of subdivision c would require that except as provided in paragraph 3 of this subdivision, during the 90-day transition period, the covered employer to which the controlling interest is being transferred would be required to not discharge without cause a building service employee retained pursuant to this section.

The fifth paragraph of subdivision c would require that at the end of the 90-day transition period, the covered employer to which the controlling interest is being transferred would be required to perform a written performance evaluation for each employee retained pursuant to this section. If such employee's performance during such 90-day transition period is satisfactory, the covered employer to which the controlling interest is being transferred would be required to offer such employee continued employment under the terms and conditions established by the covered employer.

Subdivision d of new section 22-505 covers when a building that directly employs workers enters into a building service contract.

The first paragraph of subdivision d of new section 22-505 would require that no less than 15 calendar days before entering into a building service contract, the covered employer that will enter into such contract would be required to provide to the successor building service contractor a full and accurate list containing the name, address, date of hire, and employment classification of each building service employee who is currently performing those services. At the same time the covered employer that will enter into such contract provides such list, such employer would be required to post a notice to the building service employees that also sets forth the rights provided by this section in the same location and manner that other statutorily required notices to employees are posted at the affected building. Such notice would also be provided to the employees' collective bargaining representative, if any.

Paragraph 2 of such subdivision would require the successor building service contractor to retain those building service employees who were providing those services for a covered employer for a 90-day transition employment period.

The third paragraph of subdivision d would require that if at any time the successor building service contractor determines that fewer building service employees are required to perform building services at the affected building than had been performing such services for the covered employer, the successor building service contractor would retain the building service employees by seniority within job classification; provided, that during the 90-day transition period, the successor building service contractor would maintain a preferential hiring list of those building service employees not retained at the buildings who would be given a right of first refusal to any jobs within their classifications that become available during that period.

Paragraph 4 of subdivision d would require that except as provided in paragraph 3 of this subdivision, during the 90-day transition period, the successor building service contractor would not discharge without cause an employee retained pursuant to this section.

And the fifth and last paragraph in subdivision d would require that at the end of the 90-day transition period, the successor building service contractor would be required to perform a written performance evaluation for each building service employee retained pursuant to this section. If such employee's performance during such 90-day transition period is satisfactory, the successor building service contractor would offer such employee continued employment under the terms and conditions established by such contractor.

Subdivision e would pertain to remedies.

The first paragraph of subdivision e would state that a building service employee who has been discharged or not retained in violation of this section would be able bring an action in supreme court against a former building service contractor, covered employer or successor building service contractor for violation of any obligation imposed pursuant to this section.

Paragraph 2 of subdivision e would state that the court would have authority to order preliminary and permanent equitable relief, including, but not limited to, reinstatement of any employee who has been discharged or not retained in violation of this section.

The third paragraph of such subdivision would find that if the court finds that by reason of a violation of any obligation imposed pursuant to subdivision b, c, or d of this section a building service employee has been discharged or not retained in violation of this section, it would be empowered to award:

Back pay, and an equal amount as liquidated damages, for each day during which the violation continues, which would be calculated at a rate of compensation not less than the higher of (1) the average regular rate of pay received by the employee during the last three years of the employee's employment in the same occupation classification; or (2) the final regular rate received by the employee. Back pay would apply to the period commencing with the date of the discharge or refusal-to-retain by the covered employer or successor building service contractor through the effective date of any offer of reinstatement or reinstatement of the employee.

(b) Costs of benefits the covered employer or successor building service contractor would have incurred for the employee under such employee's benefit plan.

(c) The building service employee's reasonable attorney's fees and costs.

Paragraph 4 of section e would require that in any such action, the court would have authority to order the covered employer or the former building service contractor, as applicable, to provide any information required pursuant to subdivision b, c or d of this section.

Subdivision f provides for exceptions to the law. It would find that the following are not covered:

Paragraph 1 of such subdivision exempts any covered employer or successor building service contractor that, on or before the effective date of a termination of a building service contract, agrees to assume, or to be bound by, the collective bargaining agreement of the former building service contractor, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees.

The second paragraph of subdivision f exempts any covered employer to which a controlling interest in a building is being transferred that, on or before the effective date of the transfer of such controlling interest, agrees to assume, or to be bound by, the collective bargaining agreement of the covered employer that is transferring the controlling interest, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees.

Paragraph 3 of such subdivision exempts any successor building service contractor that, on or before the effective date of the entering into a building service contract by a covered employer, agrees to assume or to be bound by, the collective bargaining agreement of the covered employer, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees.

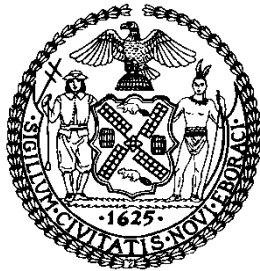
The fourth paragraph of subdivision f states that if there was no existing collective bargaining agreement as described in paragraphs 1, 2, or 3 of this subdivision, any covered employer or successor building service contractor that agrees, on or before the effective date of the termination of the contract, transfer of a controlling interest, or entering into a building service contract, to enter into a new collective bargaining agreement covering its building service employees, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees, would be exempted from the law.

Paragraph 5 of such subdivision exempts any covered employer or successor building service contractor whose building service employees will be accreted to a bargaining unit with a pre-existing collective bargaining agreement, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees.

The sixth paragraph of subdivision f exempts any covered employer or former building service contractor that obtains a written commitment from a covered employer or successor building service contractor that the covered employer or successor building service contractor's building service employees will be covered by a collective bargaining agreement falling within paragraphs (1) through (5) of this subdivision.

The second section of the bill is the enactment clause, which provides that the bill would take effect immediately upon its enactment into law.

(The following is the text of the Fiscal Impact Statement for Int No. 1004-A:)



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

**PROPOSED INTRO. NO: 1004-A
COMMITTEE: Civil Service and Labor**

TITLE: A local law to repeal section 22-505 of the administrative code of the city of New York, relating to displaced building service workers and to re-enact such section

SPONSOR(S): Council Members Cornegy, Miller, Williams, Johnson, Menchaca, Kallos, Lander, Dromm, Levine, Lancman, Chin, Van Bramer, King, Cumbo, Torres, Dickens, Eugene, Rosenthal, Richards, Gentile, Maisel, Espinal, Reynoso, Treyger, Mealy, Crowley, Constantinides, Rodriguez, Ferreras-Copeland, Rose, Koslowitz, Grodenchik, Levin, Palma, Vacca, Gibson, Salamanca, Cohen, Barron and Ulrich

SUMMARY OF LEGISLATION: This legislation would provide for a 90-day transition period and continued employment for building service workers who may get displaced upon a change in building ownership, change in building service contract, or transfer of controlling interest in any building in which building service employees are employed. After the 90-day transition period, the successor employer or contractor would be required to evaluate the employees and offer continued employment.

This legislation would require that 15 days before an event that will require retention of workers, the employer shall request from the former building service contractor a list – to be provided within 72 hours of its request – of each employees' name, address, date of hire, and employment classification. This list would also be posted in a notice to the building service workers that sets forth their rights, and should also be provided to the employees' collective bargaining representative, if any.

The successor building service contractor would be required to retain each eligible employee for the transitional period and not discharge them without cause. If during the transition period the successor contractor determines it needs fewer employees than were required before, such successor employer would retain employees by seniority within each job classification. Further, the successor contractor would be required to maintain a preferential hiring list of the building service workers who were not retained and they would be offered any jobs within their classification that become available. At the end of the transition period,

the successor contractor would be required to complete a written performance evaluation for each eligible employee, and if an employee's performance was deemed satisfactory, the successor contractor should offer continued employment to the eligible building service worker.

There are no penalties for violation, but any building service worker who has been discharged or not retained in violation of this legislation may bring a court action against a former building service contractor, covered employer, or successor building service contractor.

Managerial, supervisory, or confidential employees, persons earning in excess of \$35 per hour, and persons regularly scheduled to work fewer than eight hours per week would not be covered by the legislation. The \$35 earning threshold will be adjusted annually for inflation. This legislation also would not apply to residential buildings of less than 50 units, commercial office, institutional or retail buildings of less than 100,000 square feet, or any lessee of commercial office space whose leasehold is less than 35,000 square feet. Further, this legislation exempts successor contractors or covered employers to which controlling interest in the building is being transferred, who enter into a contract covering the eligible building service employees or successor contractors who agree to assume, or be bound by, the contract of the predecessor building service contractor covering the eligible employees if that contract specifies the terms and conditions regarding the discharge or laying off of employees.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenue resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from this legislation because the requirements imposed by this legislation would not apply to the City or any entity managing real property for the City.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: City Council Finance Division

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

ESTIMATE REVIEWED BY: Paul Sturm, Principal Legislative Financial Analyst, Finance Division
Rebecca Chasan, Assistant Counsel, Finance Division
Tanisha Edwards, Chief Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Civil Service and Labor as a Preconsidered Intro. on November 23, 2015 and the legislation was laid over. On November 24, 2015, the legislation was introduced to the full Council as Intro. 1004 and referred to the Committee on Civil Service and Labor. Intro. 1004 was subsequently amended and the amended legislation, Proposed Intro. 1004-A will be considered by the Committee on Civil Service and Labor at a hearing on April 19, 2016. Upon successful

vote by the Committee, Proposed Intro. 1004-A will be submitted to the full Council for a vote on April 20, 2016.

DATE PREPARED: April 14, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1004-A:)

Int. No. 1004-A

By Council Members Cornegy, Miller, Williams, Johnson, Menchaca, Kallos, Lander, Dromm, Levine, Lancman, Chin, Van Bramer, King, Cumbo, Torres, Dickens, Eugene, Rosenthal, Richards, Gentile, Maisel, Espinal, Reynoso, Treyger, Mealy, Crowley, Constantinides, Rodriguez, Ferreras-Copeland, Rose, Koslowitz, Grodenchik, Levin, Palma, Vacca, Gibson, Salamanca, Cohen, Barron, Wills and Ulrich.

A Local Law to repeal section 22-505 of the administrative code of the city of New York, relating to displaced building service workers and to re-enact such section.

Be it enacted by the Council as follows:

Section 1. Section 22-505 of the administrative code of the city of New York is REPEALED and re-enacted to read as follows:

§ 22-505 *Displaced Building Service Workers.* a. For purposes of this section, the following terms have the following meanings:

Building service. The term “building service” means work performed in connection with the care or maintenance of an existing building and includes, but is not limited to, work performed by a watchman, guard, security officer, fire safety director, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, window cleaner, and superintendent.

Building service contract. The term “building service contract” means a contract for the furnishing of building services, and includes any subcontracts for such services.

Building service employee. The term “building service employee” means any person employed to perform a building service who has been regularly assigned to a building on a full or part-time basis for at least ninety days immediately preceding any transition in employment subject to this section except for (i) persons who are managerial, supervisory, or confidential employees, provided that this exemption shall not apply to building superintendents or resident managers; (ii) persons earning in excess of thirty-five dollars per hour from a covered employer, provided that this amount shall be adjusted on January 1, 2017 and annually thereafter by the mayor’s office of labor standards based upon the preceding twelve-month percentage increase, if any, in the consumer price index for all urban consumers for all items, as published by the bureau of labor statistics of the United States department of labor; and (iii) persons regularly scheduled to work fewer than eight hours per week at a building.

City of New York. The term “city of New York” means any city, county or borough, 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.

Covered employer. The term “covered employer” means any person who hires or retains building service employees or a building service contractor, including, but not limited to, a lessee of commercial space, housing cooperative, condominium association, building managing agent, or any other person who owns, leases or manages real property, either on its own behalf or for another person, within the city of New York, provided, however, that the requirements of this section shall not apply (i) to residential buildings of less than 50 units, (ii) to commercial office, institutional or retail buildings of less than 100,000 square feet, (iii) to any

lessee of commercial office space whose leasehold is less than 35,000 square feet, or (iv) to the extent that such requirements conflict with section 162 of the state finance law.

Former building service contractor. The term “former building service contractor” means any person who furnishes building services pursuant to a building service contract prior to a termination of such contract.

Person. The term “person” means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ persons or enter into service contracts, but does not include the city of New York, the state of New York, and the federal government or any other governmental entity, or any individual or entity managing real property for a governmental entity.

Successor building service contractor. The term “successor building service contractor” means any person who, pursuant to a contract, furnishes building services that are substantially similar to those that were provided under a terminated building service contract or to those that were provided by building service employees previously employed by a covered employer.

b. Terminated Building Service Contract.

1. No less than 15 calendar days before terminating any building service contract or, in the situation where such contract covers multiple buildings, terminating such contract as to one or more buildings, any covered employer shall request the former building service contractor to provide, any covered employer or the successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, a full and accurate list containing the name, address, date of hire and employment classification of each building service employee employed at the buildings covered by the terminated contract. The former building service contractor shall provide such list within 72 hours of receipt of the request from the covered employer. At the same time that the former building service contractor provides such list, the former building service contractor shall post the list in a notice to the building service employees that also sets forth the rights provided by this section, in the same location and manner that other statutorily required notices to employees are posted at the affected building. Such notice shall also be provided to the employees’ collective bargaining representative, if any.

2. Upon termination of a building service contract, any covered employer or the successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, shall retain those building service employees employed at the buildings covered by the terminated contract for a 90-day transition employment period.

3. If at any time the covered employer or successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, determines that fewer building service employees are required to perform building services at the affected buildings than had been performing such services by the former building service contractor, the covered employer or the successor building service contractor shall retain the building service employees by seniority within job classification; provided, that during the 90-day transition period, the covered employer or successor building service contractor shall maintain a preferential hiring list of those building service employees not retained at the buildings who shall be given a right of first refusal to any jobs within their classifications that become available during that period.

4. Except as provided in paragraph 3 of this subdivision, during the 90-day transition period, the covered employer or successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, shall not discharge without cause a building service employee retained pursuant to this section.

5. At the end of the 90-day transition period, the covered employer or successor building service contractor, whichever person intends to furnish substantially similar building services to those that were provided under the terminated building service contract, shall perform a written performance evaluation for each building service employee retained pursuant to this section. If such employee’s performance during such 90-day transition period is satisfactory, the covered employer or successor building service contractor shall offer such employee continued employment under the terms and conditions established by the covered employer or successor building service contractor.

6. For purposes of this subdivision, “covered employer” includes any person to which a controlling interest in the affected building has been or is being transferred.

c. Transfer of Controlling Interest.

1. No less than 15 calendar days before transferring a controlling interest in any building in which building services employees are employed, the covered employer who is transferring the controlling interest in such building shall provide to the covered employer to which the controlling interest is being transferred a full and accurate list containing the name, address, date of hire and employment classification of each building service employee employed at the buildings covered by the transfer of such controlling interest. At the same time, the covered employer who is transferring the controlling interest in such building shall post such list in a notice to its building service employees that also sets forth the rights provided by this section, in the same location and manner that other statutorily required notices to employees are posted at the affected building. Such notice shall also be provided to the employees' collective bargaining representative, if any.

2. The covered employer to which the controlling interest is being transferred shall retain those building service employees employed at the buildings covered by the transfer of the controlling interest for a 90-day transition employment period.

3. If at any time the covered employer to which the controlling interest is being transferred determines that fewer building service employees are required to perform building services at the affected buildings than had been performing such services for the covered employer who is transferring the controlling interest, the covered employer to which the controlling interest is being transferred shall retain the building service employees by seniority within job classification; provided, that during the 90-day transition period, such covered employer maintain a preferential hiring list of those building service employees not retained at the buildings who shall be given a right of first refusal to any jobs within their classifications that become available during that period.

4. Except as provided in paragraph 3 of this subdivision, during the 90-day transition period, the covered employer to which the controlling interest is being transferred shall not discharge without cause a building service employee retained pursuant to this section.

5. At the end of the 90-day transition period, the covered employer to which the controlling interest is being transferred shall perform a written performance evaluation for each employee retained pursuant to this section. If such employee's performance during such 90-day transition period is satisfactory, the covered employer to which the controlling interest is being transferred shall offer such employee continued employment under the terms and conditions established by the covered employer.

d. Entering into a Building Service Contract.

1. No less than 15 calendar days before entering into a building service contract, the covered employer that will enter into such contract shall provide to the successor building service contractor a full and accurate list containing the name, address, date of hire, and employment classification of each building service employee who is currently performing those services. At the same time the covered employer that will enter into such contract provides such list, such employer shall post a notice to the building service employees that also sets forth the rights provided by this section in the same location and manner that other statutorily required notices to employees are posted at the affected building. Such notice shall also be provided to the employees' collective bargaining representative, if any.

2. The successor building service contractor shall retain those building service employees who were providing those services for a covered employer for a 90-day transition employment period.

3. If at any time the successor building service contractor determines that fewer building service employees are required to perform building services at the affected building than had been performing such services for the covered employer, the successor building service contractor shall retain the building service employees by seniority within job classification; provided, that during the 90-day transition period, the successor building service contractor shall maintain a preferential hiring list of those building service employees not retained at the buildings who shall be given a right of first refusal to any jobs within their classifications that become available during that period.

4. Except as provided in paragraph 3 of this subdivision, during the 90-day transition period, the successor building service contractor shall not discharge without cause an employee retained pursuant to this section.

5. At the end of the 90-day transition period, the successor building service contractor shall perform a written performance evaluation for each building service employee retained pursuant to this section. If such employee's performance during such 90-day transition period is satisfactory, the successor building service

contractor shall offer such employee continued employment under the terms and conditions established by such contractor.

e. Remedies

1. A building service employee who has been discharged or not retained in violation of this section may bring an action in supreme court against a former building service contractor, covered employer or successor building service contractor for violation of any obligation imposed pursuant to this section.

2. The court shall have authority to order preliminary and permanent equitable relief, including, but not limited to, reinstatement of any employee who has been discharged or not retained in violation of this section.

3. If the court finds that by reason of a violation of any obligation imposed pursuant to subdivision b, c, or d of this section a building service employee has been discharged or not retained in violation of this section, it shall award:

(a) Back pay, and an equal amount as liquidated damages, for each day during which the violation continues, which shall be calculated at a rate of compensation not less than the higher of (1) the average regular rate of pay received by the employee during the last three years of the employee's employment in the same occupation classification; or (2) the final regular rate received by the employee. Back pay shall apply to the period commencing with the date of the discharge or refusal-to-retain by the covered employer or successor building service contractor through the effective date of any offer of reinstatement or reinstatement of the employee.

(b) Costs of benefits the covered employer or successor building service contractor would have incurred for the employee under such employee's benefit plan.

(c) The building service employee's reasonable attorney's fees and costs.

4. In any such action, the court shall have authority to order the covered employer or the former building service contractor, as applicable, to provide any information required pursuant to subdivision b, c or d of this section.

f. The provisions of this section shall not apply to the following:

1. any covered employer or successor building service contractor that, on or before the effective date of a termination of a building service contract, agrees to assume, or to be bound by, the collective bargaining agreement of the former building service contractor, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees;

2. any covered employer to which a controlling interest in a building is being transferred that, on or before the effective date of the transfer of such controlling interest, agrees to assume, or to be bound by, the collective bargaining agreement of the covered employer that is transferring the controlling interest, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees;

3. any successor building service contractor that, on or before the effective date of the entering into a building service contract by a covered employer, agrees to assume or to be bound by, the collective bargaining agreement of the covered employer, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees;

4. if there was no existing collective bargaining agreement as described in paragraphs 1, 2, or 3 of this subdivision, any covered employer or successor building service contractor that agrees, on or before the effective date of the termination of the contract, transfer of a controlling interest, or entering into a building service contract, to enter into a new collective bargaining agreement covering its building service employees, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees;

5. any covered employer or successor building service contractor whose building service employees will be accreted to a bargaining unit with a pre-existing collective bargaining agreement, provided that the collective bargaining agreement provides terms and conditions for the discharge or laying off of employees; or

6. any covered employer or former building service contractor that obtains a written commitment from a covered employer or successor building service contractor that the covered employer or successor building service contractor's building service employees will be covered by a collective bargaining agreement falling within paragraphs (1) through (5) of this subdivision.

§ 2. This local law shall take effect immediately.

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

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

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

Report for Res. No. 1040

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 20, 2016, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 26, 2015, the Council adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”). On June 26, 2014, the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”).

Analysis. This Resolution, dated April 20, 2016, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local, aging, and youth funding in accordance with the Fiscal 2015 Expense Budget, amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2016 Expense Budget, and amends the description for the Description/Scope of Services of a certain organization receiving local discretionary funding for a certain initiative in accordance with the Fiscal 2015 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2015 Expense Budget, as well as amendments to the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2016 and Fiscal 2015 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2016 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2016 Expense Budget, as described in Chart 2; sets forth the new designation and changes in the designation of funding pursuant to certain initiatives in the Fiscal 2016 Expense Budget, as described in Charts 3-16; sets forth the new organizations and a change in a certain organization that will receive equipment from the organization funded by a certain initiative, as described in Chart 17; sets

forth a change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 18; sets forth a change in the designation of a certain organization receiving aging discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 19; sets forth a change in the designation of a certain organization receiving youth discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 20; sets forth the new designation and changes in the designation of funding pursuant to certain initiatives in the Fiscal 2015 Expense Budget, as described in Charts 21-22; amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2016 Expense Budget, as described in Chart 23; and amends the description for the Description/Scope of Services for certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as described in Chart 24.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/Fiscal 2016 Expense Budget, dated June 26, 2015, and Adjustments Summary/Schedule C/Fiscal 2015 Expense Budget, dated June 26, 2014.

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

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

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget.

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

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2016 Expense Budget.

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

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 9 sets forth the change, specifically a name change, in the designation of a certain organization receiving funding pursuant to the Mental Health Services for Veterans Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 10 sets forth the change, specifically a name change, in the designation of a certain organization receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2016 Expense Budget.

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

Chart 12 sets forth the change, specifically a name change, in the designation of a certain organization receiving funding pursuant to the MS Extra Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 13 sets forth the change, specifically a name change, in the designation of a certain organization receiving funding pursuant to the TASC After-Three Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 14 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 15 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Healthy Women, Healthy Future Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 16 sets forth the change, specifically an EIN change, in the designation of a certain organization receiving funding pursuant to the COMPASS Slot Restoration Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 17 sets forth the new organizations and a change in a certain organization that will receive equipment, specifically an automated external defibrillator, from the organization, Staten Island Heart Society, Inc., funded by the Beating Hearts Initiative as designated in the Transparency Resolution dated September 17, 2015.

Chart 18 sets forth the change, specifically a name change, in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 19 sets forth the change, specifically a name change, in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 20 sets forth the change, specifically an EIN change, in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 21 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 22 sets forth the change, specifically an EIN change, in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2015 Expense Budget.

Chart 23 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 24 amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other

government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2016 and Fiscal 2015 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1040:)

Preconsidered Res. No. 1040

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

By Council Member Ferreras-Copeland.

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

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2015 and Fiscal 2016 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

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

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 4; and be it further

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 6; and be it further

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Mental Health Services for Veterans Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 10; and be it further

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

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MS Extra Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the TASC After-Three Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Healthy Women, Healthy Future Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 15; and be it further

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

Resolved, That the City Council approves the new organizations and a change in a certain organization that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in the Transparency Resolution dated September 17, 2015, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 24.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Treyger	St. Athanasius Golden Age Club	11-2773596	DFTA	(\$5,000.00)	125	003			
Treyger	St. Athanasius Golden Age Club	11-1639837	DFTA	\$5,000.00	125	003			
Salamanca	Sociedad Hondurena Activa de New York Corp **	13-3978207	DYCD	(\$15,000.00)	260	005			*
Salamanca	Department of Transportation **	13-6400434	DOT	\$7,000.00	841	004			
Salamanca	New York Botanical Garden **	13-1693134	DCLA	\$8,000.00	126	005			
Salamanca	Willis Avenue Boxing Gym	27-1079541	DYCD	(\$10,000.00)	260	005	South Bronx Overall Economic Development Corporation	13-2736022	*
Salamanca	Children's Aid Society, The	13-5562191	DYCD	\$10,000.00	260	312			
Ulrich	Corporal John Ruoff Post No. 632, American Legion, Inc.	11-6104896	DYCD	(\$5,000.00)	260	005			
Ulrich	Corporal John Ruoff Post No. 632, American Legion, Inc.	11-6104896	DYCD	\$5,000.00	260	005	Citizens Committee for New York City, Inc.	51-0171818	
Ulrich	Swim Strong Foundation, Inc.	37-1526132	DYCD	(\$5,000.00)	260	312			
Ulrich	St. Camillus-Saint Virgilius Roman Catholic Church	11-1674392	DYCD	\$5,000.00	260	312			
Ulrich	St. Camillus-Saint Virgilius Roman Catholic Church **	11-1674392	DYCD	(\$5,000.00)	260	312			
Ulrich	Department of Parks and Recreation **	13-6400434	DPR	\$5,000.00	846	006			
Richards	Fathers Alive In The Hood, Inc. **	46-1091203	DYCD	(\$5,000.00)	260	005			*
Richards	District 29Q Community Education Council **	69-0210637	DOE	\$5,000.00	040	402			
Williams	Council of Jewish Organizations of Flatbush, Inc. **	11-2864728	HPD	(\$4,000.00)	806	009			
Williams	Council of Jewish Organizations of Flatbush, Inc. **	11-2864728	DYCD	\$4,000.00	260	005			

* Indicates pending completion of pre-qualification review.

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

CHART 2: Youth Discretionary - Fiscal 2016

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Cornegy	Marcy Tennis Club, Inc.	27-3170420	DYCD	(\$5,000.00)	260	312			
Cornegy	Kings County Tennis League, Inc.	27-3170420	DYCD	\$5,000.00	260	312			
Ulrich	St. Camillus-Saint Virgilius Roman Catholic Church	11-1674392	DYCD	(\$5,000.00)	260	312			
Ulrich	Swim Strong Foundation, Inc.	37-1526132	DYCD	\$5,000.00	260	312			
Cumbo	Sesame Flyers International, Inc.	11-2692485	DYCD	(\$8,000.00)	260	312			
Cumbo	Fund for the City of New York, Inc. - Crown Heights Mediations Center / Save Our Streets - Crown Heights	13-2612524	DYCD	\$8,000.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 3: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Salamanca	Women's Empowerment Self Defense Academy	27-0390465	MOCJ	(\$20,000.00)	098	002	*
Salamanca	Violence Intervention Program	13-3540337	MOCJ	\$20,000.00	098	002	

* Indicates pending completion of pre-qualification review.

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

CHART 4: Parks Equity Initiative - Fiscal 2016

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Grodenschik	Friends of Cunningham Park, Inc.	11-2652498	DPR	(\$14,000.00)	846	006	
Grodenschik	Alley Pond Environmental Center, Inc.	11-2405466	DPR	\$14,000.00	846	006	

* Indicates pending completion of pre-qualification review.

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

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

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Barron	Neighborhood Housing Services of East Flatbush	13-3098397	HPD	(\$70,000.00)	806	009	
Barron	Neighborhood Housing Services of Brooklyn CDC, Inc.	47-1169779	HPD	\$70,000.00	806	009	
Williams	Neighborhood Housing Services of East Flatbush	13-3098397	HPD	(\$70,000.00)	806	009	
Williams	Neighborhood Housing Services of Brooklyn CDC, Inc.	47-1169779	HPD	\$70,000.00	806	009	
Maisel	Neighborhood Housing Services of East Flatbush	13-3098397	HPD	(\$50,000.00)	806	009	
Maisel	Neighborhood Housing Services of Brooklyn CDC, Inc.	47-1169779	HPD	\$50,000.00	806	009	

* Indicates pending completion of pre-qualification review.

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

CHART 6: Food Pantries Initiative - Fiscal 2016

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Bronx Delegation	Victory Seventh Day Adventist Church	N/A	DYCD	(\$9,322.00)	260	005	*
Bronx Delegation	Victory Seventh Day Adventist Church	52-0643036	DYCD	\$9,322.00	260	005	
Bronx Delegation	Bissell Gardens	13-3894879	DYCD	(\$10,000.00)	260	005	*
Bronx Delegation	Bissel Gardens, Inc.	13-3984879	DYCD	\$10,000.00	260	005	
Bronx Delegation	New Covenant Faith and Miracle Arena, Inc.	13-3904826	DYCD	(\$5,000.00)	260	005	
Bronx Delegation	New Covenant Community Development Corp.	13-4167577	DYCD	\$5,000.00	260	005	

* Indicates pending completion of pre-qualification review.

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

CHART 7: NYC Support Our Seniors Initiative - Fiscal 2016

Member	Organization - Senior Center	EIN Number	Agency	Amount	Agy #	U/A	*
Salamanca	Darle Vosotros de Comer	13-2548177	DFTA	(\$29,410.00)	125	003	
Salamanca	Housing Options and Geriatric Association Resources, Inc.	37-3887707	DFTA	\$29,410.00	125	003	*

* Indicates pending completion of pre-qualification review.

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

CHART 8: HIV/AIDS Faith Based Initiative - Fiscal 2016

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Bronx Delegation	Fountain Spring Baptist Church	N/A	DOHMH	(\$6,400.00)	816	112	*
Bronx Delegation	St. Simon Stock Roman Catholic	13-1740377	DOHMH	\$3,200.00	816	112	*
Bronx Delegation	St. Jerome's Church RC	13-1740204	DOHMH	\$3,200.00	816	112	*
Brooklyn Delegation	Amethyst Women's Project, Inc.	11-3505513	DOHMH	(\$8,400.00)	816	112	
Brooklyn Delegation	Caribbean Women Health Association, Inc.	13-3323168	DOHMH	\$5,000.00	816	112	
Brooklyn Delegation	Gay Men of African Descent (GMAD)	13-3597820	DOHMH	\$1,134.00	816	112	
Brooklyn Delegation	Survivors Fountain of Hope Wellness Initiative	02-0675428	DOHMH	\$1,133.00	816	112	
Brooklyn Delegation	Unity Fellowship Breaking Ground	13-3703707	DOHMH	\$1,133.00	816	112	

* Indicates pending completion of pre-qualification review.

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

CHART 9: Mental Health Services for Veterans Initiative - Fiscal 2016

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
NYU Military Family Clinic	13-5562308	DOHMH	(\$150,000.00)	816	120	
New York University - Military Family Clinic	13-5562308	DOHMH	\$150,000.00	816	120	

* Indicates pending completion of pre-qualification review.

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

CHART 10: Autism Awareness Initiative - Fiscal 2016

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
NYU Langone Medical Center	13-5562308	DOHMH	(\$30,000.00)	816	121	
New York University - Langone Medical Center	13-5562308	DOHMH	\$30,000.00	816	121	

* Indicates pending completion of pre-qualification review.

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

CHART 11: Community Consultants Contracts Initiative - Fiscal 2016

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Neighborhood Housing Services Of East Flatbush	13-3098397	HPD	(\$29,730.00)	806	009	
Neighborhood Housing Services of Brooklyn CDC, Inc.	47-1169779	HPD	\$29,730.00	806	009	

* Indicates pending completion of pre-qualification review.

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

CHART 12: MS Extra Initiative - Fiscal 2016

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
After School Corporation, The	13-4004600	DOE	(\$1,550,000.00)	040	402	
Expanded Schools, Inc.	13-4004600	DOE	\$1,550,000.00	040	402	

* Indicates pending completion of pre-qualification review.

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

CHART 13: TASC After-Three Initiative - Fiscal 2016

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
After School Corporation, The	13-4004600	DYCD	(\$3,000,000.00)	260	312	
Expanded Schools, Inc.	13-4004600	DYCD	\$3,000,000.00	260	312	

* Indicates pending completion of pre-qualification review.

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

CHART 14: Infant Mortality Reduction Initiative - Fiscal 2016

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Federation of County Networks	13-4156022	DOHMH	(\$129,524.00)	816	113	
Federation of County Networks	13-4156022	DOHMH	(\$28,539.00)	816	113	
Northern Manhattan Perinatal Partnership	13-3782555	DOHMH	(\$20,757.00)	816	113	
Northern Manhattan Perinatal Partnership	13-3782555	DOHMH	(\$138,474.00)	816	113	
African Services Committee, Inc.	13-3749744	DOHMH	\$12,204.00	816	113	
Bronx Health Link	13-4045022	DOHMH	\$12,204.00	816	113	
BronxWorks, Inc.	13-3254484	DOHMH	\$12,203.00	816	113	
Brooklyn Perinatal Network, Inc.	13-3428222	DOHMH	\$12,204.00	816	113	
CAMBA, Inc.	11-2480339	DOHMH	\$12,204.00	816	113	
Caribbean Women's Health Association, Inc.	13-3323168	DOHMH	\$12,203.00	816	113	
Christopher Rose Community Empowerment Campaign	11-3423612	DOHMH	\$12,204.00	816	113	
Community Healthcare Network, Inc.	13-3083068	DOHMH	\$12,204.00	816	113	
Diaspora Community Services, Inc.	11-3122295	DOHMH	\$12,203.00	816	113	
Department of Health and Mental Hygiene - Infant, Maternal and Reproductive Health Programs	13-6400434	DOHMH	\$12,204.00	816	113	
Forestdale, Inc.	11-1631747	DOHMH	\$12,204.00	816	113	
Fort Greene Strategic Neighborhood Action Partnership	11-3343941	DOHMH	\$12,203.00	816	113	
Greater Brooklyn Health Coalition, Inc.	11-3484928	DOHMH	\$12,204.00	816	113	
Joseph P. Addabbo Family Health Center, Inc.	061181226	DOHMH	\$12,204.00	816	113	
Little Sisters of the Assumption Family Health Service, Inc.	13-2867881	DOHMH	\$12,203.00	816	113	
Lower East Side Family Union	23-7412423	DOHMH	\$12,204.00	816	113	
Morris Heights Health Center	061081232	DOHMH	\$12,204.00	816	113	
Mount Sinai Hospital	13-1624096	DOHMH	\$12,203.00	816	113	
Planned Parenthood of New York City, Inc.	13-2621497	DOHMH	\$12,204.00	816	113	
Queens Comprehensive Perinatal Council, Inc.	11-2870422	DOHMH	\$12,204.00	816	113	
Richmond Medical Center d/b/a Richmond University Medical Center	74-3177454	DOHMH	\$12,203.00	816	113	
SCO Family of Services	11-2777066	DOHMH	\$12,204.00	816	113	
St. Barnabas Hospital	13-1740122	DOHMH	\$12,204.00	816	113	
Sunset Park Health Council, Inc.	20-2508411	DOHMH	\$12,203.00	816	113	
Urban Health Plan, Inc.	23-7360305	DOHMH	\$12,203.00	816	113	
William F. Ryan Community Health Center, Inc.	13-2884976	DOHMH	\$12,203.00	816	113	

* Indicates pending completion of pre-qualification review.

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

CHART 15: Healthy Women, Healthy Future Initiative - Fiscal 2016

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Northern Manhattan Perinatal Partnership	13-3782555	DOHMH	(\$132,128.00)	816	113	
Choices in Childbirth	20-2015286	DOHMH	\$132,128.00	816	113	

* Indicates pending completion of pre-qualification review.

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

CHART 16: COMPASS Slot Restoration - Fiscal 2016

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
St. Vincent's Services, Inc.	13-2752494	DYCD	(\$50,400.00)	260	312	
St. Vincent's Services, Inc.	11-1631823	DYCD	\$50,400.00	260	312	

* Indicates pending completion of pre-qualification review.

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

CHART 17: Beating Hearts Initiative - Fiscal 2016***

Member	Organization	EIN Number	*
<i>Rose</i>	<i>Jewish Community Center - Staten Island, Inc.</i>	<i>13-5562256</i>	
<i>Rose</i>	<i>Brothers Care, Inc.</i>	<i>26-1422585</i>	
Van Bramer	Queen of Angels Church	11-1723787	
Van Bramer	Variety Boys & Girls Club of Queens Inc.	11-6014770	
Miller	Community Bridge Home	11-3192295	
Miller	Eastern Queens Alliance	20-1723492	
Miller	Clergy United for Community Empowerment	11-3030795	
Miller	Youth and Tennis, Inc.	11-2576758	
Torres	Neighborhood Initiatives Development Corporation	13-3110811	
Mealy	Not Just Hoops, Inc.	90-0607202	
Mealy	Victory Music and Dance Company, Inc.	47-2167056	
Mealy	WAYSIDE OUTREACH DEVELOPMENT INC WORD - Van Dyke II	11-3528680	
Mealy	WAYSIDE OUTREACH DEVELOPMENT INC WORD - Mt. Ararat	11-3528680	
King	Velocity Track Club New York	46-3197831	
King	St. Luke's Senior Community Program	13-2747442	

*Items listed in Italics indicate an Organization and EIN change from transparency resolution #11 (3/22/2016) ***Staten Island Heart Society, Inc. has received \$350,000 that will go towards providing automated external defibrillators (AEDs) to non-profit organizations that primarily serve the youth and aging populations. The non-profit organizations are listed above.*

CHART 18: Local Initiatives - Fiscal 2015

Member	Organization -Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Borelli	St. Columcille Irish Cultural Center	13-3909562	DYCD	(\$3,500.00)	260	005			
Borelli	Columcille Cultural Center, Inc.	13-3909562	DYCD	\$3,500.00	260	005			

* Indicates pending completion of pre-qualification review.

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

CHART 19: Aging Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Dromm	Neighborhood Housing Services of Northern Queens, Inc.	13-3098397	DFTA	(\$5,000.00)	125	003			
Dromm	Neighborhood Housing Services Of New York City, Inc. – Northern Queens	13-3098397	DFTA	\$5,000.00	125	003			

* Indicates pending completion of pre-qualification review.

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

CHART 20: Youth Discretionary - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Barron	Empowering Youth Towards Excellence	27-2246137	DYCD	(\$7,000.00)	260	312			
Barron	Empowering Youth Towards Excellence	27-2246317	DYCD	\$7,000.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 21: Anti-Poverty Initiative - Fiscal 2015

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Barron	EDIFY Communities of New York	20-0177748	DYCD	(\$30,000.00)	260	312			
Barron	St. Paul Community Baptist Church	11-2453951	DYCD	\$30,000.00	260	312			

* Indicates pending completion of pre-qualification review.

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

CHART 22: Food Pantries Initiative - Fiscal 2015

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Bronx Delegation	St. Edmunds Episcopal Church	13-3995178	DYCD	(\$10,000.00)	260	005	
Bronx Delegation	St. Edmunds Episcopal Church	13-4136007	DYCD	\$10,000.00	260	005	

* Indicates pending completion of pre-qualification review.

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

CHART 23: Purpose of Funds Changes - Fiscal 2016

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds *
Local	Speaker	Hispanic Federation, Inc.	13-3573852	DYCD	(\$100,000.00)	Funding will be used to support the Hispanic Federation's community education initiatives and programs. To hire a Director of Health Advocacy to play a key role in coordinating its health advocacy, community programs and events. This individual would be responsible for managing advocacy coalitions and key partnerships, including HF's Sexual and Reproductive Health and Rights Initiative (SRHR).
Local	Speaker	Hispanic Federation, Inc.	13-3573852	DYCD	\$100,000.00	Funding to support Hispanic Federation's community education initiatives and programs.
Local	Williams	J'Ouvert City International, Inc.	11-3362754	DYCD	(\$6,000.00)	Funds will support the preparation and execution of the Labor Day Parade activities. Funding would be used to support the rental of Port-O-Sans, tents, chairs, and stage; the purchase of banners and sashes for the Marshalls; printing; * the purchase of trophies and awards, the preparation of workers' meals, and the costs for security and Steelband/Masquerade performances.
Local	Williams	J'Ouvert City International, Inc.	11-3362754	DYCD	\$6,000.00	Funds will support solely the operating expenses for the execution of the Labor Day Parade.
Youth	Johnson	Parents-Teachers Association Of Quest 2 Learn	27-1274060	DYCD	(\$5,000.00)	To expand the use of the online college counseling program, Naviance, to 9th and * 10th Graders in the Upper School.
Youth	Johnson	Parents-Teachers Association Of Quest 2 Learn	27-1274060	DYCD	\$5,000.00	To expand the use of the online college counseling program, Naviance, for District 3 college-bound freshmen and sophomores. Programming will take place during and after school and is open to all freshmen and sophomore's in District 3.
Local	Vacca	City Island Community Center	13-3074369	DYCD	(\$5,000.00)	To fund folding chairs, roof replacement and a sign/bulletin board.
Local	Vacca	City Island Community Center	13-3074369	DYCD	\$5,000.00	Funds will be used for general operational expenses of the community center.
Speaker's Initiative	Speaker	Publicolor, Inc.	13-3912768	DYCD	(\$20,000.00)	Funds will be used to support the Paint Club program an innovative and multi-layered after-school program in the following schools MS 206 (508 E. 120 St., Manhattan) and Health Opportunities HS (350 Gerard Ave., Bronx). Sites will include La Placita/La Marqueta in East Harlem.
Speaker's Initiative	Speaker	Publicolor, Inc.	13-3912768	DYCD	\$20,000.00	Funds will be used to support the two semesters of the Paint Club afterschool program at struggling middle/high school in East Harlem, using the power of design and community engagement to transform the culture and climate of struggling middle/high school.
Local	Reynoso	Grand Street District Management Association, Inc.	11-2739527	DSBS	(\$15,000.00)	To support sanitation efforts including supplemental sidewalk cleaning and graffiti removal.
Local	Reynoso	Grand Street District Management Association, Inc.	11-2739527	DSBS	\$15,000.00	To support a second employee of the organization by funding a portion of his salary to conduct business attraction efforts and communications/marketing.

* Indicates pending completion of pre-qualification review.

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

CHART 24: Purpose of Funds Changes - Fiscal 2015

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds *
Local	Williams	Haitian Family Resource Center	45-0678479	DYCD	(\$3,500.00)	Funding for Haitian- American and other immigrants social service.
Local	Williams	Haitian Family Resource Center	45-0678479	DYCD	\$3,500.00	Funds will be used for operational support of the immigration legal clinic at the Haitian Family Resource Center.

* Indicates pending completion of pre-qualification review.

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

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, April 20, 2016. *Other Council Members Attending: Williams and Deutsch.*

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

Report of the Committee on Health

Report for Int. No. 902-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring defibrillators at baseball fields where youth leagues play.

The Committee on Health, to which the annexed amended proposed local law was referred on September 17, 2015 (Minutes, page 3401), respectfully

REPORTS:

INTRODUCTION

Today, the Committees on Health, chaired by Council Members Corey Johnson, will hear Proposed Int. No. 902-A, a bill that would require youth baseball leagues to bring an automated external defibrillator (AED) to every game and practice on City-owned land, and to make efforts to ensure that a trained coach or umpire is present as well. These AEDs, and training in their use, would be provided by the City at no cost to the leagues. This bill was heard in its original version on October 13, 2015, during a joint hearing with the Committee on Parks and Recreation. Testimony was heard from the Department of Parks and Recreation, advocates, and other interested parties.

I. SUDDEN CARDIAC DEATHS IN YOUNG ATHLETES

Fatal sport-related injuries can result from head and spine injuries, but most sudden deaths in athletes are cardiac in origin.¹ The frequency of sudden cardiac death is difficult to determine, because many studies have relied on the self-reporting of physicians and media accounts of deaths.² The National Federation of State High School Associations estimates 10 to 25 cases of sudden cardiac death per year in individuals younger than 30 years.³

The leading cause of death in young athletes is a condition called hypertrophic cardiomyopathy, commonly known as an enlarged heart.⁴ This genetic disorder occurs in 1 out of every 500 people and causes the muscle in the heart to abnormally thicken.⁵ This thickening of the muscle can force the heart to work

¹ Glenn C. Terry, James M. Kyle, James M. Ellis, Jr., et. al., "Sudden Cardiac Arrest in Athletic Medicine," *Journal of Athletic Training*, Apr-Jun 2001; 36(2): 205-209, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC155532/>

² *Id.*

³ *Id.*

⁴ Martha Pyron, "Hypertrophic Cardiomyopathy: A Cause of Athlete Sudden Death," *American College of Sports Medicine*, Jan 19, 2012, <https://www.acsm.org/public-information/articles/2012/01/19/hypertrophic-cardiomyopathy-a-cause-of-athlete-sudden-death>

⁵ American Heart Association, "Hypertrophic Cardiomyopathy," Aug. 21, 2015, http://www.heart.org/HEARTORG/Conditions/More/Cardiomyopathy/Hypertrophic-Cardiomyopathy_UCM_444317_Article.jsp

harder to pump blood and can lead to dangerous heart arrhythmias.⁶ Physical activity can trigger these dangerous arrhythmias and sudden cardiac arrest can occur during very vigorous physical activity.⁷

Comotio cordis is the second highest cause of death in athletes younger than 14 years⁸ and typically involves young, predominantly male, athletes who experience a sudden, blunt trauma to the anterior chest resulting in cardiac arrest and sudden death.⁹ Baseball is the most common sport in which this condition occurs and nearly all commotio events are caused by direct baseball strikes to the left chest wall.¹⁰ “Pitchers, catchers, and batters have the highest incidence of commotio cordis; however, all players can be affected by this phenomenon.”¹¹ Chest protectors, which are commonly used by catchers and batters, have not been shown to be reliable in either the human experience or in animal laboratory studies in preventing commotio cordis.¹²

The American Academy of Pediatrics finds that children 5 to 14 years of age may be uniquely vulnerable to this blunt chest impact because their chest walls are more elastic and more easily compressed.¹³ Data from the United States Commotio Cordis Registry (“the Registry”) show that 26 percent of those who experience commotio cordis are younger than 10 years and 75 percent are younger than 18 years.¹⁴ Approximately 10 to 20 commotio cordis events are added to the Registry every year, but the actual incidence is likely much greater due to underreporting and lack of recognition.¹⁵ The survival rate during the initial years of the Registry (1970-1993) was only 10 percent but has increased to 58 percent in recent years (2006-2012).¹⁶ This progressive decline in commotio cordis fatalities can be attributed to earlier recognition of a commotio cordis event, earlier commencement of cardiopulmonary resuscitation (CPR), and the increasing availability and use of automated external defibrillators (AED).¹⁷

II. AUTOMATED EXTERNAL DEFIBRILLATORS

An AED is the only effective treatment for restoring a regular heart rhythm during sudden cardiac arrest and is an easy to operate tool for someone with no medical background.¹⁸ It is a medical device that analyzes the heart’s rhythm and can deliver an electrical shock, known as defibrillation, which helps the heart re-establish an effective rhythm.¹⁹ The average response time for first responders once 911 is called is 8 to 12 minutes.²⁰ For each minute defibrillation is delayed, the chance of survival is reduced approximately 10 percent.²¹ More than 95 percent of patients who receive defibrillation shock in the first minute of cardiac arrest survive.²²

In New York State, the presence of an AED is required in the following locations:

- public schools and at locations off-site that are then hosting a public school-sponsored athletic contest or practice;²³
- places of public assembly with a capacity of at least one thousand people, including stadiums, ballparks, gymnasiums, field houses, arenas, civic centers, concert halls,

⁶ *Id.*

⁷ *Id.*

⁸ American Academy of Pediatrics, “Policy Statement: Baseball and Softball,” <http://pediatrics.aappublications.org/content/early/2012/02/22/peds.2011-3593.full.pdf+html>

⁹ Steven M Yabek, “Comotio Cordis,” Medscape, Jul 30, 2013, <http://emedicine.medscape.com/article/902504-overview>

¹⁰ Mark S. Link, “Comotio Cordis: Ventricular Fibrillation Triggered by Chest Impact–Induced Abnormalities in Repolarization,” *Circulation: Arrhythmia and Electrophysiology*, 2012; 5: 425-432, <http://circep.ahajournals.org/content/5/2/425.full>

¹¹ *Id.*

¹² *Supra*, Note 8

¹³ *Supra*, Note 8

¹⁴ Steven M Yabek, “Comotio Cordis,” Medscape, Jul 30, 2013, <http://emedicine.medscape.com/article/902504-overview>

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ American Red Cross, “Learn about Automated External Defibrillators,” <http://www.redcross.org/prepare/location/workplace/easy-as-aed>

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Glenn C. Terry, James M. Kyle, James M. Ellis, Jr., et al., “Sudden Cardiac Arrest in Athletic Medicine,” *Journal of Athletic Training*, Apr-Jun 2001; 36(2): 205–209, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC155532/>

²³ NY Education Law §917

recital halls, theatres, and indoor and outdoor amphitheatres (with exceptions for halls owned by churches, religious organizations, granges, public associations, and free libraries); and²⁴

- health clubs with 500 or more members.²⁵

In New York City, the presence of AEDs is required in the publicly accessible areas of the following places:

- public buildings maintained by the division of facilities management and construction of the Department of Citywide Administrative Services (a/k/a DCAS);
- at least six parks in each borough under the jurisdiction of the Department of Parks and Recreation;
- ferry terminals owned and operated by the City of New York served by ferry boats with a passenger capacity of one thousand or more persons;
- nursing homes;
- senior centers;
- golf courses, stadia and arenas; and
- health clubs that have a membership of at least 250 people.²⁶

III. ANALYSIS OF, AND CHANGES TO, PROPOSED INT. NO. 902-A

Proposed Int. No. 902-A would require youth baseball leagues, defined as baseball leagues with participants who are all aged 17 or younger, or who are in high school, that play on land managed or otherwise under the jurisdiction of the Department of Parks and Recreation to make available at least one AED at every baseball game and practice at which any team in the league is participating. This requirement does not apply to teams in the Public School Athletic League, which are already required to have AEDs under state law. This bill would also require that, where practicable, leagues required to make an AED available under this bill also ensure that coach, umpire, or other qualified adult who has successfully completed a training course in AED operation in the previous 24 months is present at each game or practice. This is only required “where practicable” to allow for the absence of a qualified person due to an extenuating circumstance such as a trained coach being ill. It is not a general allowance for the regular occurrence of games or practices without a trained adult.

These same requirements would also apply to youth baseball leagues playing on baseball fields leased by the Department of Citywide Administrative Services.

The requirement that leagues make AEDs available at games and practices differs from the previously heard version of this legislation, which required simply that the Department of Parks and Recreation have AEDs available at baseball fields under its jurisdiction that are used for youth baseball games at all times.

Proposed Int. No. 902-A would require the Department of Parks and Recreation, and the Department of Citywide Administrative Services, to provide a sufficient number of AEDs and training courses to leagues covered by the law that play on their fields for the leagues to comply with the law. This requirement, however, would be limited to that which is possible based on the appropriation of funds to the program. If insufficient funds exist to fully fund all AEDs and training courses required, the respective departments would be required to provide them on an equitable basis.

Department of Parks and Recreation permit applications would require a certification by an applicant league covered by this law that it will abide by its terms. Leagues would be required to maintain proof that

²⁴ NY Public Health §225.5-b

²⁵ NY General Business Law, Article 27, §627-a

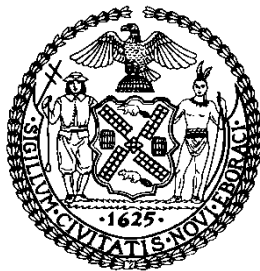
²⁶ N.Y.C. Ad. Code §17-188.

they possessed a sufficient number of AEDs to comply with the law for a period of three years from the permit date. Leases for Department of Citywide Administrative Services baseball fields to covered leagues would be required to have the mandates contained in this bill as requirements of the lease as well.

The penalty for violating this law would be a warning for a first violation and a civil penalty of \$500 for subsequent violations, except that a violation of the law by failing to return an AED provided by the Department of Parks and Recreation or the Department of Citywide Administrative Services in satisfactory condition when requested, or at the end of the lease where applicable, would result in a civil penalty of no more than \$2,500. Any league with an outstanding penalty for failing to return an AED in satisfactory condition under this law would not be eligible for a ballfield permit in subsequent seasons.

Proposed Int. No. 902-A would take effect January 1, 2017.

(The following is the text of the Fiscal Impact Statement for Int No. 902-A:)



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

PROPOSED INTRO. NO: 902-A

COMMITTEE: Committee on Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to requiring defibrillators at baseball fields where youth leagues play.

SPONSOR(S): Council Members Matteo, Johnson, Cabrera, Constantinides, Gentile, Koo, Mendez, Rose, Levine, Eugene, Van Bramer, Ferreras-Copeland, Kallos, Menchaca, Lander, Ulrich, and Borelli

SUMMARY OF LEGISLATION: The proposed legislation would require the Department of Parks and Recreation and the Department of Citywide Administrative Services to provide a sufficient number of automated external defibrillators (AEDs) and training courses to youth baseball leagues that play on fields managed or leased by the respective departments, as possible based on the appropriation of funds to the program. The legislation would also require that, where practicable, applicable leagues would ensure that a coach, umpire, or other qualified adult who has successfully completed a training course in AED operation in the previous 24 months be present at each game or practice.

EFFECTIVE DATE: This legislation would take effect on January 1, 2017.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY 18	Full Fiscal Impact FY 17
Revenues	\$0	\$0	\$0
Expenditures	\$3,557,000	\$47,000	\$3,557,000
Net	(\$3,557,000)	(\$47,000)	(\$3,557,000)

IMPACT ON REVENUES: While the legislation would impose civil penalties for failure to comply, it is anticipated that there would be no revenue as a result of this legislation because full compliance is anticipated.

IMPACT ON EXPENDITURES: This legislation would require that the Department of Parks and Recreation and the Department of Citywide Administrative Services provide AEDs and training courses at no cost to the estimated 175 youth baseball leagues in New York City that play on fields managed, leased, or otherwise under the jurisdiction of the respective departments. Each league averages 15-20 teams per league, resulting in approximately 3,000 teams across the five boroughs that would require an AED at each game and practice. Adult and pediatric CPR/AED courses cost \$85 per class/person and certifications remain valid for two years.

The projected expenditures assume a cost of \$1,000 per AED and \$170 in trainings per team. Program personnel would constitute an additional cost, should the Departments require new staff to manage the program, including communicating with youth baseball leagues, tracking and documenting the devices and events, assuring AED quality and compliance, and managing program data. An annual salary of \$45,000 plus the cost of the data management software program would cost approximately \$47,000. It is, therefore, anticipated that the legislation would result in approximately \$3,557,000 in expenditures in Fiscal 2017.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jeanette Merrill, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Crielhien R. Francisco, Unit Head, NYC Council Finance Division
Rebecca Chasan, Assistant Counsel, NYC Council Finance Division
Tanisha Edwards, Chief Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on September 17, 2015 as Intro. 902 and was referred to the Committee on Health. The Committee on Health held a hearing on October 13, 2015, jointly with the Committee on Parks and Recreation, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 902-A, will be considered by the Committee on Health on April 19, 2016. Upon successful vote by the Committee on Health, Proposed Intro. No. 902-A will be submitted to the full Council for a vote on April 20, 2016.

DATE PREPARED: April 18, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 902-A:)

Int. No. 902-A

By Council Members Matteo, Johnson, Cabrera, Constantinides, Gentile, Koo, Mendez, Rose, Levine, Eugene, Van Bramer, Ferreras-Copeland, Kallos, Menchaca, Lander, Vacca, Barron, Espinal, Vallone, Levin, Ulrich and Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to requiring defibrillators at baseball fields where youth leagues play.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 4-209 to read as follows:

§ 4-209 *Automated external defibrillators at youth baseball games and practices on city land leased to youth leagues.* a. *Definitions.* As used in this section, the following terms have the following meanings:

Automated external defibrillator. The term “automated external defibrillator” means a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and (iv) upon action by an individual, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.

Department. The term “department” means the department of citywide administrative services or any successor of such department.

Training course. The term “training course” means a course approved by a nationally-recognized organization or the state emergency medical services council in the operation of automated external defibrillators.

Youth baseball league. The term “youth baseball league” means baseball leagues with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants, other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues.

b. A youth baseball league using a baseball field for which the department is the lessor shall:

1. make available an automated external defibrillator at every baseball game and practice occurring at such field in which a team of such league participates; and

2. where practicable, ensure that there is at least one coach, umpire or other qualified adult who is present at each such game and practice who has successfully completed a training course within 24 months of each such game and practice.

c. The department shall provide to youth baseball leagues subject to the requirements of subdivision b a sufficient number of automated external defibrillators and training courses at no cost to such leagues. Any defibrillator provided by the department to such a league shall be returned in satisfactory condition at the end of the lease or upon request of such department.

d. The department shall not lease a ballfield to a youth baseball league unless such lease requires that the lessee comply with subdivision b.

e. Any person who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment using an automated external defibrillator that has been made available pursuant to this section, to a person who is unconscious, ill or injured, and any individual or entity that purchases or makes available an automated external defibrillator as required by this section, is entitled to the limitation of liability provided in section 3000-a of the New York state public health law.

f. Nothing contained in this section imposes any duty or obligation on any person to provide assistance with an automated external defibrillator to a victim of a medical emergency.

g. Nothing contained in this section affects the obligations or liability of emergency health providers pursuant to section 3000-b of the New York state public health law.

h. Any youth baseball league that violates the provisions of subdivision b shall receive a warning for a first violation, and shall be liable for a civil penalty of \$500 for each subsequent violation, 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. Any youth baseball league that violates the provisions of subdivision c shall be liable for a civil penalty of no more than \$2,500 for each automated external defibrillator that is not returned in satisfactory condition, 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.

i. The provision of automated external defibrillators and training courses authorized by this section shall be limited to the appropriation of funds available for this program. To the extent the department anticipates that the number of automated external defibrillators and training courses requested by youth baseball leagues will exceed the funds available, the department shall provide such defibrillators and training courses authorized by subdivision c on an equitable basis until such funds are exhausted.

j. The commissioner of the department shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this section.

§ 2. The administrative code of the city of New York is amended by adding a new section 18-146 to read as follows:

§ 18-146 Defibrillators at youth baseball games and practices in parks. a. Definitions. As used in this section, the following terms have the following meanings:

Automated external defibrillator. The term "automated external defibrillator" means a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and (iv) upon action by an individual, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.

Department. The term "department" means the department of parks and recreation or any successor of such department.

Training course. The term "training course" means a course approved by a nationally-recognized organization or the state emergency medical services council in the operation of automated external defibrillators.

Youth league. The term "youth league" means youth recreation sports leagues other than the public school leagues, including school leagues, little leagues, community based organization leagues, and unaffiliated leagues.

Youth recreation. The term "youth recreation" means athletic activity with participants who are all 17 years old or younger, but includes grade school through high school athletic programs regardless of the age of the participants.

b. A youth league using a ballfield under the jurisdiction and management of the department to play or practice baseball shall:

1. make available an automated external defibrillator at every baseball game and practice in which any team in such league participates; and

2. where practicable, ensure that there is at least one coach, umpire or other qualified adult who is present at each such game and practice who has successfully completed a training course within 24 months of every such game and practice.

c. The department shall provide to youth leagues subject to the requirements of subdivision b a sufficient number of automated external defibrillators and training courses at no cost to such leagues. Any defibrillator provided by the department to such a league shall be returned in satisfactory condition upon request of the department.

d. The department shall not issue a permit to a youth league for the use of a ballfield under its jurisdiction and management to play baseball unless, for the duration of the season for which the permit is sought, such league certifies that it will comply with subdivision b.

e. Each league shall maintain records that it possesses a sufficient number of automated external defibrillators to meet the requirements of subdivision b for three years from the date such league receives the permit that was the subject of the application.

f. Any person who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment using an automated external defibrillator that has been made available pursuant to this section, to a person who is unconscious, ill or injured, and any individual or entity that purchases or makes available an automated external defibrillator as required by this section, is entitled to the limitation of liability provided in section 3000-a of the New York state public health law.

g. Nothing contained in this section imposes any duty or obligation on any person to provide assistance with an automated external defibrillator to a victim of a medical emergency.

h. Nothing contained in this section affects the obligations or liability of emergency health providers pursuant to section 3000-b of the New York state public health law.

i. 1. The ballfield permit holder of any league that violates the provisions of subdivisions b or e shall receive a warning for a first violation, and shall be liable for a civil penalty of \$500 for each subsequent violation, 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.

2. The ballfield permit holder of any league that violates the provisions of subdivision c shall be liable for a civil penalty of no more than \$2,500 for each automated external defibrillator that is not returned in satisfactory condition to the department, 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.

j. No ballfield permit shall be issued to any youth league that has a past due outstanding penalty for a violation issued pursuant to paragraph 2 of subdivision i.

k. The provision of automated external defibrillators and training courses authorized by this section shall be limited to the appropriation of funds available for this program. To the extent the department anticipates that the number of automated external defibrillators and training courses requested by youth leagues will exceed the funds available, the department shall provide such defibrillators and training courses authorized by subdivision c on an equitable basis until such funds are exhausted.

l. The commissioner of the department shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this section.

§ 3. This local law takes effect on January 1, 2017.

COREY D. JOHNSON, *Chairperson*; ROSIE MENDEZ, JAMES VACCA, JAMES G. VAN BRAMER, INEZ D. BARRON, RAFAEL L. ESPINAL, Jr.; Committee on Health, April 19, 2016. *Other Council Members Attending: Council Member Matteo.*

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

Report of the Committee on Housing and Buildings

Report for Int. No. 831-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to permit filing fees for new buildings and alterations.

The Committee on Housing and Buildings to which the annexed proposed amended local law was referred on June 10, 2015 (Minutes, page 2234), respectfully

REPORTS:

Introduction

On April 18, 2016, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams will hold a hearing to consider Proposed Int. No. 831-A.

The Committee previously considered Proposed Int. No. 831-A at a hearing on September 16, 2015. The Committee received testimony from representatives of the Department of Buildings (DOB) and other interested members of the public.

Proposed Int. No. 831

Proposed Int. No. 831-A would alter permit filing fees for certain new building and alteration permit applications filed with DOB.

Section one of Proposed Int. No. 831-A would amend table 28-112.2 of the administrative code to alter such fees.

The legislation would amend permit filing fees for certain new building permit applications as follows:

- It would reduce new building permit filing fees for work on one-, two- and three-family homes by half, from \$0.12 per square foot to \$0.6 per square foot.
- It would also increase the square foot fee for buildings more than six stories or more than 100,000 square feet from \$0.26 per square foot to \$0.45 per square foot.
- The minimum fee for buildings less than seven stories and less than 100,000 square feet that are not one-, two- and three-family homes would be increased from \$100 to \$280.
- Additionally, the minimum filing fee for buildings more than six stories or more than 100,000 square feet would be increased from \$100 to \$290.

Further, the legislation would amend permit filing fees for certain alteration permit applications as follows:

- It would decrease the estimated cost of work fee for one-, two- and three-family homes from \$5.15 per \$1,000 of the alteration cost in excess of \$5,000 to \$2.60 per \$1,000 of the alteration cost in excess of \$5,000. The minimum filing fee for such work would also be reduced from \$170 to \$100.
- It would also provide only a single and reduced estimated cost of work fee for buildings less than seven stories and less than 100,000 square feet. Such fee would be reduced from \$20 per \$1,000 of the alteration cost in excess of \$5,000 to \$10.30 per \$1,000 of the alteration cost in excess of \$3,000.
- There would also be a single and increased estimated cost of work fee for buildings more than six stories or 100,000 square feet. Such fee would \$17.75 per \$1,000 of the alteration cost in excess of \$3,000.
- Additionally, the minimum fee for buildings more than six stories or more than 100,000 square feet would be increased from \$280 to \$290.
-

Finally, the proposed legislation would authorize DOB to adjust such fees through the adoption of rules.

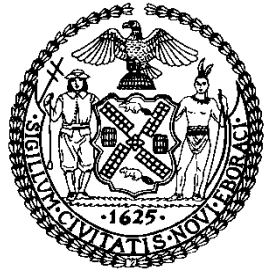
Section two of Proposed Int. No. 831-A contains the enactment clause and provides that the local law take effect 30 days after its enactment.

Changes to Proposed Int. No. 831-A

In addition to various technical edits, Proposed Int. No. 831-A has been substantively amended in the following manner:

- The fees will not change for multiple dwellings where at least 50 percent of the units are affordable to households whose income is less than 165% of area median income for New York City.

(The following is the text of the Fiscal Impact Statement for Int No. 831-A:)



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

PROPOSED INTRO. NO: 831-A

**COMMITTEE: Housing and
Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to permit filing fees for new buildings and alterations

SPONSOR(S): Council Members Williams, Rosenthal and Torres (by request of the Mayor)

SUMMARY OF LEGISLATION: The proposed legislation would amend fees for certain new building and alteration permit applications filed with the Department of Buildings (“DOB”). Specifically, the legislation would decrease fees for certain permit applications for one-, two- and three-family homes and increase such fees for larger buildings. It would also allow the DOB to increase certain fees in the future by rule. Specifically, the proposed legislation would amend permit filing fees for certain new building permit applications as follows:

- It would reduce the filing fees for work on one-, two- and three-family homes by half, from \$0.12 per square foot to \$0.06 per square foot.
- It would increase the filing fee for buildings more than seven stories or more than 100,000 square feet from \$0.26 per square foot to \$0.45 per square foot.
- The minimum fee for buildings less than seven stories and less than 100,000 square feet that are not one-, two-, and three-family homes would be increased from \$100 to \$280.
- The minimum filing fee for buildings more than seven stories or more than 100,000 square feet would be increased from \$100 to \$290.

Further, the legislation would amend permit filing fees for certain alteration permit applications as follows:

- It would decrease the estimated cost of work fee for one-, two- and three-family homes from \$5.15 per \$1,000 of the alteration cost in excess of \$5,000 to \$2.60 per \$1,000 of the alteration cost in excess of \$5,000. The minimum filing fee for such work would also be reduced from \$170 to \$100.
- It would provide only a single and reduced estimated cost of work fee for buildings less than seven stories and less than 100,000 square feet. Such fee would be reduced from \$20 per \$1,000 of the alteration cost in excess of \$5,000 to \$10.30 per \$1,000 of the alteration cost in excess of \$3,000.

- There would also be a single and increased estimated cost of work fee for buildings more than seven stories or 100,000 square feet. Such fee would \$17.75 per \$1,000 of the alteration cost in excess of \$3,000.
- The minimum fee for buildings more than seven stories or more than 100,000 square feet would be increased from \$280 to \$290.

EFFECTIVE DATE: This local law would take effect 30 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$4,028,000	\$6,042,000	\$6,042,000
Expenditures	\$0	\$0	\$0
Net	\$4,028,000	\$6,042,000	\$6,042,000

IMPACT ON REVENUES: Based on the current volume of new building permit applications for one-, two- and three-family homes, it is estimated that the reduction of filing fees would reduce revenue by \$149,333 in Fiscal 2016 and \$224,000 in the out years. Additionally, based on the current volume of permit applications for alterations to one-, two- and three-family homes, it is estimated that decreasing the estimated cost of work fees would reduce revenue by \$1,589,333 in Fiscal 2016 and \$2,384,000 in the out years. Collectively, the fiscal impact of lower fee structures for one-, two- and three-family homes is expected to reduce revenue by \$1,738,666 in Fiscal 2016 and \$2,608,000 in the out years. Based on the current volume of new building permits for buildings more than seven stories or more than 100,000 square feet, it is estimated that the increase in filing fees would increase revenue by \$4,433,333 in Fiscal 2016 and \$6,650,000 in the out years. Additionally, based on the current volume of permit applications for alterations to buildings more than seven stories, it is estimated that the increase in filing fees would increase revenue by \$1,333,333 in Fiscal 2016 and \$2,000,000 in the out years. Collectively, the fiscal impact of higher fee structures for buildings more than seven stories or more than 100,000 square feet is expected to increase revenue by \$5,666,666 in Fiscal 2016 and \$8,650,000 in the out years. Thus the net fiscal impact of this legislation is estimated to be \$4,028,000 in Fiscal 2016 and \$6,042,000 in the out years.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable.

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Buildings
Mayor's Office of Legislative Affairs

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

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 10, 2015 as Intro. No. 831 and was referred to the Committee on Housing and Buildings. The legislation was considered at a hearing held by the Committee on Housing and Buildings on September 16, 2015 and was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 831-A, will be considered by the Committee on Housing and Buildings on April 18, 2016. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on April 20, 2016.

DATE PREPARED: April 14, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 831-A:)

Int. No. 831-A

By Council Members Williams, Rosenthal, Torres, Vallone and Kallos (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to permit filing fees for new buildings and alterations.

Be it enacted by the Council as follows:

Section 1. Table 28-112.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

Table 28-112.2

Permit Type	Filing Fee	Renewal Fee	Comments
<i>New Buildings</i>			
<p>New building work permit: One-, two- or three-family dwelling, where no existing building elements are to be retained in place as part of the new building.</p> <ul style="list-style-type: none"> Subsequent applications related to initial new building work permit application, filed prior to the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no 	<p>\$[0.12]0.06 for each square foot, or fraction thereof, of the total floor area of the new building, but not less than \$100 for each structure</p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p> <p>\$100</p>	<p>\$100</p> <p>\$100</p>	<p>For the purposes of this fee schedule item, “building elements” means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</p>

<p>TCO is issued</p>			
<p>New building work permit: One-, two- or three-family dwelling, where any existing building elements are to be retained in place as part of the new building, pursuant to section 28-101.4.5.</p>	<p>Minimum Filing Fee - \$[170]100</p> <p>Minimum filing fee for the first five thousand dollars or fraction thereof, of the cost of alteration; plus \$[5.15]2.60 for each one thousand dollars, or fraction thereof, of cost of alterations in excess of five thousand dollars.</p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>	<p>\$100</p>	<p>For the purposes of this fee schedule item, “building elements” means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</p>
<p>New building work permit: Garage for not more than three cars when accessory to and filed with plans for one-, two- or three-family dwelling to which it is accessory on the same lot</p>	<p>\$100</p>	<p>\$100</p>	
<p>New building work permit: All other new buildings fewer than 7 stories and less than 100,000 square feet, where no existing building elements are to be retained in place as part of the new building.</p> <ul style="list-style-type: none"> Subsequent applications related to initial new building work permit application, filed prior to 	<p>\$0.26 for each square foot, or fraction thereof, of the total floor area of the new building, but not less than \$[100]280 for each structure.</p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p> <p>\$100</p>	<p>\$100</p>	<p>For the purposes of this fee schedule item, “building elements” means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade</p>

<p>the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued</p>		<p>\$100</p>	
<p>New building work permit: All other <i>new buildings fewer than 7 stories and less than 100,000 square feet</i>, where any existing building elements are to be retained in place as part of the new building, pursuant to section 28-101.4.5.</p>	<p>Minimum Filing Fee - \$280 Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$[20 for each one thousand dollars, or fraction thereof, of the next two thousand dollars of such cost; plus \$]10.30 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of [five] <i>three</i> thousand dollars.</p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>	<p>\$100</p>	<p>For the purposes of this fee schedule item, “building elements” means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</p>
<p><i>New building work permit: All other new buildings 7 stories or more or 100,000 square feet or more, classified in occupancy group R-2, where at least 50 percent of the occupancy units are affordable to households whose income is less than 165 percent of the area median income for New York city, as determined by the United States department of housing and urban development or successor agency, which are financed entirely or in part by a grant or loan from the city of New York or the New York city housing and development corporation, and where no existing building elements are to be retained in place as part of the new building.</i></p> <ul style="list-style-type: none"> • <i>Subsequent applications related</i> 	<p><i>\$0.26 for each square foot, or fraction thereof, of the total floor area of the new building, but not less than \$100 for each structure.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p> <p>\$100</p>	<p>\$100</p>	<p><i>For the purposes of this fee schedule item, “building elements” means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</i></p>

<p><i>to initial new building work permit application, filed prior to the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued</i></p>			
<p><i>New building work permit: All other new buildings 7 stories or more or 100,000 square feet or more, classified in occupancy group R-2, where at least 50 percent of the occupancy units are affordable to households whose income is less than 165 percent of the area median income for New York city, as determined by the United States department of housing and urban development or successor agency, which are financed entirely or in part by a grant or loan from the city of New York or the New York city housing and development corporation, and where any existing building elements are to be retained in place as part of the new building, pursuant to section 28-101.4.5.</i></p>	<p><i>Minimum Filing Fee - \$280 Minimum filing fee for the first \$3,000 or fraction thereof, of the cost of alteration; plus \$10.30 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of three thousand dollars.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>	<p><i>\$100</i></p>	<p><i>For the purposes of this fee schedule item, "building elements" means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</i></p>
<p><i>New building work permit: All other new buildings 7 stories or more, or 100,000 square feet or more, where no existing building elements are to be retained in place as part of the new building.</i></p> <ul style="list-style-type: none"> <i>• Subsequent applications related to initial new building work permit application, filed prior to the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued</i> 	<p><i>\$0.45 for each square foot, or fraction thereof, of the total floor area of the new building, but not less than \$290 for each structure.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p> <p><i>\$100</i></p>	<p><i>\$100</i></p> <p><i>\$100</i></p>	<p><i>For the purposes of this fee schedule item, "building elements" means any portion of an existing building or structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</i></p>
<p><i>New building work permit: All other new buildings 7 stories or more, or 100,000 square feet or more, where any existing building elements are to be</i></p>	<p><i>Minimum Filing Fee - \$290 Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration;</i></p>	<p><i>\$100</i></p>	<p><i>For the purposes of this fee schedule item, "building elements" means any portion of an existing building or</i></p>

<p><i>retained in place as part of the new building, pursuant to section 28-101.4.5.</i></p>	<p><i>plus \$17.75 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of three thousand dollars.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>		<p><i>structure, including but not limited to party walls foundations, footings, piles and slabs on grade.</i></p>
<p>Alterations</p>			
<p>Alteration work permit: · One-, two or three-family dwelling.</p> <ul style="list-style-type: none"> • Alteration Type 1 • Alteration Type 2 • Alteration Type 3 • Limited Alteration Application 	<p>Minimum Filing Fee - \$170</p> <p>Minimum Filing Fee - \$130</p> <p>Minimum Filing Fee - \$130</p> <p>Minimum Filing Fee - \$130</p> <p>Minimum filing fee for the first five thousand dollars or fraction thereof, of the cost of alteration; plus \$[5.15]2.60 for each one thousand dollars, or fraction thereof, of cost of alterations in excess of five thousand dollars.</p> <p><i>The rates and fees set forth above shall be subject to increases as</i></p>	<p>\$100</p>	

	<i>provided by department rules.</i>		
<p>Alteration work permit: Alterations in all other buildings and <i>structures fewer than 7 stories and less than 100,000 square feet</i>, including but not limited to aerial towers and masts, tank structures, fire escapes, etc., which are unoccupied and not easily valued by area.</p> <ul style="list-style-type: none"> • Alteration Type 1 • Alteration Type 2 • Alteration Type 3 • Limited Alteration Application 	<p>Minimum Filing Fee - \$280</p> <p>Minimum Filing Fee - \$225</p> <p>Minimum Filing Fee- \$195</p> <p>Minimum Filing Fee- \$195</p> <p>Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$[20 for each one thousand dollars, or fraction thereof, of the next two thousand dollars of such cost; plus \$]10.30 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of [five] <i>three</i> thousand dollars.</p> <p><i>The rates and fees set forth above shall be subject to increases as</i></p>	<p>\$100</p>	<p>Such alterations work shall include:</p> <ul style="list-style-type: none"> • Applications related to new building work permit application, filed after the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued. • Installation or alteration of elevators, escalators, amusement devices and other devices regulated under this code, except those filed under a new building application.

	<p><i>provided by department rules.</i></p>		
<p><i>Alteration work permit: Alterations in all other buildings and structures 7 stories or more, or 100,000 square feet or more, classified in occupancy group R-2, which are unoccupied and not easily valued by area, where at least 50 percent of the occupancy units are affordable to households whose income is less than 165 percent of the area median income for New York city, as determined by the United States department of housing and urban development or successor agency, and which are financed entirely or in part by a grant or loan from the city of New York or the New York city housing and development corporation.</i></p> <ul style="list-style-type: none"> • <i>Alteration Type 1</i> • <i>Alteration Type 2</i> • <i>Alteration Type 3</i> • <i>Limited Alteration Application</i> 	<p><i>Minimum Filing Fee - \$280</i></p> <p><i>Minimum Filing Fee - \$225</i></p> <p><i>Minimum Filing Fee- \$195</i></p>	<p><i>\$100</i></p>	<p><i>Such alterations work shall include:</i></p> <ul style="list-style-type: none"> • <i>Applications related to new building work permit application, filed after the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued.</i> • <i>Installation or alteration of elevators, escalators, amusement devices and other devices regulated under this code, except those filed under a new building application.</i>

	<p><i>Minimum Filing Fee- \$195</i></p> <p><i>Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$10.30 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of three thousand dollars.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>		
<p><i>Alteration work permit: Alterations in all other buildings and structures 7 stories or more, or 100,000 square feet or more, including but not limited to aerial towers and masts, tank structures, fire escapes, etc., which are unoccupied and not easily valued by area.</i></p> <ul style="list-style-type: none"> • <i>Alteration Type 1</i> • <i>Subsequent or related filings</i> 	<p><i>Minimum Filing Fee- \$290</i></p> <p><i>Minimum Filing Fee- \$290</i></p> <p><i>Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$17.75 for each one thousand dollars, or fraction thereof, of the</i></p>	<p><i>\$100</i></p>	<p><i>Such alterations work shall include:</i></p> <ul style="list-style-type: none"> • <i>Applications related to new building work permit application, filed after the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued.</i> • <i>Installation or alteration of elevators, escalators, amusement devices and other devices regulated under this code, except those filed under a new building application.</i>

	<p><i>alteration cost in excess of three thousand dollars.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as provided by department rules.</i></p>		
<p><i>Alteration work permit: Alterations in all other buildings and structures 7 stories or more, or 100,000 square feet or more, including but not limited to aerial towers and masts, tank structures, fire escapes, etc., which are unoccupied and not easily valued by area.</i></p> <ul style="list-style-type: none"> • <i>Alteration Type 2</i> • <i>Alteration Type 3</i> • <i>Limited Alteration Application</i> 	<p><i>Minimum Filing Fee- \$225</i></p> <p><i>Minimum Filing Fee- \$195</i></p> <p><i>Minimum Filing Fee- \$195</i></p> <p><i>Minimum filing fee for the first three thousand dollars, or fraction thereof, of the cost of alteration; plus \$10.30 for each one thousand dollars, or fraction thereof, of the alteration cost in excess of three thousand dollars.</i></p> <p><i>The rates and fees set forth above shall be subject to increases as</i></p>	<p><i>\$100</i></p>	<p><i>Such alterations work shall include:</i></p> <ul style="list-style-type: none"> • <i>Applications related to new building work permit application, filed after the first temporary certificate of occupancy (TCO), or the final certificate of occupancy if no TCO is issued.</i> • <i>Installation or alteration of elevators, escalators, amusement devices and other devices regulated under this code, except those filed under a new building application.</i>

	<i>provided by department rules.</i>		
Permit to install or alter service equipment except plumbing and fire suppression piping service equipment.	Filing fee calculated as for respective building alteration.	\$100	
<p>Permit to install, alter or replace oil-burning equipment:</p> <ul style="list-style-type: none"> Where the storage tank exceeds two hundred seventy-five gallon capacity; or where the storage tank is less than two hundred seventy-five gallons and is to be buried, or is to be installed in a multiple dwelling or a place of assembly or in a building along the line of a subway, or is to deliver fuel oil to a burner installed above the lowest floor of a building with a primary Business Group B occupancy. In all other conditions. 	<p>\$130</p> <p>\$65</p>	<p>\$100</p> <p>\$100</p>	
<i>Other</i>			
Permit for foundation, earthwork or open space without roof, whether enclosed or unenclosed, on sites such as parking lots,	\$10 for each two thousand square feet of area or fraction thereof, but	\$100	

gasoline or oil-selling stations, storage yards, sales or exhibition or show spaces used for generally similar purposes.	not less than \$130		
Permit for golf driving range.	\$7.50 for each twenty thousand square feet of area or fraction thereof, but not less than \$130.	\$100	
Accessory building to golf driving range, not to exceed one hundred forty-four square feet.	\$130	\$100	
Permit for demolition and removal.	Multiply building frontage in feet or fraction thereof x number of stories of the building x \$2.60, but not less than \$260. For corner lot, use the longer building frontage.	\$100	
Curb cut, private dwelling	\$3 for each linear foot including splay; minimum \$130		
Curb cut, other	\$6 for each linear foot including splay; minimum \$130		
Filing of post-approval amendments to existing applications	The greater of \$100 or the fees for the additional scope or cost of work as calculated pursuant to this Table 28-112.2.		
<i>Signs</i>			
Permit to erect, install or alter sign: Ground sign.	Filing fee calculated as for respective building alteration, plus \$5 for each one hundred square feet of surface area, or fraction thereof, but not less than \$35	\$100	Each face of any sign, when fronting on different streets, shall be treated as a separate sign.
Permit to erect, install or alter sign: Roof sign having a tight, closed or solid surface.	Filing fee calculated as for respective building alteration; plus \$15 for each one hundred square feet of surface area, or fraction thereof, but not less than \$70	\$100	Each face of any sign, when fronting on different streets, shall be treated as a separate sign.
Permit to erect, install or alter sign: Roof sign without a tight, closed or solid surface, extending to a height of not more than	Filing fee calculated as for respective building alteration; plus \$15 for each one hundred square	\$100	Each face of any sign, when fronting on different streets, shall be treated as a separate sign.

thirty-one feet above roof level.	feet of surface area, or fraction thereof, but not less than \$100		
Permit to erect, install or alter sign: Roof sign without a tight, closed or solid surface, extending to a height over thirty-one feet above roof level.	Filing fee calculated as for respective building alteration; plus \$25 for each one hundred square feet of area, or fraction thereof, but not less than \$135.	\$100	Each face of any sign, when fronting on different streets, shall be treated as a separate sign.
Permit to erect, install or alter sign: Illuminated sign projecting beyond street line having thirty square feet or less on one side.	Filing fee calculated as for respective building alteration.	\$100	Illuminated sign is subject to annual use fee: \$45.
Permit to erect, install or alter sign: Illuminated sign projecting beyond street line having more than thirty square feet but no more than fifty square feet on one side.	Filing fee calculated as for respective building alteration.	\$100	Illuminated sign is subject to annual use fee: \$70.
Permit to erect, install or alter sign: Illuminated sign projecting beyond street line and having more than fifty square feet on one side	Filing fee calculated as for respective building alteration.	\$100	Illuminated sign is subject to annual use fee: \$0.75 for each square foot or part thereof annually, but not less than \$100.
Maintenance permit for outdoor signs.	As provided by department rules.		
<i>Temporary Structures</i>			
Sidewalk shed	\$160 for the first twenty five feet or fraction thereof in the length of the shed; plus \$10 for each additional twenty-five feet or fraction thereof.	\$100	
Scaffold	\$160	\$100	
Construction Fence	\$160	\$100	
Permit for temporary shed, railing, footbridge, catch platform, building sidewalk shanty, over-the-sidewalk chute.	\$160 for each permit	\$100	
Permit for temporary structure other than those temporary structures listed above, including but not limited to	For the initial 30 days of permit duration: \$130 for the first one thousand square feet or fraction thereof; plus \$0.10 for each square	\$100 for each additional 30 days	

tents, grandstands, stages.	foot or fraction thereof in excess of one thousand square feet; \$100 for each additional 30 day period of permit duration.		
<i>Reinstatement of Applications/Permits</i>			
Application/permit reinstatement fees:			
<ul style="list-style-type: none"> • Prior to first permit. • Following first permit issuance but prior to commencing work. • Following first permit, with work partially complete. 	<p>Full fee at the rate in effect on the date of reinstatement</p> <p>Full fee at the rate in effect on the date of reinstatement</p> <p>Based upon the full fee at the rate in effect on the date of reinstatement, the percentage of the fee equal to the percentage of work remaining as determined by the department inspector, plus the renewal fee.</p>		

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

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 18, 2016. *Other Council Members Attending: Council Members Chin, Reynoso and Levin.*

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. 1118

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation of alterations and improvements to multiple dwellings.

The Committee on Housing and Buildings to which the annexed proposed local law was referred on March 9, 2016 (Minutes, page 644), respectfully

REPORTS:

Introduction

On April 18, 2016, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams will hold a hearing to consider Int. No. 1118 and Int. No. 1119.

The Committee previously considered Int. No. 1118 and Int. No. 1119 at a hearing on March 31, 2016. The Committee received testimony from representatives of the Department of Housing Preservation and Development (HPD) and other interested members of the public.

The J-51 Program

The City's J-51¹ tax benefit program, authorized by Section 489 of the New York State Real Property Tax Law, provides local real estate tax exemption and abatement benefits to owners of multi-family residential buildings who undertake certain capital improvements on their properties. The tax exemption benefit temporarily relieves a property from an increase in the assessed value that would otherwise occur as a result of the improvements. The tax abatement reduces or eliminates existing real estate taxes, usually on both buildings and land,² based on a percentage of the cost of the work that was performed. Examples of improvements that are eligible for the J-51 tax benefit program include but are not limited to, the replacement or installation of elevators, heating components, plumbing components, wiring and windows.³ Further, rental units in buildings that receive J-51 exemptions and/or abatements must be registered with the State Division of Housing and Community Renewal and are generally subject to rent stabilization for at least as long as the J-51 benefits are in force.

The kind and length of J-51 benefit that a property receives depends on the degree of government involvement in the rehabilitation, the location of the property, and the extent and nature of the improvement.

HPD administers the J-51 program and handles applications. The Department of Finance (DOF) applies the benefit to real property assessed values and taxes. According to DOF,⁴ in Fiscal Year 2016 (FY 16), the J-51 program provided 22,285 exemptions and 95,551 abatements for buildings containing 539,549 units.⁵ Further, according to DOF, in FY 16, the J-51 program amounted to \$266.2 million in tax expenditures.

The 488-a Program

The 488-a program, authorized by Section 488-a of the New York State Real Property Tax Law, provides local real estate tax exemption and abatement benefits to certain buildings to encourage the rehabilitation of single-room occupancy housing units. Examples of improvements that are eligible for the 488-a program, include but are not limited to, the replacement or installation of elevators, heating components, plumbing components,

¹ The J-51 tax benefit program derived its name from its former location in Title J of Chapter 51 of the NYC Admin. Code. It is now located in § 11-243 of the Admin. Code.

² Buildings located in Manhattan in the Minimum Tax Zone may use the abatement benefit only to reduce real estate taxes on the value of the building only, not the land.

³ Chapter 5 of Title 28 of the Rules of the City of New York sets forth the complete list improvements that can qualify a building for a J-51 benefit.

⁴ "City of New York Department of Finance Office of Tax Policy Annual Report on Tax Expenditures Fiscal Year 2013" at 15 http://www1.nyc.gov/assets/finance/downloads/pdf/reports/reports-tax-expenditure/ter_2015_final.pdf.

⁵ *Id.*

wiring and windows.⁶ Qualifying buildings can receive a tax exemption for 32 years on any increase in assessed value that results from eligible improvements, and an annual tax abatement, for up to 20 years, equal to 12½ percent of the reasonable cost of eligible improvements as certified by HPD.⁷ Further, the annual abatement cannot exceed the taxes otherwise payable for the year, and the total abatement cannot exceed the lesser of (a) 150 percent of the certified reasonable cost or (b) the actual cost of the eligible improvements.⁸ HPD also administers the 488-a program and handles applications.

Int. No. 1118

Section one of Int. No. 1118 would amend subdivision (b) of section 11-243 of the Administrative Code of the City of New York to provide that in order to be eligible for the J-51 program, conversions, alterations or improvements shall be completed within thirty months of their initiation and prior to June 30, 2019.

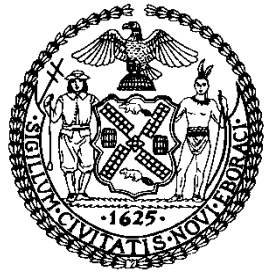
Section two of Int. No. 1118 contains the enactment clause and provides that the local law takes effect immediately after it becomes law.

Int. No. 1119

Section one of Int. No. 1119 would amend paragraph (i) of subdivision b of section 11-244 of the Administrative Code of the City of New York to provide that in order to be eligible for the 488-a program, eligible improvements must be completed prior to December 31, 2019.

Section two of Int. No. 1119 contains the enactment clause and provides that the local law takes effect immediately after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int No. 1118:)



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

**LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

INTRO. NO: 1118

**COMMITTEE: Housing and
Buildings**

TITLE: 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

SPONSOR(S): Council Members Williams, Dickens and Gentile (by request of the Mayor)

SUMMARY OF LEGISLATION: The proposed legislation would extend the J-51 tax benefit program from June 30, 2015 to June 30, 2019. The J-51 program provides real property tax exemption and abatement benefits to property owners of multi-family residential buildings who perform qualifying capital improvements. Eligible projects for this program include: City or privately-financed moderate and gut rehabilitations, privately-financed and governmentally-assisted major capital improvements to multiple dwellings, and conversions of lofts and other non-residential buildings into multiple dwellings. The type and length of J-51 benefit that a

⁶ Chapter 5 of Title 28 of the Rules of the City of New York sets forth the complete list improvements that can qualify a building for a J-51 benefit.

⁷ Admin. Code § 11-244.

⁸ *Id.*

property receives depends on the degree of government assistance in the rehabilitation, the location of the property, and the extent and nature of the improvement. Qualifying properties can receive a tax exemption for 34 years (30 years full tax benefit and then an additional four-year phasing out of the program) or 14 years (10 years tax benefit and then an additional four-year phasing out of the program) on any increase in assessed value that results from eligible improvements. Rental units in buildings that receive J-51 exemptions and/or abatements must be registered with the New York State Division of Housing and Community Renewal and are generally subject to rent stabilization for at least as long as the J-51 benefits are in force.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is estimated that this legislation would have no impact on revenues because the financial plan already assumes that the J-51 program would be extended, and therefore the fiscal impact associated with this legislation is already reflected in the plan. The plan currently estimates that the Fiscal 2016 tax expenditure of this program will total \$266.2 million covering 539,549 units. This reflects \$180.8 million for 22,285 exemptions and \$85.4 million for 95,551 abatements.

IMPACT ON EXPENDITURES: As the extension of this tax program is already reflected in the financial plan, it is estimated that there will be no impact on expenditures as a result of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Housing Preservation and Development
New York City Department of Finance, Annual Report on Tax Expenditures
Fiscal 2014 - 2016
Mayor's Office of Legislative Affairs

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

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 9, 2016 and was referred to the Committee on Housing and Buildings. The legislation was considered at a hearing by the Committee on Housing and Buildings held on March 31, 2016 and the legislation was laid over. Intro. No. 1118 will be considered again by the Committee on Housing and Buildings on April 18, 2016 and, upon a successful vote by the Committee, Intro. No.1118 will be submitted to the full Council for a vote on April 20, 2016.

DATE PREPARED: April 14, 2016

Accordingly, this Committee recommends its adoption.

(The following is the text of Int No. 1118:)

Int. No. 1118

By Council Members Williams, Dickens, Gentile, Vallone, Kallos and Levin (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.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 18, 2016. *Other Council Members Attending: Chin, Reynoso and Levin.*

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. 1119

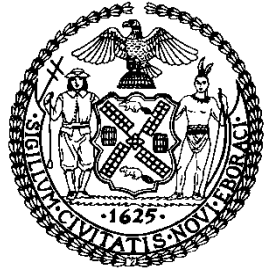
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to tax exemption and abatement for certain rehabilitated buildings as authorized by section 488-a of the real property tax law.

The Committee on Housing and Buildings to which the annexed proposed local law was referred on March 9, 2016 (Minutes, page 645), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int No. 1118 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1119:



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

INTRO. NO: 1119

COMMITTEE: Housing and Buildings

TITLE: 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

SPONSOR(S): Council Members Williams, Dickens and Gentile (by request of the Mayor)

SUMMARY OF LEGISLATION: The proposed legislation would extend the 488-a tax benefit program from December 31, 2011 to December 31, 2019.. The 488-a program provides real property tax exemption and abatement benefits to property owners who perform qualifying rehabilitation work on single-room occupancy units provided that the work is completed within 36 months from commencement. Qualifying properties can receive a tax exemption for 32 years on any increase in assessed value that results from eligible improvements, and an annual tax abatement, for up to 20 years, equal to 12.5 percent of the reasonable cost of eligible improvements as certified by the New York City Department of Housing Preservation and Development (HPD). The annual abatement benefit cannot exceed the actual cost of the eligible improvements.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	<i>(de minimis)</i>	<i>(de minimis)</i>	<i>(de minimis)</i>
Expenditures	\$0	\$0	\$0
Net	<i>(de minimis)</i>	<i>(de minimis)</i>	<i>(de minimis)</i>

IMPACT ON REVENUES: From Fiscal 2014 to 2016, on average approximately 18,648 units have received benefits through the 488-a program totaling less than \$100,000 annually. Assuming that the participation rate in the program remains relatively constant, it is estimated that the tax expenditures resulting from properties qualifying after the passage of this legislation will be under \$100,000 in Fiscal 2017 and subsequent years.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures as a result of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

SOURCE OF INFORMATION: New York City Council Finance Division
 New York City Department of Housing Preservation and Development
 New York City Department of Finance, Annual Report on Tax Expenditures
 Fiscal 2014 - 2016

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

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 9, 2016 and was referred to the Committee on Housing and Buildings. The legislation was considered at a hearing held by the Committee on Housing and Buildings on March 31, 2016 and the legislation was laid over. Intro. No. 1119 will be considered again by the Committee on Housing and Buildings on April 18, 2016 and, upon a successful vote by the Committee, Intro. No.1119 will be submitted to the full Council for a vote on April 20, 2016.

DATE PREPARED: April 14, 2016

Accordingly, this Committee recommends its adoption.

(The following is the text of Int No. 1119:)

Int. No. 1119

By Council Members Williams, Dickens, Gentile, Vallone, Kallos and Levin (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.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 18, 2016. *Other Council Members Attending: Council Members Chin, Reynoso and Levin.*

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 LU No. 341

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on March 9, 2016 (Minutes, page 647), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for LU No. 341 & Res No. 1054 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, with modifications.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 14, 2016.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for LU No. 342

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on March 9, 2016 (Minutes, page 647), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for LU No. 342 & Res No. 1055 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, with modifications.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 14, 2016.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 343

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on March 9, 2016 (Minutes, page 647), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for LU No. 343 & Res No. 1056 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, with modifications.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J.

RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 14, 2016.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 344

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on March 9, 2016 (Minutes, page 647), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for LU No. 344 & Res No. 1057 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, with modifications.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 14, 2016.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for LU No. 348

Report of the Committee on Land Use in favor of approving Application No. C 160097 PPQ submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of a lease to Flight Center Hotel, LLC, located at Building 60 at JFK International Airport, Block 14260, p/o Lot 1, pursuant to zoning, Borough of Queens, Community Districts 10, 12 and 13, Council District 28. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 22, 2016 (Minutes, page 794) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS - CBs 10, 12 and 13

C 160097 PPQ

City Planning Commission decision approving an application submitted by the New York City Department of Small Business Services, pursuant to Section 197-c of New York City Charter, for the disposition of a lease to Flight Center Hotel, LLC of property located at Building 60 at JFK International Airport, Block 14260, p/o Lot 1, pursuant to zoning.

INTENT

To approve the disposition of a lease to Flight Center Hotel, LLC, in order to facilitate the conversion of the TWA Flight Center into a hotel.

PUBLIC HEARING

DATE: April 18, 2016

Witnesses in Favor: Ten

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 18, 2016

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

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against: Abstain:

None None

COMMITTEE ACTION

DATE: April 19, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against: Abstain:

None None

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

Res No. 1043

Resolution approving the decision of the City Planning Commission on ULURP No. C 160097 PPQ, for the disposition of a lease to Flight Center Hotel, LLC, of property located at Building 60 at JFK International Airport (Block 14260, p/o Lot 1), Community Districts 10, 12 and 13, Borough of Queens (L.U. No. 348).

By Council Members Greenfield and Dickens.

WHEREAS, the City Planning Commission filed with the Council on March 11, 2016 its decision dated March 9, 2016 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Small Business Services (DSBS), for the disposition of a lease to Flight Center Hotel, LLC, of property located at Building 60 at JFK International Airport (Block 14260, p/o Lot 1), pursuant to zoning, Community Districts 10, 12, and 13, Borough of Queens (ULURP No. C 160097 PPQ) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 18, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues, including the determination by the Department of Small Business Services, (CEQR No. 16SBS001Q) dated November 16, 2015, that the Lease Agreement is a Type II action pursuant to 6 NYCRR Part 617.5(c)(26) and requires no further review under CEQR (the "Type II Determination").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160097 PPQ, incorporated by reference herein, the Council approves the Decision for the disposition of city-owned property located at Building 60 at JFK International Airport (Block 14260, part of Lot 1), Borough of Queens.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; Committee on Land Use, April 19, 2016.

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

Report for LU No. 349

Report of the Committee on Land Use in favor of approving Application No. 20165422 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 114, 122(l), 123, and 125 of the Private Housing Finance Law for approval of a new tax exemption, project summary, voluntary dissolution of the current owner, and conveyance from the current owner to a new owner of properties located at Block 2603, Lots 67, 73, 78, Borough of the Bronx, Community Board 2, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on March 22, 2016 (Minutes, page 794) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 2

20165422 HAX

Application submitted the by New York City Department of Housing Preservation and Development pursuant to Sections 114, 122(l), 123(4), and 125 of the Private Housing Finance Law for the approval of a new tax exemption, project summary, voluntary dissolution of the current owner, and conveyance from the current owner to the new owner of properties located at Block 2603, Lots 67, 73, and 78, Borough of the Bronx, Community Board 2, Council District 8.

INTENT

To approve pursuant to the Private Housing Finance Law; Sections 125 for a new tax exemption, 114 for conformity of a project summary, 122(1) for conveyance of the exemption area, and 123(4) for voluntary dissolution of the current owner of the exemption area which consists of three multiple dwellings that provide rental housing for persons of low income.

PUBLIC HEARING

DATE: April 4, 2016

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 18, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against: Abstain:

None None

COMMITTEE ACTION

DATE: April 19, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against: Abstain:

None None

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

Res No. 1044

Resolution to approve a real property tax exemption pursuant to Section 125 of the Private Housing Finance Law (PHFL), for the Exemption Area located on Block 2603, Lots 67, 73 and 78; approve pursuant to Sections 114, 122(l), 123(4), and 125 of the Private Housing Finance Law for the conformity of a project summary, voluntary dissolution of the current owner, conveyance from the current owner to the new owner, and termination of a partial tax exemption, for property identified as Block 2603, Lots: 67, 73 and 78, Borough of the Bronx, Community District 2 (L.U. No. 349; 20165422 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 1, 2016 its request dated February 15, 2016 that the Council approve a new tax exemption from real property taxes pursuant to Section 125 of the Private Housing Finance Law (the "New Exemption"), for real property located on Block 2603, Lots 67, 73, and 78; approve pursuant to Sections 114, 122(l), 123(4), and 125 of the PHFL the conformity of a project summary, voluntary dissolution of the current owner, conveyance from the current owner to the new owner, and termination of a partial tax exemption; for property identified as Block 2603, Lots: 67, 73 and 78, Borough of the Bronx, Community District 2 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the New Exemption on April 4, 2016; and

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

RESOLVED:

The Council approves the requests made by the New York City Department of Housing Preservation and Development for the Exemption Area pursuant to Sections 114, 122(l), 123(4), and 125 of the Private Housing Finance Law as follows:

1. The Council approves, pursuant to Section 114 of the PHFL, the Project Summary as to conformity with the provisions and purposes of Article V of the PHFL.
2. The Council approves, pursuant to Section 122(1) of the PHFL, the conveyance of the Exemption Area by the Current Owner to the New Owner.
3. The Council approves, pursuant to Section 125 of the PHFL, the termination of the partial tax exemption of the Exemption Area granted by the Board of Estimate on June 17, 1980 (Cal. No. 50), which termination shall be effective (1) day preceding the date of the conveyance of the Exemption Area from the Current Owner to the New Owner.
4. The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
5. The Council approves the exemption of the Exemption Area from real property taxes pursuant to Section 125 of the PHFL as follows:
 - a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Current Owner" shall mean Timpson Place Associates.
 - (2) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the New Owner, or (ii) the date that the New Owner enters into the Redevelopment Company Contract.
 - (3) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2603, Lots: 67, 73 and 78 on the Tax Map of the City of New York.
 - (4) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date upon which the Exemption Area ceases to be owned by the New Owner or, subject to HPD approval, another redevelopment company organized pursuant to Article V of the PHFL, (iii) the date upon which the City terminates the tax exemption pursuant to the terms of the Redevelopment Company Contract, or (iv) the date of the expiration or termination of the Section 8 Housing Assistance Payments Contract or contracts under a similar or successor program, unless the New Owner or, subject to HPD approval, another redevelopment company organized pursuant to Article V of the PHFL, has entered into a new redevelopment company contract with HPD regarding rental subsidy for tenants living in the Exemption Area.
 - (5) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (6) "Redevelopment Company Contract" shall mean the contract between HPD and the New Owner.
 - (7) "J-51 Program" shall mean the program of exemption from and abatement of real property taxation authorized pursuant to Real Property Tax Law §489 and Administrative Code §11-243.
 - (8) "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law.
 - (9) "New Owner" shall mean Timpson Place Associates LLC.
 - (10) "New Exemption" shall mean the exemption from taxation provided hereunder with respect to the Exemption Area.
 - (11) "Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the Private Housing Finance Law approved by the Board of Estimate on June 17, 1980 (Cal. No. 50).

- (12) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
- (13) “Shelter Rent Tax” shall mean ten percent (10%) of the Shelter Rent.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements, (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real estate tax payments in the amount of the Shelter Rent Tax. Notwithstanding the foregoing, (i) the Exemption Area may receive J-51 Benefits, provided, however, that the aggregate exemption from and abatement of real property taxation pursuant to the J-51 Program in any twelve month period shall not exceed fifty percent of the Shelter Rent Tax for such twelve month period pursuant to the New Exemption, and (ii) the total annual real estate tax payment by the New Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due and payable in the absence of any form of tax exemption or abatement provided by an existing or future local, state or federal law, rule or regulation.
- d. In consideration of the tax exemption provided hereunder, the New Owner, for so long as the New Exemption shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption, other than J-51 Benefits as limited by paragraph c hereof, which may be authorized under any existing or future local, state or federal law, rule or regulation.
6. The Council approves, pursuant to Section 114 of the PHFL, the Redevelopment Company Contract and authorizes the Commissioner of HPD to execute the Redevelopment Company Contract in substantially the form submitted, when approved as to form by the Corporation Counsel.
7. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; Committee on Land Use, April 19, 2016.

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

Report for LU No. 353

Report of the Committee on Land Use in favor of approving Application No. 20165426 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for an amendment to a previously approved real property tax

exemption for property located at Block 2934, Lots 23, 26, 29 and 31; Block 2662, Lot 10; Block 2668, Lots 30 and 33; Block 2669, Lots 6 and 47; Block 2685, Lot 48; Block 2799, Lot 18; Block 2869, Lot 142; Block 2877, Lot 268; Block 2879, Lots 68 and 69; Block 2890, Lot 17; Block 2892, Lot 38; Block 2903, Lots 3, 41, 43 and 44; Block 2971, Lots 10, 12 and 14; and Block 3776, Lot 44; Borough of the Bronx; Community Districts 2, 3, 5, and 9; Council Districts 14, 15, 16, 17, and 18.

The Committee on Land Use, to which the annexed Land Use item was referred on March 22, 2016 (Minutes, page 795) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CBs 2, 3, 5, and 9

20165426 HAX

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for an amendment to a previously approved real property tax exemption for properties located at Block 2662, Lot 10; Block 2668, Lots 30 and 33; Block 2669, Lots 6 and 47; Block 2685, Lot 48; Block 2799, Lot 18; Block 2869, Lot 142; Block 2877, Lot 268; Block 2879, Lots 68 and 69; Block 2890, Lot 17; Block 2892, Lot 38; Block 2903, Lots 3, 41, 43 and 44; Block 2934, Lots 23, 26, 29 and 31; Block 2971, Lots 10, 12 and 14; and Block 3776, Lot 44; Borough of the Bronx; Community Districts 2, 3, 5, and 9; Council Districts 14, 15, 16, 17, and 18.

INTENT

To amend the Exemption Area of a previously approved resolution (Res. No. 948; L.U. No. 303), of December 16, 2015; which consists of 19 multiple dwellings that provide rental housing for low-income families.

PUBLIC HEARING

DATE: April 4, 2016

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 4, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Mealy, Cohen, Treyger.

Against: Abstain:

None None

COMMITTEE ACTION**DATE:** April 19, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against: Abstain:

None None

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

Res No. 1045

Resolution to approve an amendment to a previously approved urban development action area project located at Block 2662, Lot 10; Block 2668, Lots 30 and 33; Block 2669, Lots 6 and 47; Block 2685, Lot 48; Block 2799, Lot 18; Block 2869, Lot 142; Block 2877, Lot 268; Block 2879, Lots 68 and 69; Block 2890, Lot 17; Block 2892, Lot 38; Block 2903, Lots 3, 41, 43 and 44; Block 2934, Lots 23, 26, 29 and 31, Block 2971, Lots 10, 12 and 14; and Block 3776, Lot 44, Borough of the Bronx (L.U. No. 353; 20165426 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 1, 2016 its request dated February 29, 2016 that the Council approve an amendment to a previously approved exemption area pursuant to Section 577 of the Private Housing Finance Law ("Amended Exemption") for property located at Block 2662, Lot 10; Block 2668, Lots 30 and 33; Block 2669, Lots 6 and 47; Block 2685, Lot 48; Block 2799, Lot 18; Block 2869, Lot 142; Block 2877, Lot 268; Block 2879, Lots 68 and 69; Block 2890, Lot 17; Block 2892, Lot 38; Block 2903, Lots 3, 41, 43 and 44; Block 2934, Lots 23, 26, 29 and 31, Block 2971, Lots 10, 12 and 14; and Block 3776, Lot 44, Community Districts 2, 3, 5, and 9, Borough of the Bronx (the "Exemption Area");

WHEREAS, HPD's request for the amendment is related to a previously approved City Council Resolution adopted on December 16, 2015 (Resolution No. 948, L.U. No. 303) (the "Prior Resolution") granting the Exemption Area a real property tax exemption pursuant to Section 420-c of the Real Property Tax Law and pursuant to Section 577 of the Private Housing Finance Law (the "Previous Tax Exemption");

WHEREAS, HPD submitted to the Council on March 1, 2016 its request dated February 29, 2016 relating to the tax exemptions for the Exemption Area ("The HPD Request");

WHEREAS, upon due notice, the Council held a public hearing on the Amended Exemption on April 4, 2016;

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 Prior Resolution by (i) replacing the definition of “Exemption Area” contained in subdivision (c) of paragraph one and (ii) replacing the definition of “Prior Exemption” contained in subdivision (j) of paragraph one, with the following:

- (c) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2662, Lot 10; Block 2668, Lots 30 and 33; Block 2669, Lots 6 and 47; Block 2685, Lot 48; Block 2799, Lot 18; Block 2869, Lot 142; Block 2877, Lot 268; Block 2879, Lots 68 and 69; Block 2890, Lot 17; Block 2892, Lot 38; Block 2903, Lots 3, 41, 43 and 44; Block 2934, Lots 23, 26, 29 and 31, Block 2971, Lots 10, 12 and 14; and Block 3776, Lot 44 on the Tax Map of the City of New York.
- (j) “Prior Exemption” shall mean (a) the exemption from real property taxation pursuant to Section 420-c of the Real Property Tax Law for that portion of the Exemption Area located at Block 2903, Lots 3, 41, 43, and 44 and Block 2934, Lots 23, 26, 29, and 31, and (b) the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law for the portion of the Exemption Area located at Block 2685, Lot 48 and Block 3776, Lot 44, approved by the City Council, respectively, on June 7, 1999 (Res. No. 852) and May 16, 1995 (Res. No. 982).

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; Committee on Land Use, April 19, 2016.

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

Report for LU No. 354

Report of the Committee on Land Use in favor of approving Application No. 20165357 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 289 Bleecker Restaurant LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 289 Bleecker Street, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item was referred on April 7, 2016 (Minutes, page 917) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2

20165357 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 289 Bleecker Restaurant, LLC, d/b/a Pagani, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 289 Bleecker Street, Borough of Manhattan.

INTENT

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

PUBLIC HEARING

DATE: April 18, 2016

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 18, 2016

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres.

Against: Abstain:

None None

COMMITTEE ACTION

DATE: April 19, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against: Abstain:

None None

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

Res No. 1046

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 289 Bleecker Street, Borough of Manhattan (20165357 TCM; L.U. No. 354).

By Council Members Greenfield and Richards.

WHEREAS, the Department of Consumer Affairs filed with the Council on March 29, 2016 its approval dated March 29, 2016 of the petition of 289 Bleecker Restaurant, LLC, d/b/a Pagani, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located 289 Bleecker Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on April 18, 2016; and

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

RESOLVED:

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

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; Committee on Land Use, April 19, 2016.

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

Report for L.U. No. 355

Report of the Committee on Land Use in favor of approving Application No. C 160065 ZMX submitted by the New York City Department of City Planning pursuant to Sections 197-s and 201 of the New York City for an amendment of the Zoning Map, Section No. 2a, changing property from an R7A district to an R4A district, Borough of the Bronx, Community Board 12, Council District 12.

The Committee on Land Use, to which the annexed Land Use item was referred on April 7, 2016 (Minutes, page 918) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 12

C 160065 ZMX

City Planning Commission decision approving an application 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 No. 2a, by changing an R7A District to an R4A District property

generally bounded by 240th Street to the north; 234th Street to the south; Vireo Avenue to the west; and Webster Avenue to the east, in the Woodlawn neighborhood of the Bronx, to preserve the residential character of the neighborhood.

INTENT

This amendment to the Zoning Map would reinforce the area’s predominantly one- and two-family residential character and no longer permit the construction of six- to eight- story apartment buildings.

PUBLIC HEARING

DATE: April 18, 2016

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 18, 2016

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: April 19, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger.

Against:

None

Abstain:

None

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

Res No. 1047

Resolution approving the decision of the City Planning Commission on ULURP No. C 160065 ZMX, a Zoning Map amendment (L.U. No. 355).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on April 1, 2016 its decision dated March 30, 2016 (the "Decision"), on the application 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 No. 2a, to change an R7A District to an R4A District, in order to ensure that future development will occur in a manner and scale that is typical of the existing community, (ULURP No. C 160065 ZMX), Borough of the Bronx (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 18, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues including the negative declaration (CEQR No. 16DCP046X) issued November 2, 2015 (the "Negative Declaration");

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160065 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 2a, changing from an R7A District to an R4A District property bounded by a line midway between Vireo Avenue and Webster Avenue, a line perpendicular to the northerly street line of East 236th Street distant 115 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 236th Street and the northwesterly street line of Webster Avenue, East 236th Street, a line perpendicular to the southerly street line of East 236th Street distant 140 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of East 236th Street and the northwesterly street line of Webster Avenue, a line midway between East 236th Street and East 235th Street, a line perpendicular to the northerly street line of East 235th Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 235th Street and the northwesterly street line of Webster Avenue, East 235th Street, a line perpendicular to the southerly street line of East 235th Street distant 155 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of East 235th Street and the northwesterly street line of Webster Avenue, a line midway between East 235th Street and East 234th Street, a line perpendicular to the northerly street line of East 234th Street distant 130 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 234th Street and the northwesterly street line of Webster Avenue, and East 234th Street, as shown on a diagram (for illustrative purposes only) dated November 2, 2015, Community District 12, Borough of the Bronx.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; Committee on Land Use, April 19, 2016.

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

Report for LU No. 356

Report of the Committee on Land Use in favor of approving Application No. 20165481 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law and for an amendment to a previously approved real property tax exemption for property located at Block 2621, Lot 1 and Block 2632, Lot 1, Borough of the Bronx, Community Board 3, Council District 16.

The Committee on Land Use, to which the annexed Land Use item was referred on April 7, 2016 (Minutes, page 918) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 3

20165481 HAX

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for an amendment to a previously approved real property tax exemption for property located at Block 2621, Lot 1 and Block 2632, Lot 1, Borough of the Bronx, Community Board 3, Council District 16.

INTENT

To approve an amendment to previously approved City Council Resolution No. 2053, L.U. No. 958, adopted November 26, 2013 relating to the expiration date and regulatory agreement for the Exemption Area, thirty-two (32) years instead of (30) thirty years.

PUBLIC HEARING

DATE: April 18, 2016

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 18, 2016

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Dickens, Rodriguez, Cohen, Treyger.

Against: Abstain:

None None

COMMITTEE ACTION

DATE: April 19, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Treyger,

Against: Abstain:

None None

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

Res No. 1048

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 Block 2621, Lot 1 and Block 2632, Lot 1, Community District 3, Borough of the Bronx (L.U. No. 356; 20165481 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 25, 2016 its request dated March 16, 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 Block 2621, Lot 1 and Block 2632, Lot 1 (the "Exemption Area"), to facilitate the continued affordability of the Exemption Area, Community District 3, Borough of the Bronx;

WHEREAS, HPD request is related to previously approved City Council Resolution No. 2053, L.U. No. 958, of November 26, 2013 (the "Prior Resolution");

WHEREAS, HPD submitted to the Council on March 25, 2016 its revised request dated March 16, 2016 relating to the Exemption Area as it relates to the Expiration Date and the Regulatory Agreement (The "Revised HPD Request");

WHEREAS, upon due notice, the Council held a public hearing on the Amended Exemption on April 18, 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 deleting paragraphs 1(a)(5) and 1(a)(13) thereof, and replacing them with the following:

1. a.(5) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
1. a.(13) “Regulatory Agreement” shall mean the regulatory agreement between HDC, HPD and the New Owner providing that for a term of thirty-two (32) years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed sixty percent (60%) of area median income.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER; Committee on Land Use, April 19, 2016.

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

Report on the Committee on Public Safety

Report for Int. No. 809-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the coordination and targeted delivery of social services in priority areas.

The Committee on Public Safety to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, page 2192), respectfully

REPORTS:

INTRODUCTION

Today, the Committee on Public Safety, chaired by Council Member Vanessa Gibson, will hear Proposed Int. No. 809-A, a bill in relation to the coordination and targeted delivery of social services in priority areas. The bill was heard in its original version on June 29, 2015, during a Committee on Public Safety hearing. The New York City Police Department (“NYPD”), the Mayor’s Office of Criminal Justice (“MOJ”), advocates and other interested members of the public offered testimony on the bill.

I. BACKGROUND

Areas of New York City have underlying problems such as homelessness, lack of employment, or drug and alcohol abuse that may contribute to a high level of crime relative to the rest of the City. Residents in these communities face a multitude of challenges and have a need for coordinated services. Currently, the NYPD publically reports weekly on crime rates for the seven major felonies,¹ also known as index crimes, and some misdemeanors.² In addition they report crime in parks and other incidents on a quarterly basis.³ Earlier this year the NYPD unveiled a new crime website that allows people to check crime in their own neighborhood.⁴ While there is ample crime reporting and information available, there is no known public effort to identify the types of crimes that might be impacted by an increase in services, the communities that are most impacted by such crimes, the level of services being provided to those communities relative to the need and the development of a plan to coordinate an increase in the delivery of those services where needed.

II. ANALYSIS OF PROPOSED INT. NO 809-A

Proposed Int. No. 809-A would require support service agencies such as the Human Resources Administration, Administration for Children Services or Department of Education to coordinate appropriate services and develop a coordinated multiagency plan to provide services in high crime areas. Each year, NYPD would be required to prepare a report identifying the top 35 priority areas and a map of each priority area depicting the total number of enumerated felonies. The report would be presented to the mayor, council and support service agencies. Support service agencies would also report the current services offered in each of the priority areas.

In addition, a deputy mayor or a head of an officer or agency designated by the mayor would be required to coordinate and create a multi-agency plan to provide necessary social services in those priority areas. The plan would include an overview of the current services offered by support agencies and an analysis to determine the specific services needed for those areas.

III. CHANGES TO PROPOSED INTRO NO. 809-A

Since Intro 809 was heard on June 29, the bill has undergone several revisions. Int. 809 required the NYPD to designate and report on “high crime” whereas the current bill identifies “priority areas” which are geographic areas that have a higher occurrence of crime relative to the occurrence of crime experienced by the city as a whole. In addition, Proposed Int. No. 809-A requires support service agencies to report on current services offered in any neighborhood tabulation area in which 20 percent or greater of the population areas is below the poverty line. This additional requirement ensures that support services target those communities that both have a higher incident of crime and also a population in need of services. Finally, Int. 809 required a deputy mayor designated by the mayor to coordinate and create a multi-agency plan, whereas the current version allows for a deputy mayor or an officer or agency designated by the mayor to coordinate the plan.

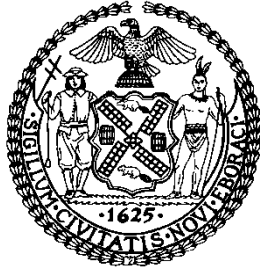
(The following is the text of the Fiscal Impact Statement for Int No. 809-A:)

¹Murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.

²http://www.nyc.gov/html/nypd/html/crime_prevention/crime_statistics.shtml

³Id.

⁴<http://www.nydailynews.com/new-york/nypd-unveils-new-block-by-block-crime-data-website-article-1.2541231>



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

PROPOSED INTRO. NO: 809-A
COMMITTEE: Public Safety

TITLE: To amend the administrative code of the city of New York, in relation to the coordination and targeted delivery of social services in high crime areas.

SPONSORS: Gibson, Torres, the Speaker (Council Member Mark-Viverito), Johnson, Mendez, Williams, Menchaca, Rosenthal, Cumbo, Treyger, Lancman and Espinal

SUMMARY OF LEGISLATION: Proposed Intro. No. 809-A would require the New York Police Department (“NYPD”) to identify the 35 priority areas in the City experiencing a high rate of crime relative to the rate of crime in the city as a whole and by September 1 of each year, provide a report to the Mayor, City Council and support service agencies. Support service agencies would include but not be limited to the following City agencies: Human Resource Administration, Administration for Children Services, Department of Homeless Services, Office to Combat Domestic Violence, Department of Youth and Community Development, Department of Education, Department of Buildings, Fire Department, Department of Housing Preservation and Development, New York City Housing Authority, and the Department of Health and Mental Hygiene. The report would include a map of the priority areas and the total number of major felonies reported within each priority area, disaggregated by the type of crime committed.

Proposed Intro. No. 809-A would also require the support services agencies to submit a report to the Council and a deputy mayor or agency head designated by the Mayor by November 1 of each year detailing the current services offered in any area where 20 percent or more of the population lives below the poverty line and that overlaps or is contiguous with a priority area. Lastly, by December 1 of each year, the legislation would require a deputy mayor or head of an office or agency to coordinate with the appropriate support service agencies to develop a coordinated, multi-agency plan to provide necessary social services in the priority areas identified in the annual report.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation. The Mayor’s Office of Criminal Justice estimates that the Health and Human Services (HHS) Accelerator Application would potentially require additional technology software to support the mapping and collection of data from support service agencies as part of this legislation. The City Council,

however, estimates that existing resources at HHS Accelerator, NYPD, and the support service agencies could be used to meet the coordination and reporting requirements of this legislation and, therefore, estimates that there would be no impact on expenditures as a result of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council
New York Police Department
Mayor's Office of Criminal Justice
Office of Management and Budget

ESTIMATE PREPARED BY: Ellen Eng, Senior Legislative Financial Analyst
ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Tanisha Edwards, Chief Counsel
Rebecca Chasan, Assistant Counsel

LEGISLATIVE HISTORY: Intro. No. 809 was introduced to the Council on June 10, 2015 and referred to the Committee on Public Safety. The Committee considered the legislation at a hearing on June 29, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 809-A, will be voted on by the Committee at a hearing on April 20, 2016. Upon successful vote of the Committee, Proposed Intro. No. 809-A will be submitted to the full Council for a vote on April 20, 2016.

DATE PREPARED: April 19, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 809-A:)

Int. No. 809-A

By Council Members Gibson, Torres, the Speaker (Council Member Mark-Viverito), Johnson, Mendez, Williams, Menchaca, Rosenthal, Cumbo, Treyger, Lancman, Espinal, Cohen, Rodriguez, Levine, Reynoso, Cornegy, Kallos and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to the coordination and targeted delivery of social services in priority areas.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§ 14-155. *Priority area social service planning and accountability.*

a. Definitions. As used in this section, the following terms have the following meanings:

Major felony. The term "major felony" means any of the following offenses: murder, including penal law sections 125.25, 125.26, and 125.27, non-negligent manslaughter, including penal law sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, and 125.22, sex offenses, including penal law sections 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.91, 130.95, and 130.96, robbery, including penal law sections 160.05, 160.10, and 160.15, burglary, including penal law sections 140.20, 140.25, and 140.30, felony assault, including penal law sections 120.01, 120.02,

120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, and 120.12, firearm and weapons possession and use, including penal law sections 265.01-A, 265.01-B, 265.02, 265.03, 265.04, 265.08 and 265.09, shooting incidents, and possession and sale of a controlled substance, including penal law sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, and 220.43.

Neighborhood tabulation area. The term "neighborhood tabulation area" means a geographic area that is no larger than a community district and comprised of two or more census tracts.

Priority area. The term "priority area" means a geographic area, no larger than a precinct sector, designated by the department, in which the previous fiscal year's major felony crime data indicates that the area has experienced a high occurrence of crime relative to the occurrence of crime experienced by the city as a whole.

Support service agency. The term "support service agency" includes but need not be limited to the following city agencies: (i) the human resources administration, (ii) the administration for children services, (iii) the department of homeless services, (iv) the office to combat domestic violence, (v) the department of youth and community development, (vi) the department of education, (vii) the department of buildings, (viii) the department of housing preservation and development, (ix) the fire department, (x) the New York city housing authority, and (xi) the department of health and mental hygiene.

b. *Priority area report.* By September 1 of each year, the commissioner shall prepare an annual report for the prior fiscal year identifying the top 35 priority areas, and shall present such report to the mayor, the council, and support service agencies. The report shall include a map of each priority area and the total number of major felonies reported within each such priority area, disaggregated by the type of crime committed. Such report shall include a comparison of the number of major felonies reported in any priority area identified in the previous year's report prepared pursuant to this subdivision.

c. By November 1 of each year, support service agencies shall report, to the council and a deputy mayor or head of an office or agency designated by the mayor, the current services offered in any neighborhood tabulation area in which 20 percent or greater of the population is below the poverty line as defined by the American Community Survey and that overlaps with or is contiguous to a priority area.

d. By December 1 of each year, such deputy mayor or head of an office or agency shall coordinate with appropriate support service agencies to develop a coordinated, multi-agency plan to provide necessary social services in the priority areas identified in the report prepared pursuant to subdivision b of this section. The plan, which shall be provided to the council, shall include an overview of the current services offered by support service agencies and reported pursuant to subdivision c of this section, and an analysis to determine the specific services needed along with a plan for coordination and collaboration between the support service agencies to provide such services in each priority area.

§ 2. This local law takes effect immediately.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JULISSA FERRERAS-COPELAND, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, April 20, 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

Report for M-388

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution approving the re-appointment by the Mayor of Frank V. Carone as a member of the New York City Taxi and Limousine Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on April 7, 2016 (Minutes, page 803) and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-394 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the reappointment by the Mayor of Frank V. Carone as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2022.

This matter was referred to the Committee on April 7, 2016.

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

Res. No. 1049

RESOLUTION APPROVING THE REAPPOINTMENT BY THE MAYOR OF FRANK V. CARONE AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.

By Council Member Lander

RESOLVED, that pursuant to §§ 31 and 2301 of the *New York City Charter*, the Council does hereby approve the reappointment by the Mayor of Frank V. Carone as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2022.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 20, 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 M-389

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution approving the re-appointment by the Mayor of Lauvienska Polanco as a member of the New York City Taxi and Limousine Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on April 7, 2016 (Minutes, page 804) and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-394 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the reappointment by the Mayor of Lauvienska Polanco as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2019.

This matter was referred to the Committee on April 7, 2016.

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

Res. No. 1050

RESOLUTION APPROVING THE REAPPOINTMENT BY THE MAYOR OF LAUVIENSKA POLANCO AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.

By Council Member Lander

RESOLVED, that pursuant to §§ 31 and 2301 of the *New York City Charter*, the Council does hereby approve the reappointment by the Mayor of Lauvienska Polanco as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2019.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 20, 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).

M-390

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution approving the appointment by the Mayor of Jeanne Lutfy as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on April 7, 2016, and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-394 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 3020 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Jeanne Lutfy as a member of the New York City Landmarks Preservation Commission to serve the remainder of a three-year term that expires on June 28, 2018.

This matter was referred to the Committee on April 7, 2016.

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

Res. No. 1051

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JEANNE LUTFY AS A MEMBER OF THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION.

By Council Member Lander.

RESOLVED, that pursuant to §§ 31 and 3020 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Jeanne Lutfy as a member of the New York City Landmarks Preservation Commission to serve the remainder of a three-year term that expires on June 28, 2018.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 20, 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-392

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution approving the appointment by the Mayor of Manuel Miranda as a member of the New York City Art Commission.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on April 20, 2016, and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-394 printed in these Minutes)

The Committee on Rules, Privileges and Elections, which will be referred to on April 20, 2016:

Pursuant to §§ 31 and 851 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Manuel Miranda as a member of the New York City Art Commission to serve for the remainder of a three-year term that expires on December 31, 2017.

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

Res. No. 1052

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF MANUEL MIRANDA AS A MEMBER OF THE NEW YORK CITY ART COMMISSION.

By Council Member Lander.

RESOLVED, that pursuant to §§ 31 and 851 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Manuel Miranda as a member of the New York City Art Commission for the remainder of a three-year term that expires on December 31, 2017.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 20, 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-394

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution approving the redesignation by the Council of Joseph A. Puma as a member of the New York City Civilian Complaint Review Board.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on April 20, 2016, and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Topic I: *New York City Civilian Complaint Review Board– (Council candidate for designation)*

- **Joseph Puma [Preconsidered M-0394]**

New York City Charter (“Charter”) § 440 created the New York City Civilian Complaint Review Board (“CCRB” or “the Board”) as an entity independent of the New York City Police Department (“NYPD”). Its purpose is to investigate complaints concerning misconduct by officers of NYPD towards members of the public. The Board’s membership must reflect the City’s diverse population, and all members must be residents of the City.

The CCRB consists of a board of thirteen members of the public as well as a civilian staff to assist the CCRB exercising its powers and fulfilling its duties. The members are appointed by the Mayor as follows: five members, one from each borough are designated by the City Council; five members, including the chair, are selected by the Mayor; and three members having law enforcement experience are designated by the Police Commissioner. Only those appointees to CCRB designated by the Police Commissioner may have law enforcement experience. Experience as an attorney in a prosecutorial agency is not deemed law enforcement experience for purposes of this definition. The CCRB hires the Executive Director, who in turn hires and supervises the agency’s all-civilian staff. There are two Deputy Executive Directors: one is responsible for administration and the other for investigations.

All appointees to CCRB serve three-year terms. Vacancies on the CCRB resulting from removal, death, resignation, or otherwise, are filled in the same manner as the original appointment; the successor completes the former member’s un-expired term. Board members are prohibited from holding any other public office or public employment. All CCRB members are eligible for compensation for their work on a per-diem basis. The current per-diem rate is \$315.00.

The CCRB is authorized to “receive, investigate, hear, make findings and recommend action” upon civilian complaints of misconduct by members of the NYPD towards the public. Complaints within the CCRB’s jurisdiction are those that allege excessive force, abuse of authority, discourtesy, or use of offensive language, including but not limited to slurs relating to race, ethnicity, religion, gender, sexual orientation or disability.

The CCRB has promulgated procedural rules pursuant to the City’s Administrative Procedural Act (“CAPA”). These rules regulate the way in which investigations are conducted¹, recommendations are made, and members of the public are informed of the status of their complaints. The rules also outline the establishment of panels consisting of at least three Board members (no panel may consist exclusively of Mayoral appointees, Council appointees or Police Commissioner appointees); these panels may supervise the investigation of complaints and hear, make findings and recommend action with respect to such complaints. The CCRB, by majority vote of all its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints.

The CCRB’s findings and recommendations with respect to a complaint, and the basis therefore, must be submitted to the Police Commissioner. In all such cases where a finding or recommendation has been submitted, the Police Commissioner is required to report to the CCRB on any action taken with respect to that complaint. The law prohibits the CCRB from making any finding or recommendation solely on the basis of an unsworn complaint or statement. In addition, the law prohibits the CCRB from using prior complaints against a member of the NYPD that have been unsubstantiated, unfounded or withdrawn as the basis for any finding or recommendation regarding a current complaint.

It should also be noted that the CCRB has established a voluntary mediation program in which a complainant may choose to resolve his or her complaint through informal conciliation. Both the alleged victim and the subject officer must voluntarily agree to mediation. Mediation is offered as an alternative to investigation to resolve certain types of complaints, none of which can involve physical injury or damage to property. If the mediation is not successful, the alleged victim has the right to request that the case be fully investigated.

¹ The CCRB employs civilian investigators to investigate all complaints against members of the NYPD.

Also, the CCRB is required to issue to the Mayor and to the City Council a semi-annual report describing its activities and summarizing its actions, and is also mandated to develop and administer an on-going program to educate the public about CCRB.

If re-designated by the Council and subsequently re-appointed by the Mayor, Joseph Puma, a resident of Manhattan, will serve for the remainder of a three-year term that expires on July 4, 2018. Copies of the candidates' resumes are annexed to this Briefing Paper.

Copies of the following for the candidate are annexed to this briefing paper: the candidate's résumé and the related message.

Topic II: New York City Taxi and Limousine Commission – (Candidate nominated by the Mayor for appointment, upon the advice and consent of the Council)

- **Frank Carone [M-0388]**
- **Lauvienska Polanco [M-0389]**

In a letter dated March 21, 2016, Mayor Bill de Blasio formally submitted the names of Frank Carone and Lauvienska Polanco to the Council of the City of New York, for its advice and consent, regarding their nomination for appointment to the New York City Taxi and Limousine Commission (“TLC”).

The TLC was created pursuant to Local Law 12 of 1971. Chapter 65 of section 2300 of the *Charter* states that there shall be a TLC, which shall have the purpose of further developing and improving the taxi and limousine service in New York City (“the City”). It shall also remain consistent with the promotion and protection of the public comfort and convenience, adopting and establishing an overall public transportation policy, which will govern taxi, coach, limousine, and wheelchair accessible van services, as it relates to the overall public transportation network of the City. The TLC is also responsible for establishing certain rates, standards, and criteria for the licensing of vehicles, drivers, chauffeurs, owners, and operators engaged in such services. Furthermore, the TLC provides authorization to individuals who wish to operate commuter van services within the City.

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the Council. Five of the said members must be a resident from each of the five boroughs of the City, and are recommended for appointment by a majority vote of the Council Members from the respective borough. The TLC members are appointed for seven year terms, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur due to an expiration of a term, shall be filled for the unexpired term. Furthermore, the mayor may remove any such member for cause, upon stated charges.

The mayor designates one TLC member to act as the Chairperson and Chief Executive Officer. The Chairperson shall have be in-charge of the organization of his/her office, and possesses the authority to employ, assign, and superintend the duties of such officers and employees, as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and as such, the Chair will receive compensation that is set by the Mayor. The Chair currently receives an annual salary of \$192,198.00. The other TLC members are not entitled to compensation.

Pursuant to the *Charter*, all TLC proceedings and all documents and records in its possession, shall be public records. Furthermore, the TLC is required to make an annual report to the Council, on or before the second Monday of January, of every year, concerning information that consists of the following; complaints received by the commission from the public, including, but is not limited to, complaints of overcharging, as well as enforcement actions undertaken by the commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the commission on the subject of the enforcement action. The

information regarding enforcement actions shall also include, but is not limited to; enforcement action relating to illegal street hails, unlicensed vehicles, overcharging, and toll lane infractions.

If Mr. Carone, a Brooklyn resident, receives the advice and consent of the Council and is subsequently appointed to the TLC, he will be eligible to complete the remainder of a seven-year terms, expiring on January 31, 2022. If Ms. Polanco, a Manhattan resident, receives the advice and consent of the Council and is subsequently appointed to the TLC, she will become eligible to complete the remainder of a seven-year terms, expiring on January 31, 2017.

Copies of the following are annexed to this briefing paper: all of the candidate résumés, pre-hearing questions with the candidate's associated answers, as well as the related associated messages.

Topic III: *New York City Art Commission – (Mayor's nominees for appointment upon advice and consent of the Council)*

- **MANUEL MIRANDA [M 0390]**

In a letter dated April 7, 2016, Mayor Bill de Blasio formally submitted the name of Manuel Miranda to the Council of the City of New York, for its advice and consent, regarding her nomination for appointment to the New York City Art Commission.

The New York City Art Commission, also known as the Public Design Commission² (“PDC”) reviews permanent works of art, architecture and landscape architecture proposed on or over City-owned property. Projects include construction, renovation or restoration of buildings, such as museums and libraries; creation or rehabilitation of parks and playgrounds; installation of lighting and other streetscape elements; and design, installation and conservation of artwork.³

The PDC itself does not contract for any artwork, nor does it select contractors, negotiate fees, or otherwise involve itself in the selection or approval of contracts. The PDC brings its expertise to the process by reviewing submitted plans or work in accordance with standards enumerated in the *Charter*. PDC members have no say in what projects are initiated, or how City funds are allocated. The *Charter* states that the PDC has general advisory oversight over all works of art belonging to the City, and advises agencies having jurisdiction over them as to methods and procedures for their proper maintenance. [*Charter* § 857 (a).]

The PDC is composed of the Mayor or his representative, the President of the Metropolitan Museum of Art, the President of the New York Public Library, the President of the Brooklyn Museum, one painter, one sculptor, one architect, one landscape architect, all of whom shall be residents of the City, and three other residents of the City who cannot be painters, sculptors, architects, landscape architects, or active members of any other profession in the fine arts. *Charter* § 851 (a). The Mayor and the museum and library presidents serve in an ex-officio capacity. Section 31 of the *Charter* states that the Council performs an advice and consent review of mayoral appointees for membership on the PDC. The Council does not review ex-officio members. [*Charter* § 851 (a).]

The appointive members whose service is not ex-officio are chosen from a list submitted by the Fine Arts Federation of not less than three times the number to be appointed. If the Federation fails to present a list of nominees within three months from the time when a vacancy occurs, the Mayor may appoint an individual

² On July 21, 2008, Mayor Michael R. Bloomberg issued Executive Order No. 119, which changed the name of the Art Commission of the City of New York to the Public Design Commission of the City of New York, except in court documents, contracts and any other situation where the name “Art Commission” is legally required.

³ <http://www.nyc.gov/html/artcom/html/about/about.shtml>

without such input. In case the Mayor fails to appoint within one year from the time when a vacancy occurs, the PDC is authorized to fill such vacancy for any balance of the un-expired term without the Council's advice and consent review. [*Charter* § 851 (b).]

All members serve on the PDC without compensation. Members serve for three-year terms, or until a successor has been appointed and qualified. [*Charter* § 851 (b).]

Upon appointment by the Mayor with the advice and consent of the Council, Mr. Miranda, a Brooklyn resident, will fill a vacancy and serve as a lay member for the remainder of a three-year term that expires on December 31, 2017. Copies of his résumé and report/resolution are annexed to this Briefing paper.

Topic IV: New York City Landmarks Preservation Commission – (Candidates nominated by the Mayor for appointment, upon the advice and consent of the Council)

- **JEANNE LUTFY [M - 0390]**

In a letter dated March 31, 2016, Mayor Bill de Blasio formally submitted the Jeanne Lutfy's name to the Council of the City of New York, for its advice and consent, regarding their nomination for appointment to the Landmarks Preservation Commission.

Pursuant to the *New York City Charter* (“*Charter*”) §3020, the New York City Landmarks Preservation Commission (“LPC”) is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks, and historic districts. The LPC also regulates alterations to designated buildings.

The LPC consists of eleven (11) members. The membership of this commission must include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor; and shall include at least one resident from each of the five boroughs. The mayor appoints the members of the LPC with the advice and consent of the Council. When appointing a member to this commission who must be an architect, historian, city planner, or landscape architect, the mayor may consult with the Fine Arts Federation of New York or any other similar organization. These members are appointed for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The mayor also designates one member to serve as the LPC Chair, and designates another member to serve as LPC Vice Chair. These particular LPC members shall serve until a successor is designated. The LPC members, with the exception of the Chair, serve without compensation, but are reimbursed for necessary expenses incurred in the course of performing their duties. The current Chair's salary is \$192,198.

The LPC must appoint a full-time executive director and may also employ technical experts and other employees necessary to perform day-to-day operations within the appropriations therefor.

As enumerated in the *Charter*, the LPC is required to provide opportunities for comment in advance of any hearing, regarding a proposed landmark designation, landmark site, interior landmark, scenic landmark, or historic district.⁴ Notices of proposed designations must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President, for the borough where the property or district is located.

The LPC also has a duty to provide certain notices to the Council. The LPC is required to file a copy of any designation with the Council and the CPC, within ten days of making the designation. Furthermore, within 60 days after such filing, CPC must hold a public hearing on any such designation of a historic district and submit

⁴ Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

a report to the Council, with respect to the relation of any such designation to the *Zoning Resolution*, projected public improvements, and any plans for the development, growth, improvement or renewal of the area involved, whether it relates to the designation of a historic district or a landmark. The CPC must include in this report, its recommendation, if any, for the Council's action with respect to the historic district designation.

The Council may modify or disapprove of any LPC designation by a majority vote, within 120 days from date that a copy of such designation is filed with the Council, provided that either the CPC has submitted the required report on the designation or at least sixty days has elapsed since the filing of the designation with the Council. The Council's vote shall be filed with the mayor, by the Council. The mayor has five days following the filing of the Council's vote, to disapprove of the Council's action. If the mayor fails to disapprove of the Council's action during this time, the Council's action becomes final. If the mayor disapproves of the Council's action, the mayor must file his/her disapproval with the Council. Thereafter, the Council may choose to override the mayor's disapproval within ten days of the filing of the mayor's disapproval, with a two-thirds vote from the Council.

In addition to the designation of landmarks, pursuant to *Administrative Code* § 25-303(i), the LPC also has the ability to make recommendations to CPC at any time, regarding amendments to the provisions in the *Zoning Resolution*, which are applicable to improvements in the historic districts. Moreover, pursuant to *Administrative Code* § 25-307, the LPC also has the responsibility of determining whether a proposed alteration or demolition affecting a landmark, is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, the LPC may deny the applicant's request.

A Hardship Appeals Panel also exists that consists of five members appointed by the mayor, with the Council's advice and consent. This panel operates independently of the LPC, and reviews appeals of LPC determinations, denying applications for *Certificates of Appropriateness*, brought to this panel on the grounds or basis of hardship, concerning demolitions, alterations, or reconstructive improvements. However, this panel only has the power to review applications involving tax-exempt properties.

If these candidates receive the advice and consent of the Council and are subsequently appointed to the LPC, Ms. Lutfy, a Manhattan resident, is appointed to serve on LPC, she will be eligible to complete the remainder of a three-year term, expiring on June 28, 2018.

PROJECT STAFF

Jason A. Otaño, Esq., Deputy General Counsel
 Charles W. Davis III, Director of Investigations
 Diandra Johnson, Senior Legislative Investigator
 Alycia Vassell, Legislative Clerk

(After interviewing the candidates and reviewing the submitted material, the Committee recommended the appointment of the nominees; for nominees Frank V. Carone [M-388], Lauvienska Polanco [M-389], Jeanne Lutfy [M-390], and Manuel Miranda [M-392], please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-388, M-389, M-390, and M-392 printed in these Minutes; for nominee Joseph A. Puma [M-394] please see below)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440(b)(1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the redesignation by the Council of Joseph A. Puma as a member of the New York City Civilian Complaint Review Board to serve the remainder of a three-year term that expires on July 4, 2018.

This matter will be referred to the Committee on April 20, 2016.

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

Res. No. 1053

RESOLUTION APPROVING THE REDESIGNATION BY THE COUNCIL OF JOSEPH A. PUMA AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Lander

RESOLVED, that pursuant to § 440(b)(1) of the *New York City Charter*, the Council does hereby approve the redesignation by the Council of Joseph A. Puma as a member of the New York City Civilian Complaint Review Board to serve the remainder of a three-year term that expires on July 4, 2018.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 20, 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).

GENERAL ORDER CALENDAR

Report for LU No. 341 & Res No. 1054

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on March 9, 2016 (Minutes, page 647) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CBs 5 and 16

C 160035 ZMK

City Planning Commission decision approving an application 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.

INTENT

This action, in conjunction with the other related actions, would establish the East New York Community Plan; a coordinated neighborhood plan for new housing with requirements for the inclusion of housing affordable to low-income residents, active local retail corridors, new commercial development opportunities and community facilities to serve area residents in Brooklyn Community Districts 5 and 16.

PUBLIC HEARING

DATE: March 7, 2016

Witnesses in Favor: Fourteen

Witnesses Against: Thirty-seven

SUBCOMMITTEE RECOMMENDATION

DATE: April 14, 2016

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres.

Against: Abstain:

None Williams

COMMITTEE ACTION

DATE: April 14, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger,

Against: Abstain:

None None

FILING OF MODIFICATION WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on April 15, 2016. The City Planning Commission filed a letter dated April 18, 2016, with the Council on April 18, 2016, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res No. 1054

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 160035 ZMK, a Zoning Map amendment (L.U. No. 341).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on February 29, 2016 its decision dated February 24, 2016 (the "Decision"), on the application 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, to facilitate the East New York Community Plan, a coordinated neighborhood plan for new housing with requirements for the inclusion of housing affordable to low-income residents, active local retail corridors, new commercial development opportunities and community facilities to serve area residents in Brooklyn Community Districts 5 and 16 (ULURP No. C 160035 ZMK) Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 160037 HUK (L.U. No. 342), an amendment to the Dinsmore-Chestnut Urban Renewal Plan; C 160042 HDK (L.U. No. 343), a disposition of property within the Dinsmore-Chestnut Urban Renewal Area; and N 160050 ZRK (L.U. No. 344), an amendment to the Zoning Resolution to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 7, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on February 12, 2016 (CEQR No. 15DCP102K), the CEQR Technical Memorandum dated February 24, 2016, and the CEQR Technical Memorandum dated April 15, 2016 (together the "CEQR Technical Memoranda");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials,

Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and

- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160035 ZMK, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in ~~strikeout~~ is old, to be deleted by the City Council;
Matter underline is new, to be added by the City Council.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 17c and 17d:

1. eliminating from within an existing R5 District a C1-2 District bounded by Conduit Boulevard, Glenmore Avenue, and Pine Street and it's northerly prolongation;
2. eliminating from within an existing R5 District a C1-3 District bounded by:
 - a. Arlington Avenue, Essex Street, a line 150 feet southeasterly of Fulton Street, and Linwood Street;
 - b. a line 150 feet northerly of Liberty Avenue, Milford Street, Liberty Avenue, and ~~Atkins~~ Montauk Avenue;
 - c. a line 150 feet northerly of Pitkin Avenue, Vermont Street, a line 100 feet northerly of Pitkin Avenue, and New Jersey Avenue;
 - d. a line 150 feet northerly of Pitkin Avenue, Hendrix Street, a line 150 feet southerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, and Van Siclen Avenue;
 - e. a line 150 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, Berriman Street, a line 150 feet northerly of Pitkin Avenue, Logan Street, a line 150 feet southerly of Pitkin Avenue, and Linwood Street; and
 - f. a line 150 feet northerly of Pitkin Avenue, Doscher Street, a line 150 feet southerly of Pitkin Avenue, and Crystal Street;
3. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. a line 100 feet northerly of Pitkin Avenue, Vermont Street, Pitkin Avenue, and New Jersey Avenue; and
 - b. a line 100 feet northerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 150 feet southerly of Pitkin Avenue, Miller Avenue, Pitkin Avenue, and Van Siclen Avenue;
4. eliminating from within an existing R5 District a C2-2 District bounded by:

- a. a line 100 feet northerly of Atlantic Avenue, Van Siclen Avenue, Atlantic Avenue, and Bradford Street; and
 - b. a line midway between Wells Street and Liberty Avenue and its easterly prolongation, Conduit Boulevard, Pine Street and its northerly prolongation, a line 150 feet northerly of Pitkin Avenue, Crescent Street, Pitkin Avenue, Euclid Avenue, a line 150 feet southerly of Pitkin Avenue, Doscher Street, a line 140 feet northerly of Pitkin Avenue, a line midway between Euclid Avenue and Doscher Street, Liberty Avenue, and a line 100 feet southwesterly of Conduit Boulevard;
5. eliminating from within an existing R4 District a C2-3 District bounded by:
- a. a line 150 feet northwesterly of Fulton Street, Elton Street, a line 100 feet northwesterly of Fulton Street, and Wyona Street; and
 - b. a line 150 feet northerly of Arlington Avenue, a line 150 feet northwesterly of Fulton Street, a line midway between Euclid Avenue- Father John Krieg Place and Chestnut Street;
6. eliminating from within an existing R5 District a C2-3 District bounded by:
- a. a line 100 feet northwesterly of Fulton Street, Linwood Street, a line 150 feet southeasterly of Fulton Street, and Wyona Street;
 - b. Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, a line midway between Euclid Avenue- Father John Krieg Place and Chestnut Street, a line 150 feet northwesterly of Fulton Street, Euclid Avenue- Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, Logan Street, a line 150 feet southeasterly of Fulton Street, and Essex Street;
 - c. Liberty Avenue, Ashford Street, a line 100 feet northerly of Liberty Avenue, Cleveland Street, a line 150 feet northerly of Liberty Avenue, a westerly boundary line of a playground (Sperandio Bros. Playground), Liberty Avenue, Linwood Street, a line 150 feet northerly of Liberty Avenue, Shepherd Avenue, a line 150 feet southerly of Liberty Avenue, and Warwick Street;
 - d. Liberty Avenue, Milford Street, a line 150 feet northerly of Liberty Avenue, Crystal Street, a line 150 feet southerly of Liberty Avenue, and Montauk Avenue;
 - e. Glenmore Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue- Industrial Park, and a line midway between Pennsylvania Avenue- Granville Payne Avenue and Sheffield Avenue;
 - f. a line 150 feet northerly of Pitkin Avenue, Wyona Street, a line 100 feet northerly of Pitkin Avenue, and Vermont Street;
 - g. a line 150 feet northerly of Pitkin Avenue, Linwood Street, a line 150 feet southerly of Pitkin Avenue, and Schenck Avenue; and
 - h. a line 150 feet northerly of Pitkin Avenue, Crystal Street, a line 150 feet southerly of Pitkin Avenue, and Logan Street;

7. eliminating from within an existing R6 District a C2-3 District bounded by a line 100 feet northerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, Miller Avenue, a line 150 feet southerly of Pitkin Avenue, the easterly boundary line of a park and its northerly prolongation, Pitkin Avenue, and Vermont Street;
8. changing from a C8-1 District to an R5 District property bounded by:
 - a. the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), Pine Street, a line 100 feet northwesterly of Atlantic Avenue, Autumn Avenue, Atlantic Avenue, and the southeasterly prolongation of a line 100 feet westerly of Pine Street;
 - b. a line 125 feet northerly of Glen Street, a line 100 feet southeasterly of Atlantic Avenue, and Crescent Street; and
 - c. Atlantic Avenue, Lincoln Avenue, a line 100 feet southeasterly of Atlantic Avenue and Autumn Avenue;
9. changing from a C8-2 District to an R5 District property bounded by:
 - a. Atlantic Avenue, an easterly boundary line of a playground (Sperandio Bros. Playground) and its northerly prolongation, a line 100 feet southeasterly of Atlantic Avenue, and Cleveland Street;
 - b. a line 210 feet northwesterly of Atlantic Avenue, a line 100 feet westerly of Pine Street, and a line perpendicular to the easterly street line of Euclid Avenue distant 210 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Euclid Avenue and the northwesterly street line of Atlantic Avenue; and
 - c. a line 100 feet northwesterly of Atlantic Avenue, Pine Street, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), and a line 100 feet westerly of Pine Street;
10. changing from an R5 District to an R5B District property bounded by
 - a. a line 100 feet southeasterly of Fulton Street, Logan Street, a line 300 feet northwesterly of Atlantic Avenue, Norwood Avenue, a line perpendicular to the westerly street line of Norwood Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, a line 100 feet easterly of Hale Avenue, a line 100 feet northwesterly of Atlantic Avenue, Shepherd Avenue, a line 200 feet northwesterly of Atlantic Avenue, Essex Street, a line perpendicular to the westerly street line of Essex Street distant 110 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Essex Street and the northwesterly street line of Atlantic Avenue, Linwood Street, a line 100 feet northwesterly of Atlantic Avenue, Elton Street, a line 150 feet northwesterly of Atlantic Avenue, Jerome Street, a line 100 feet northwesterly of Atlantic Avenue, Hendrix Street, a line 275 feet southerly of Fulton Street, Van Siclen Avenue, a line 100 feet northerly of Atlantic Avenue, Vermont Street, a line 150 feet northerly of Atlantic Avenue, and New Jersey Avenue;
 - b. a line 100 feet southerly of Liberty Avenue, Wyona Street, a line 200 feet southerly of Liberty Street, a line midway between Wyona Street and Bradford Street, a line 150 feet southerly of Liberty Avenue, Bradford Street, a line 100 feet southerly of Liberty Avenue, a line midway between Shepherd Avenue and Essex Street, a line 100 feet northerly of Pitkin Avenue, Van

Siclen Avenue, a line 200 feet northerly of Pitkin Avenue, Bradford Street, a line 100 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 200 feet northerly of Pitkin Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue- Granville Payne Avenue;

- c. a line 238 feet southeasterly of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line 335 feet southeasterly of Atlantic Avenue, Milford Street, a line 100 feet southeasterly of Atlantic Avenue, Logan Street, a line 300 feet southeasterly of Atlantic Avenue, Fountain Avenue, a line 100 feet northerly of Liberty Avenue, and Montauk Avenue;
 - d. Wells Street, and its southeasterly centerline prolongation, a line 100 feet northerly of Liberty Avenue, and Crystal Street;
 - e. a line 100 feet southerly of Glenmore Avenue, Atkins Avenue, Glenmore Avenue, Montauk Avenue, a line 100 feet southerly of Liberty Avenue, Euclid Avenue, a line 100 feet northerly of Pitkin Avenue, and Berriman Street; and
 - f. Glenmore Avenue, a line 120 feet easterly of Euclid Avenue, a line 100 feet northerly of Glenmore Avenue, Pine Street, Glenmore Avenue, Crescent Street, a line 100 feet northerly of Pitkin Avenue, and a line midway between Euclid Avenue and Pine Street;
11. changing from a C8-1 District to an R5B District property bounded by a line 70 feet northerly of Glen Street, a line 100 feet westerly of Crescent Street, a line perpendicular to the westerly street line of Crescent Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Crescent Street and the southeasterly street line of Atlantic Avenue, Crescent Street, Glen Street, and Euclid Avenue;
12. changing from a C8-2 District to an R5B District property bounded by a line 150 feet northerly of Atlantic Avenue, Vermont Street, a line 100 feet northerly of Atlantic Avenue, and a line midway between Vermont Street and New Jersey Avenue;
13. changing from an M1-1 District to an R5B District property bounded by:
- a. a line 150 feet northwesterly of Atlantic Avenue, Elton Street, a line 100 feet northwesterly of Atlantic Avenue, and Jerome Street;
 - b. a line 200 feet northwesterly of Atlantic Avenue, Shepherd Avenue, a line 100 feet northwesterly of Atlantic Avenue, and Essex Street;
 - c. a line 300 feet northwesterly of Atlantic Avenue, Logan Street, a line perpendicular to the westerly street line of Logan Street distant 265 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Logan Street and the northwesterly street line of Atlantic Avenue, a line midway between Logan Street and Norwood Avenue, a line perpendicular to the easterly street line of Norwood Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, and Norwood Avenue;
 - d. a line 100 feet southeasterly of Fulton Street, a line 100 feet easterly of Logan Street, Dinsmore Place, and Logan Street;
 - e. a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of

Montauk Avenue and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, Milford Street, a line 335 feet southeasterly of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line 238 feet southeasterly of Atlantic Avenue, and Montauk Avenue;

- f. a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Fountain Avenue, a line 300 feet southeasterly of Atlantic Avenue, and Logan Street; and
 - g. Liberty Avenue, Atkins Avenue, a line 180 feet southerly of Liberty Avenue, Montauk Avenue, Glenmore Avenue, and Berriman Street;
14. changing from an M1-2 District to an R5B District property bounded by a line 80 feet southerly of Herkimer Street, a line midway between Jardine Place and Havens Place, a line 80 feet northerly of Atlantic Avenue, a line midway between Jardine Place and Sackman Street, Atlantic Avenue, Sackman Street, a line midway between Herkimer Street and Atlantic Avenue, and a line midway between Sackman Street and Sherlock Place;
15. changing from an R5 District to an R6A District property bounded by:
- a. ~~a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, Hendrix Street, a line 100 feet southerly of Fulton Street, and Bradford Street; and~~
 - b. Fulton Street, Barbey Street, a line 100 feet northwesterly of Fulton Street, Jerome Street, a line 100 feet southeasterly of Fulton Street, and Schenck Avenue;
 - c. a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Shepherd Avenue, Fulton Street, a line midway between Highland Place and Hale Avenue, a line 100 feet southeasterly of Fulton Street, Cleveland Street, Fulton Street, and a line midway between Ashford Street and Cleveland Street;
 - d. a line 100 feet northwesterly of Fulton Street, a line midway between Logan Street and Richmond Street, Fulton Street, a line 130 feet westerly of Richmond Street, a line 100 feet southeasterly of Fulton Street, and Logan Street;
 - be. a line 100 feet northerly of Liberty Avenue, Cleveland Street, Liberty Avenue, Linwood Street, a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, Montauk Avenue, Liberty Avenue, Berriman Street, Liberty Avenue, Shepherd Avenue, Glenmore Avenue, Atkins Avenue, a line 100 feet southerly of Glenmore Avenue, Berriman Street, a line 100 feet northerly of Pitkin Avenue, a line midway between Shepherd Avenue and Essex Street, a line 100 feet southerly of Liberty Avenue, and Barbey Street; and
 - f. a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, and Montauk Avenue;

16. changing from an M1-1 District to an R6A District property bounded by:
- a. Somers Street, a line 280 feet easterly of Sackman Street, a line midway between Somers Street and Truxton Street, a line 225 feet easterly of Sackman Street, Truxton Street, ~~and Sackman Street,~~ Fulton Street, and Mother Gaston Boulevard;
 - b. Liberty Avenue, Berriman Street, a line 85 feet northerly of Glenmore Avenue, and Shepherd Avenue;
 - c. Liberty Avenue, Montauk Avenue, a line 180 feet southerly of Liberty Avenue, and Atkins Avenue; ~~and~~
 - d. a line 100 feet southeasterly of Fulton Street, a line 100 feet easterly of Richmond Street, a line 125 feet northerly of Dinsmore Place, Richmond Street, and Dinsmore Place, and a line 100 feet easterly of Logan Street; ~~and~~
17. changing from an R5 District to an R6B District property bounded by:
- a. a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Barbey Street, Fulton Street, Schenick Avenue, a line 100 feet southerly of Fulton Street, and Hendrix Street;
 - b. a line 100 feet northwesterly of Fulton Street, a line midway between Ashford Street and Cleveland Street, Fulton Street, Cleveland Street, a line 100 feet southeasterly of Fulton Street, and Jerome Street;
 - c. Arlington Avenue, Hale Avenue, a line 100 northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Logan Street, , a line 100 feet southeasterly of Fulton Street, a line midway between Highland Place and Hale Avenue, Fulton Street, and Shepherd Avenue;
 - d. a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Avenue, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, a line 130 feet westerly of Richmond Street, Fulton Street, and a line midway between Logan Street and Richmond Street;
 - ae. a line 100 feet southeasterly of Atlantic Avenue, Ashford Street, a line 100 feet northerly of Liberty Avenue, and Barbey Street; and
 - bf. a line 100 feet southeasterly of Atlantic Avenue, Essex Street, a line 300 feet southeasterly of Atlantic Avenue, Berriman Street, ~~a line 100 feet southeasterly of Atlantic Avenue, Montauk Avenue,~~ a line 100 feet northerly of Liberty Avenue, and Linwood Street;
18. changing from a C8-2 District to an R6B District property bounded by:
- a. a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, Vermont Street, a line 100 feet northerly of Liberty Avenue, and New Jersey Avenue;
 - b. a line 150 feet northerly of Liberty Avenue, a line midway between Ashford Street and Cleveland Street, a line 100 feet northerly of Liberty Avenue, and Ashford Street; and

- c. a line 100 feet southerly of Atlantic Avenue, Schenck Avenue, a line 100 feet northerly of Liberty Avenue, and Wyona Street;
19. changing from an M1-1 District to an R6B District property bounded by:
- a. a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Jerome Street and the southeasterly street line of Atlantic Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Barbey Street; and
 - b. a line 100 feet southeasterly of Atlantic Avenue, Shepherd Avenue, a line perpendicular to the easterly street line of Shepherd Avenue distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Shepherd Avenue and the southeasterly street line of Atlantic Avenue, a line midway between Shepherd Avenue and Berriman Street, a line perpendicular to the westerly street line of Berriman Street distant 165 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Berriman Street and the southeasterly street line of Atlantic Avenue, Berriman Street, a line 300 feet southeasterly of Atlantic Avenue, and Essex Street;
20. changing from an M1-2 District to an R6B District property bounded by a line midway between Fulton Street and Herkimer Street, a line 300 feet easterly of Sackman Street, Herkimer Street, Havens Place, a line 150 feet southerly of Herkimer Street, a line midway between Havens Place and Jardine Place, a line 80 feet southerly of Herkimer Street, a line midway between Sackman Street and Sherlock Place, Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
21. changing from an R5 District to an R7A District property bounded by:
- a. Liberty Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet southerly of Glenmore Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue-Industrial Park, and a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;
 - b. a line 100 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, a line midway between Berriman Street and Shepherd Avenue, a line 100 feet southerly of Pitkin Avenue, Schenck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, and a line midway between Hendrix Street and Van Siclen Avenue;
 - c. a line 100 feet northerly of Pitkin Avenue, ~~Doscher~~ Crescent Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, and Berriman Street;
 - d. Conduit Boulevard, Crescent Street, Glenmore Avenue, Pine Street, a line 100 feet northerly of Glenmore Avenue, a line 120 feet easterly of Euclid Avenue, Glenmore Avenue, a line midway between Pine Street and Euclid Avenue, a line 100 feet northerly of Pitkin Avenue, and Euclid Avenue;
 - ~~e. a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, and Pine Street;~~
 - ~~f.~~ a line 100 feet southeasterly of Atlantic Avenue, a line 100 feet westerly of Autumn Avenue, and a line 125 feet northerly of Glen Street; and
 - ~~g.~~ a line 100 feet southeasterly of Atlantic Avenue, Autumn Avenue, and a line perpendicular to the westerly street line of Autumn Avenue distant 115 feet southerly (as measured along the

street line) from the point of intersection of the westerly street line of Autumn Avenue and the southeasterly street line of Atlantic Avenue;

22. changing from an R6 District to an R7A District property bounded by a line 100 feet northerly of Pitkin Avenue, Bradford Street, a line 200 feet northerly of Pitkin Avenue, Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, a line midway between Hendrix Street and Van Siclen Avenue, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, and New Jersey Avenue;
23. changing from a C8-1 District to an R7A District property bounded by:
 - a. the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), the southerly prolongation of a line 100 feet westerly of Pine Street, Atlantic Avenue, Autumn Avenue, a line 100 feet southeasterly of Atlantic Avenue, a line 125 feet northerly of Glen Street, Crescent Street, a line perpendicular to the westerly street line of Crescent Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Crescent Street and the southeasterly street line of Atlantic Avenue, a line 100 feet westerly of Crescent Street, a line 70 feet northerly of Glen Street, and Euclid Avenue; and
 - b. a line 100 feet northwesterly of Atlantic Avenue, Lincoln Avenue, Atlantic Avenue, and Autumn Avenue;
24. changing from a C8-2 District to an R7A District property bounded by:
 - a. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, Liberty Avenue, and a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue;
 - b. a line 100 feet southerly of Glenmore Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 250 feet northerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue;
 - c. ~~a line 100 feet southerly of Pitkin Avenue,~~ the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, a line midway between former New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, Belmont Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
 - d. a line perpendicular to the easterly street line of Euclid Avenue distant 210 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Euclid Avenue and the northwesterly street line of Atlantic Avenue, a line 100 feet westerly of Pine Street, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), and Euclid Avenue;
25. changing from an M1-1 District to an R7A District property bounded by:
 - a. ~~a~~ a line 100 feet northerly of Bergen Street, a line 100 feet northwesterly of East New York Avenue, Dean Street, East New York Avenue, and Mother Gaston Boulevard; ~~and~~

- ~~b. a line perpendicular to the westerly street line of Pennsylvania Avenue Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue Granville Payne Avenue and the southerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue Granville Payne Avenue and Sheffield Avenue, Pitkin Avenue Industrial Park, and Sheffield Avenue;~~
26. changing from an M1-2 District to an R7A District property bounded by Pacific Street, East New York Avenue, Dean Street, and Sackman Street;
27. changing from an M1-4 District to an R7A District property bounded by East New York Avenue, Christopher Avenue, Liberty Avenue, and Mother Gaston Boulevard;
- ~~28. changing from an M1-1 District to an R7D District property bounded by Somers Street, Sackman Street, Fulton Street, and Mother Gaston Boulevard;~~
- ~~29~~28. changing from an R5 District to an R8A District property bounded by:
- a. a line 100 feet northerly of Atlantic Avenue, Van Siclen Avenue, a line 275 feet southerly of Fulton Street, Hendrix Street, Atlantic Avenue, and Bradford Street; and
 - b. a line perpendicular to the westerly street line of Essex Street distant 110 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Essex Street and the northwesterly street line of Atlantic Avenue, a line 100 feet northwesterly of Atlantic Avenue, and Linwood Street; ~~and~~
 - ~~e. Atlantic Avenue, Montauk Avenue, a line 100 feet southerly of Atlantic Avenue, and Berriman Street;~~
- ~~30~~29. changing from a C8-2 District to an R8A District property bounded by:
- a. Atlantic Avenue, Hendrix Street, a line 100 feet northwesterly of Atlantic Avenue, Jerome Street, Atlantic Avenue, Ashford Street, a line 100 feet southeasterly of Atlantic Avenue, Jerome Street, a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Jerome Street and the southeasterly street line of Atlantic Avenue, Barbey Street, Atlantic Avenue, Schenck Avenue, a line 100 feet southerly of Atlantic Avenue, and Bradford Street;
 - b. a line 100 feet northwesterly of Atlantic Avenue, Essex Street, Atlantic Avenue, Essex Street, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, and Elton Street; and
 - c. a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet easterly of Hale Street, Atlantic Avenue, and Shepherd Avenue;
- ~~31~~30. changing from an M1-1 District to an R8A District property bounded by:
- a. a line 100 feet northwesterly of Atlantic Avenue, Elton Street, Atlantic Avenue, and Jerome Street; and
 - b. Atlantic Avenue, Essex Street, a line 100 feet northwesterly of Atlantic Avenue, Shepherd Avenue, Atlantic Avenue, Berriman Street, a line perpendicular to the westerly street line of

Berriman Street distant 165 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Berriman Street and the southeasterly street line of Atlantic Avenue, a line midway between Berriman Street and Shepherd Avenue, a line perpendicular to the easterly street line of Shepherd Avenue distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Shepherd Avenue and the southeasterly street line of Atlantic Avenue, Shepherd Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Essex Street;

31. ~~changing from a C8-2 District to a C4-4 District property bounded by Atlantic Avenue, New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, and Pennsylvania Avenue-Granville Payne Avenue;~~

32. changing from an R5 District to a C4-4D District property bounded by:

a. a line 200 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 100 feet northerly of Pitkin Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue; and

b. a line perpendicular to the westerly street line of Norwood Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, Norwood Avenue, a line 100 feet northwesterly of Atlantic Avenue, and a line 100 feet easterly of Hale Avenue; ~~and~~

~~e. a line 100 feet northerly of Pitkin Avenue, Pine Street, a line 100 feet southerly of Pitkin Avenue, and Doscher Street;~~

33. changing from a C8-2 District to a C4-4D District property bounded by:

a. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the easterly street line of Pennsylvania Avenue-Granville Payne Avenue distant 155 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between Vermont Street and New Jersey Avenue, a line 100 feet northerly of Atlantic Avenue, Bradford Street, a line 100 feet southerly of Atlantic Avenue, Wyona Street, Atlantic Avenue, Vermont Street, a line perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, New Jersey Avenue, ~~a line 100 feet northerly of Liberty Avenue-Atlantic Avenue,~~ Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Atlantic Avenue, and Sheffield Avenue;

b. a line 250 feet northerly of Pitkin Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Pitkin Avenue,

New Jersey Avenue, Pitkin Avenue, ~~the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue,~~ and Pennsylvania Avenue-Granville Payne Avenue; and

- c. a line 100 feet northwesterly of Atlantic Avenue, Norwood Avenue, Atlantic Avenue, and a line 100 feet easterly of Hale Avenue;
34. changing from an M1-1 District to a C4-4D District property bounded by:
- a. Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, and Sheffield Avenue; and
 - b. Atlantic Avenue, Norwood Avenue, a line perpendicular to the easterly street line of Norwood Avenue distant 250 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Norwood Avenue and the northwesterly street line of Atlantic Avenue, a line midway between Logan Street and Norwood Avenue, a line perpendicular to the westerly street line of Logan Street distant 265 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Logan Street and the northwesterly street line of Atlantic Avenue, Logan Street, Atlantic Avenue, Fountain Avenue, a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Logan Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, and Montauk Avenue;
35. changing from an R5 District to a C4-4L District property bounded by a line 100 feet northerly of Fulton Street, Bradford Street, a line 100 feet southerly of Fulton Street, and Wyona Street;
36. changing from a C8-2 District to a C4-4L District property bounded by Jamaica Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Fulton Street, Wyona Street, New Jersey Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the easterly street line of Pennsylvania Avenue-Granville Payne Avenue distant 155 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, and Sheffield Avenue;
37. changing from an M1-1 District to a C4-4L District property bounded by Eastern Parkway Extension, Broadway, Van Sinderen Avenue, Fulton Street, Sackman Street, Truxton Street, a line 225 feet easterly of Sackman Street, a line midway between Somers Street and Truxton Street, a line 280 feet easterly of Sackman Street, and Somers Street;

38. changing from an M1-2 District to a C4-5D District property bounded by Fulton Street, Van Sinderen Avenue, East New York Avenue, Pacific Avenue, Sackman Street, Atlantic Avenue, a line midway between Jardine Place and Sackman Street, a line 80 feet northerly of Atlantic Avenue, a line midway between Havens Place and Jardine Place, a line 150 feet southerly of Herkimer Street, Havens Place, Herkimer Street, and a line 300 feet easterly of Sackman Street;
39. changing from an R5 District to an M1-4 District property bounded a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, and Wyona Street;
40. changing from a C8-2 District to an M1-4 District property bounded by a line 175 feet northerly of Liberty Avenue, Wyona Street, a line 100 feet northerly of Liberty Avenue, and Vermont Street;
41. changing from an M1-1 District to an M1-4 District property bounded by:
- a. a line 100 feet northerly of Liberty Avenue, Wyona Street, Liberty Avenue, and Vermont Street; and
 - b. Liberty Avenue, Bradford Street, a line 100 feet southerly of Liberty Avenue, and Wyona Street;
3942. changing from an M1-1 District to an M1-1/R6A District property bounded by a line 85 feet northerly of Glenmore Avenue, Berriman Street, Glenmore Avenue, and Shepherd Avenue;
4043. changing from an R5 District to an M1-4/R6A District property bounded by:
- a. ~~Liberty Avenue, New Jersey Avenue, a line 100 feet southerly of Liberty Avenue, and a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue; and~~
 - b. ~~a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, and Wyona Street;~~
4144. changing from a C8-2 District to an M1-4/R6A District property bounded by:
- a. a line 100 feet northerly of Liberty Avenue, Vermont Street, Liberty Avenue, and a line 50 feet westerly of New Jersey Avenue; and
 - b. a line 100 feet southerly of Atlantic Avenue, Wyona Street, a line ~~100~~ 175 feet northerly of Liberty Avenue, and Vermont Street;
4245. changing from an M1-1 District to an M1-4/R6A District property bounded by: ~~Liberty Avenue, Vermont Street, a line 100 feet northerly of Liberty Avenue, Schinck Avenue, a line 230 feet northerly of Liberty Avenue, Barbey Street, a line 100 feet southerly of Liberty Street, and New Jersey Avenue;~~
- a. Liberty Avenue, Wyona Street, a line 100 feet southerly of Liberty Street, and New Jersey Avenue; and
 - b. a line 100 feet northerly of Liberty Avenue, Schenck Avenue, a line 230 feet northerly of Liberty Avenue, Barbey Street, a line 100 feet southerly of Liberty Street, Bradford Street, Liberty Avenue, and Wyona Street;

4346. changing from an M1-1 District to an M1-4/R7A District property bounded by a line 100 feet southeasterly of Fulton Street, Chestnut Street, Dinsmore Place, Richmond Street, a line 125 feet northerly of Dinsmore Place, and a line 100 feet easterly of Richmond Street;
4447. changing from an M1-2 District to an M1-4/R7D District property bounded by Fulton Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
4548. changing from a C8-2 District to an M1-4/R8A District property bounded by Atlantic Avenue, Wyona Street, a line 100 feet southerly of Atlantic Avenue, and Vermont Street;
4649. changing from an M1-1 District to an M1-4/R8A District property bounded by:
- a. Atlantic Avenue, Barbey Street, a line 230 feet northerly of Liberty Avenue, and Schenck Avenue; and
 - b. Dinsmore Place, Chestnut Street, Fulton Street, Euclid Avenue, the northwesterly boundary line of the Long Island Rail Road Right-Of-Way (Atlantic Division), the northerly centerline prolongation of Fountain Avenue, Atlantic Avenue, and Logan Street;
4750. establishing within a proposed R5 District a C2-4 District bounded by:
- a. Atlantic Avenue, an easterly boundary line of a playground (Sperandio Bros. Playground) and its northerly prolongation, a line 100 feet southeasterly of Atlantic Avenue, and Cleveland Street;
 - b. a line 50 feet northwesterly of Atlantic Avenue, Autumn Avenue, Atlantic Avenue, and a line 100 feet southwesterly of Pine Street; and
 - c. Atlantic Avenue, Lincoln Street, a line 50 feet southeasterly of Atlantic Avenue and Autumn Avenue;
4851. establishing within a proposed R5B District a C2-4 District bounded by:
- a. Glenmore Avenue, Pine Street, a line 100 feet southerly of Glenmore Avenue, and a line midway between Pine Street and Euclid Avenue; and
 - b. Liberty Avenue, Atkins Avenue, a line 100 feet southerly of Liberty Avenue, and Berriman Street;
4952. establishing within a proposed R6A District a C2-4 District bounded by:
- a. ~~a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue, Father John Krieg Place, Fulton Street, Chestnut Street, a line 100 feet southeasterly of Fulton Street, Hendrix Street, a line 100 feet southerly of Fulton Street, and Bradford Street; and~~
 - b. Fulton Street, Barbey Street, a line 100 feet northwesterly of Fulton Street, Jerome Street, a line 100 feet southeasterly of Fulton Street, and Schenck Avenue;
 - c. a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Shepherd Avenue, Fulton Street, a line midway between Highland Place and Hale Avenue, a line 100

feet southeasterly of Fulton Street, Cleveland Street, Fulton Street, and a line midway between Ashford Street and Cleveland Street;

d. a line 100 feet northwesterly of Fulton Street, a line midway between Logan Street and Richmond Street, Fulton Street, a line 130 feet westerly of Richmond Street, a line 100 feet southeasterly of Fulton Street, and Logan Street;

be. a line 100 feet northerly of Liberty Avenue, Jerome Street, Liberty Avenue, Warwick Street, a line 100 feet northerly of Liberty Avenue, Cleveland Street, Liberty Avenue, Linwood Street, a line 100 feet northerly of Liberty Avenue, Conduit Boulevard, Euclid Avenue, a line 100 feet southerly of Liberty Avenue, Atkins Avenue, Liberty Avenue, Berriman Street, a line 100 feet southerly of Liberty Avenue, and Barbey Street; and

f. Somers Street, a line 100 feet easterly of Mother Gaston Boulevard, Eastern Parkway Extension, Fulton Street, and Mother Gaston Boulevard;

53. establishing within a proposed R6B District a C2-4 District bounded by:

a. a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Barbey Street, Fulton Street, Schenck Avenue, a line 100 feet southerly of Fulton Street, and Hendrix Street;

b. a line 100 feet northwesterly of Fulton Street, a line midway between Ashford Street and Cleveland Street, Fulton Street, Cleveland Street, a line 100 feet southeasterly of Fulton Street, and Jerome Street;

c. Arlington Avenue, Hale Avenue, a line 100 northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Logan Street, a line 100 feet southeasterly of Fulton Street, a line midway between Highland Place and Hale Avenue, Fulton Street, and Shepherd Avenue; and

d. a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Avenue, Fulton Street, a line 100 feet southeasterly of Fulton Street, Chesnut Street, a line 130 feet westerly of Richmond Street, Fulton Street, and a line midway between Logan Street and Richmond Street;

5054. establishing within a proposed R7A District a C2-4 District bounded by:

a. a line 100 feet northerly of Bergen Street, a line 100 feet northwesterly of East New York Avenue, Dean Street Sackman Street, a line 100 feet northerly of Dean Street, a line 100 feet northwesterly of East New York Avenue, Pacific Street, East New York Avenue, Christopher Avenue, a line 100 feet southeasterly of East New York Avenue, Mother Gaston Boulevard, East New York Avenue, Bergen Street, and Mother Gaston Boulevard;

b. a line 100 feet northerly of Liberty Avenue, Christopher Avenue, Liberty Avenue, and Mother Gaston Boulevard;

c. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, Pennsylvania Avenue-Granville Payne Avenue, a line 100 feet northerly of Liberty Avenue, a line 100 feet easterly of Pennsylvania Avenue-

Granville Payne Avenue, a line 250 feet northerly of Pitkin Avenue, Pennsylvania Avenue-Granville Payne Avenue, Pitkin Avenue, and a line 100 feet westerly of Pennsylvania Avenue-Granville Payne Avenue;

- d. ~~a line 100 feet southerly of Pitkin Avenue, the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, a line midway between former New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, Belmont Avenue, and Pennsylvania Avenue-Granville Payne Avenue;~~
 - e. a line 100 feet northerly of Pitkin Avenue, Bradford Street, Pitkin Avenue, Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, Shepherd Avenue, Pitkin Avenue, a line midway between Shepherd Avenue and Berriman Street, a line 100 feet southerly of Pitkin Avenue, Scheck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, and New Jersey Avenue;
 - f. a line 100 feet northerly of Pitkin Avenue, ~~Doscher~~ Crescent Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, and Berriman Street;
 - g. Conduit Boulevard, Pine Street, a line 100 feet of Glenmore Avenue, and Euclid Avenue;
 - h. Glenmore Avenue, a line midway between Euclid Avenue and Pine Street, a line 100 feet northerly of Pitkin Avenue, and Euclid Avenue;
 - i. ~~a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, and Pine Street;~~
 - ji. a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet southwestly of Pine Street, Atlantic Avenue, Autumn Avenue, a line perpendicular to the westerly street line of Autumn Avenue distant 115 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Autumn Avenue and the southeasterly street line of Atlantic Avenue, a line 100 feet westerly of Autumn Avenue, a line 125 feet northerly of Glen Street, Crescent Street, a line 100 feet southeasterly of Atlantic Avenue, a line 70 feet northerly of Glen Street, and Euclid Avenue; and
 - kj. a line 100 feet northwesterly of Atlantic Avenue, Lincoln Street, Atlantic Avenue, and Autumn Avenue;
- ~~51. establishing within a proposed R7D District a C2-4 District Somers Street, a line 100 feet easterly of Mother Gaston Boulevard, Eastern Parkway Extension, Fulton Street, and Mother Gaston Boulevard;~~
5255. establishing within a proposed R8A District a C2-4 District bounded by a line 100 feet northwesterly of Atlantic Avenue, a line 100 feet easterly of Hale Avenue, Atlantic Avenue, ~~Montauk~~ Berriman Street, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, Ashford Street, a line 100 feet southeasterly of Atlantic Avenue, Jerome Street, a line perpendicular to the westerly street line of Jerome Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the westerly Street line of Jerome Street and the southeasterly street line of Atlantic Avenue, Barbey Street, Atlantic Avenue, Schenck Avenue, a line 100 feet southeasterly of Atlantic Avenue, and Bradford Street;
5356. establishing a Special Mixed Use District (MX-16) bounded by:
- a. Fulton Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;

- b. Atlantic Avenue, Wyona Street, a line 175 feet northerly of Liberty Avenue, and Vermont Street;
- c. Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, Vermont Street, Liberty Avenue, Wyona Street, a line 100 feet southerly of Liberty Avenue, and a line 100 feet easterly of Pennsylvania Avenue- Granville Payne Avenue;
- ~~b.d. Atlantic Avenue, Wyona Street, a line 100 feet northerly of Liberty Avenue, Schenck Avenue, Atlantic Avenue, Barbey Street, a line 100 feet southerly of Liberty Avenue, Bradford Street, a line 150 feet southerly of Liberty Avenue, a line midway between Bradford Street and Wyona Street, a line 200 feet southerly of Liberty Avenue, Wyona Street, a line 100 feet southerly of Liberty Avenue, Liberty Avenue, and Wyona Street; a line 100 feet easterly of Pennsylvania Avenue- Granville Payne Avenue, Liberty Avenue, a line 50 feet westerly of New Jersey Avenue, a line 100 feet northerly of Liberty Avenue, and Vermont Street, Liberty Avenue, and Wyona Street;~~
- ee. Dinsmore Place, Richmond Street, a line 125 feet northerly of Dinsmore Place, a line 100 feet easterly of Richmond Street, a line 100 feet southeasterly of Fulton Street, Chestnut Street, Fulton Street, Euclid Avenue, Atlantic Avenue, and Logan Street; and
- ef. a line 85 feet northerly of Glenmore Avenue, Berriman Street, Glenmore Avenue, and Shepherd Avenue;
5457. establishing a Special Enhanced Commercial District (EC-5) bounded by:
- a. Fulton Street, Van Sinderen Avenue, Herkimer Street, a line 300 feet easterly of Sackman Street, a line midway between Fulton Street and Herkimer Street, and the northerly centerline prolongation of Sherlock Place;
- b. a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 145 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the northerly street line of Atlantic Avenue, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, a line 100 feet southerly of Fulton Street, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 150 feet northerly of Atlantic Avenue, a line midway between Vermont Street and New Jersey Avenue, a line 100 feet northerly of Atlantic Avenue, a line 100 feet northwesterly of Atlantic Avenue, Euclid Avenue, Atlantic Avenue, Fountain Avenue, a line perpendicular to the easterly street line of Logan Street distant 190 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Logan Street and the southeasterly street line of Atlantic Avenue, Logan Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line 100 feet southeasterly of Atlantic Avenue, Milford Street, a line perpendicular to the westerly street line of Milford Street distant 160 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Milford Street and the southeasterly street line of Atlantic Avenue, a line midway between Milford Street and Montauk Avenue, a line perpendicular to the easterly street line of Montauk Avenue distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Montauk Avenue and the southeasterly street line of Atlantic Avenue, Montauk Avenue, Atlantic Avenue, Berriman Street, a line 100 feet southeasterly of Atlantic Avenue, Linwood Street, Atlantic Avenue, Ashford Street, a line 100 feet southeasterly of Atlantic Avenue, Vermont Street, a line

perpendicular to the easterly street line of New Jersey Avenue distant 130 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of New Jersey Avenue and the southerly street line of Atlantic Avenue, New Jersey Avenue, ~~a line 100 feet northerly of Liberty Avenue, Atlantic Avenue,~~ Pennsylvania Avenue-Granville Payne Avenue, a line perpendicular to the westerly street line of Pennsylvania Avenue-Granville Payne Avenue distant 110 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of Pennsylvania Avenue-Granville Payne Avenue and the southerly street line of Atlantic Avenue, and Sheffield Avenue; and

- c. a line 250 feet northerly of Pitkin Avenue, a line midway between New Jersey Avenue and Pennsylvania Avenue-Granville Payne Avenue, a line 200 feet northerly of Pitkin Avenue, New Jersey Avenue, a line 100 feet northerly of Pitkin Avenue, Bradford Street, Pitkin Avenue, Van Siclen Avenue, a line 100 feet northerly of Pitkin Avenue, Crescent Street, a line 100 feet southerly of Pitkin Avenue, Atkins Avenue, Pitkin Avenue, a line midway between Berriman Street and Shepherd Avenue, a line 100 feet southerly of Pitkin Avenue, Schenck Avenue, Pitkin Avenue, Hendrix Street, a line 100 feet southerly of Pitkin Avenue, Wyona Street, Pitkin Avenue, the centerline of former New Jersey Avenue, a line 100 feet southerly of Pitkin Avenue, and Pennsylvania Avenue-Granville Payne Avenue; and
5558. establishing a Special Enhanced Commercial District (EC-6) bounded by a line 100 feet northerly of Fulton Street, a line 100 feet northwesterly of Fulton Street, Linwood Street, Arlington Avenue, Hale Avenue, a line 100 feet northerly of Arlington Avenue, a line 100 feet northwesterly of Fulton Street, Euclid Avenue-Father John Krieg Place, Euclid Avenue, a line 100 feet southeasterly of Fulton Street, a line 100 feet southerly of Fulton Street, a line midway between Pennsylvania Avenue-Granville Payne Avenue and Sheffield Avenue, Fulton Street, and Sheffield Avenue;

Borough of Brooklyn, Community Districts 5 & 16, as shown on a diagram (for illustrative purposes only) dated September 21, 2015, modified by the City Planning Commission on February 24, 2016, modified by the City Council on [date of adoption], and subject to CEQR Declaration E-366.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 14, 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 LU No. 342 & Res No. 1055

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on March 9, 2016 (Minutes, page 647) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 5

C 160037 HUK

City Planning Commission decision approving an application 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.

INTENT

This action, in conjunction with the other related actions, would establish the East New York Community Plan; a coordinated neighborhood plan for new housing with requirements for the inclusion of housing affordable to low-income residents, active local retail corridors, new commercial development opportunities and community facilities to serve area residents in Brooklyn Community District 5.

PUBLIC HEARING

DATE: March 7, 2016

Witnesses in Favor: Fourteen

Witnesses Against: Thirty-seven

SUBCOMMITTEE RECOMMENDATION

DATE: April 14, 2016

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres.

Against: Abstain:

None Williams

COMMITTEE ACTION

DATE: April 14, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against: Abstain:

None None

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

Res No. 1055

Resolution approving the First Amended Dinsmore-Chestnut Urban Renewal Plan for the Dinsmore-Chestnut Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 160037 HUK (L.U. No. 342).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on February 29, 2016 its decision and report dated February 24, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD"), pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, regarding the proposed First Amended Dinsmore-Chestnut Urban Renewal Plan (the "Plan") for the Dinsmore-Chestnut Urban Renewal Area (the "Area"), Community District 5, Borough of Brooklyn;

WHEREAS, the Application is related to applications C 160035 ZMK (L.U. No. 341), an amendment to the Zoning Map to change R5, R6, C8-1, C8-2, M1-1 and M1-2 districts to R5B, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-5D, M1-1/R6A, M1-1/R7D and M1-1/R8A districts, eliminate and establish new commercial overlays, establish a Special Mixed Use District, and establish Special Enhanced Commercial Districts; C 160042 HDK (L.U. No. 343), a disposition of property within the Dinsmore-Chestnut Urban Renewal Area; and N 160050 ZRK (L.U. No. 344), an amendment to the Zoning Resolution to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable;

WHEREAS, the City Planning Commission has certified that the Plan for the Area complies with the provisions of Article 15 of the General Municipal Law, conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives, and that the Plan is in conformity with the findings and designation of the Area;

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

WHEREAS, the Area Designation is subject to review and action by the Council pursuant to Section 504 of the General Municipal Law;

WHEREAS, the Plan is subject to review and action by the Council pursuant to Section 505 of the General Municipal Law;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on March 7, 2016 its requests and recommendations dated March 4, 2016 regarding the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and the Plan on March 7, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (“FEIS”), for which a Notice of Completion was issued on February 12, 2016 (CEQR No. 15DCP102K), the CEQR Technical Memorandum dated February 24, 2016, and the CEQR Technical Memorandum dated April 15, 2016 (together the “CEQR Technical Memoranda”);

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 504 of the General Municipal Law, the Council approves the Designation of the Area.

Pursuant to Section 505(4) of the General Municipal Law, the Council finds that:

1. The Area is a substandard or insanitary area or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
2. The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;
3. The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;
4. The Plan conforms to a comprehensive community plan for the development of the municipality as a whole;
5. The undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area; and
6. The Council approves the designation of the Area pursuant to Section 504 of the General Municipal Law.

Pursuant to Section 505 of the General Municipal Law, the Council approves the First Amended Dinsmore-Chestnut Urban Renewal Plan for the Dinsmore-Chestnut Urban Renewal Area dated September 2015.

The Amended Project shall be developed upon the terms and conditions set forth in the First Amended Urban Renewal Plan, which HPD submitted to the Council on March 7, 2016, a copy of which is attached hereto and made part hereof.

Pursuant to Sections 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160037 HUK, incorporated by reference herein, the Council approves the Decision.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 14, 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).

L.U. No. 343 & Res. No. 1056

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on March 9, 2016 (Minutes, page 647) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 5

C 160042 HDK

City Planning Commission decision approving an application 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.

INTENT

This action, in conjunction with the other related actions, would establish the East New York Community Plan; a coordinated neighborhood plan for new housing with requirements for the inclusion of housing affordable to low-income residents, active local retail corridors, new commercial development opportunities and community facilities to serve area residents in Brooklyn Community District 5.

PUBLIC HEARING

DATE: March 7, 2016

Witnesses in Favor: Fourteen

Witnesses Against: Thirty-seven

SUBCOMMITTEE RECOMMENDATION

DATE: April 14, 2016

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres.

Against: **Abstain:**

None Williams

COMMITTEE ACTION**DATE:** April 14, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against: Abstain:

None None

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

Res No. 1056

Resolution approving the decision of the City Planning Commission on ULURP No. C 160042 HDK, for the disposition of City-owned property comprising of Site A (Block 4142, Lot 32), within the Dinsmore-Chestnut Urban Renewal Area, Borough of Brooklyn (L.U. No. 343).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on February 29, 2016 its decision dated February 24, 2016 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Housing Preservation and Development for the disposition of City-owned property comprising Site A (Block 4142, Lot 32), within the Dinsmore-Chestnut Urban Renewal Area (ULURP No. C 160042 HDK), Community District 5, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 160035 ZMK (L.U. No. 341), an amendment to the Zoning Map to change R5, R6, C8-1, C8-2, M1-1 and M1-2 districts to R5B, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-5D, M1-1/R6A, M1-1/R7D and M1-1/R8A districts, eliminate and establish new commercial overlays, establish a Special Mixed Use District, and establish Special Enhanced Commercial Districts; C 160037 HUK (L.U. No. 342), an amendment to the Dinsmore-Chestnut Urban Renewal Plan; and N 160050 ZRK (L.U. No. 344), an amendment to the Zoning Resolution to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable;

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

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on March 7, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on February 12, 2016 (CEQR No. 15DCP102K), the CEQR Technical Memorandum dated February 24, 2016, and the CEQR Technical Memorandum dated April 15, 2016 (together the "CEQR Technical Memoranda");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160042 HDK, incorporated by reference herein, the Council approves the Decision.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 14, 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. 344 & Res 1057

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item was referred on March 9, 2016 (Minutes, page 647) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN - CBs 5 and 16****N 160050 ZRK**

City Planning Commission decision approving an application 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 in Community Districts 5 and 16.

INTENT

This action, in conjunction with the other related actions, would establish the East New York Community Plan; a coordinated neighborhood plan for new housing with requirements for the inclusion of housing affordable to low-income residents, active local retail corridors, new commercial development opportunities and community facilities to serve area residents in Brooklyn Community Districts 5 and 16.

PUBLIC HEARING**DATE:** March 7, 2016**Witnesses in Favor:** Fourteen**Witnesses Against:** Thirty-seven**SUBCOMMITTEE RECOMMENDATION****DATE:** April 14, 2016

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres.

Against: Abstain:

None Williams

COMMITTEE ACTION**DATE:** April 14, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Dickens, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger.

Against: Abstain:

None Williams

FILING OF MODIFICATION WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on April 15, 2016. The City Planning Commission filed a letter dated April 18, 2016, with the Council on April 18, 2016, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res No. 1057

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 160050 ZRK, 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 in Community Districts 5 and 16, Borough of Brooklyn (L.U. No. 344).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on February 29, 2016 its decision dated February 24, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, 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 (Application No. N 160050 ZRK), Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 160035 ZMK (L.U. No. 341), an amendment to the Zoning Map to change R5, R6, C8-1, C8-2, M1-1 and M1-2 districts to R5B, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-5D, M1-1/R6A, M1-1/R7D and M1-1/R8A districts, eliminate and establish new commercial overlays, establish a Special Mixed Use District, and establish Special Enhanced Commercial Districts; C 160037 HUK (L.U. No. 342), an amendment to the Dinsmore-Chestnut Urban Renewal Plan; and C 160042 HDK (L.U. No. 343), a disposition of property within the Dinsmore-Chestnut Urban Renewal Area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 7, 2016;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on February 12, 2016 (CEQR No. 15DCP102K), the CEQR Technical Memorandum dated February 24, 2016, and the CEQR Technical Memorandum dated April 15, 2016 (together the "CEQR Technical Memoranda");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 160050 ZRK, incorporated by reference herein, the Council approves the Decision with the following modifications:

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

- Matter in underline is text proposed to be added by the Decision;
- Matter in ~~strikeout~~ is text proposed to be deleted by the Decision;
- Matter with # # is defined in Section 12-10;
- Matter in ~~double-strikeout~~ is text deleted by the Council;
- Matter in double-underline is new text added by the Council;
- * * * indicates where unchanged text appears in the Zoning Resolution

Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

* * *

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts**

* * *

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Section 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas, as listed in the table in this Section, the maximum permitted floor area ratio shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

<u>Special Mixed Use District</u>	Designated <u>Residence District</u>
MX 2 - Community District 2, Brooklyn	R7A R8A
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 - Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 - Community District 6, The Bronx	R7A R7X
<u>MX 16 - Community Districts 5 and 16, Brooklyn</u>	<u>R6A R7A R7D R8A</u>

**123-64
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings**

For zoning lots containing mixed use buildings, the following provisions shall apply.

- (a) Maximum floor area ratio

* * *

- (4) Maximum floor area in mixed use buildings

The maximum total floor area in a mixed use building shall be the maximum floor area permitted for either the commercial, manufacturing, community facility or residential use, as set forth in this Section, whichever permits the greatest amount of floor area.

However, in Inclusionary Housing designated areas and in Mandatory Inclusionary Housing areas, except within Waterfront Access Plan BK-1, the maximum floor area ratio permitted for zoning lots containing residential and commercial, community facility or manufacturing uses shall be the base floor area ratio set forth in Section 23-~~95~~154 (Inclusionary Housing) for the applicable district. Such base floor area ratio may be increased to the maximum floor area ratio set forth in such Section only through the provision of affordable housing, pursuant to Section 23-90, inclusive.

* * *

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

The Special Mixed Use District is mapped in the following areas:

* * *

Special Mixed Use District - 15: (11/13/12)

West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 16: [date of adoption]

Ocean Hill/East New York, Brooklyn

The #Special Mixed Use District# - 16 is established in Ocean Hill and East New York in Brooklyn as indicated on the #zoning maps#.

* * *

Article XIII - Special Purpose Districts

Chapter 2

Special Enhanced Commercial District

132-00

GENERAL PURPOSES

The “Special Enhanced Commercial District,” established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

* * *

- (d) in “Special Enhanced Commercial District” 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages; ~~and~~
- (e) in “Special Enhanced Commercial District” 5, to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (f) in “Special Enhanced Commercial District” 6, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to be occupied by active uses that enliven the pedestrian experience along the street; and
- (eg) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

* * *

132-11

Special Enhanced Commercial Districts Specified

The #Special Enhanced Commercial District# is mapped in the following areas:

- (a) #Special Enhanced Commercial District# 1 ~~(11/29/11)~~

The #Special Enhanced Commercial District# 1 (EC-1) is established on (11/29/11) on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

(+) Fourth Avenue, in the Borough of Brooklyn, generally between 24th Street and Atlantic Avenue.

(b) #Special Enhanced Commercial District# 2 ~~(6/28/12)~~

The #Special Enhanced Commercial District# 2 (EC-2) is established on (6/28/12) on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and
- (2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3 ~~(6/28/12)~~

The #Special Enhanced Commercial District# 3 (EC-3) is established on (6/28/12) on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (+) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4 ~~(10/11/12)~~

The #Special Enhanced Commercial District# 4 (EC-4) is established on (10/11/12) on the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

- (+) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(e) #Special Enhanced Commercial District# 5

The #Special Enhanced Commercial District# 5 (EC-5) is established on [date of adoption] on the following #designated commercial streets# as indicated on #zoning map# 17c:

- (1) Atlantic Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Euclid Avenue;
- (2) Pitkin Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Crescent Avenue;
- (3) Fulton Street, in the Borough of Brooklyn, generally between Eastern Parkway and Van Sinderen Avenue; and
- (4) Pennsylvania Avenue, in the Borough of Brooklyn, generally between Fulton Street and Atlantic Avenue.

(f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on [date of adoption] on the following #designated commercial streets# as indicated on #zoning map# 17c:

Fulton Street between Sheffield Avenue and Euclid Avenue.

* * *

132-13

Applicability of Special Use, Transparency, Street Wall and Parking Regulations

The special #use#, transparency, street wall and parking regulations of this Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections 132-21, 132-31 and 132-41.

Table
Special Regulations for Enhanced Commercial Districts

USE REGULATIONS

#Special Enhanced Commercial District#	Mandatory Ground Floor #Uses#			Minimum Number of Establishments (132-23)
	Minimum Percentage of #Commercial Uses# (132-22(a))	Mandatory Non-#Residential Uses# (132-22(b))	Other Permitted #Uses# (133-22(c))	
EC – 1 (Fourth Avenue, Brooklyn)	x		x	
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)				x
EC – 3 (Broadway, Manhattan)				
EC – 4 (Broadway, Brooklyn)		x	x	
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)		x	x	
EC – 6 (Fulton Street, Brooklyn)		x	x	

#Special Enhanced Commercial District#	Maximum #Street Wall# Width		
	Banks and Loan Offices (132-24(a))	Other Non-#Residential# Establishments (132-24(b))	#Residential# Lobbies (132-24(c))
EC – 1 (Fourth Avenue, Brooklyn)			x
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)	x	x	x
EC – 3 (Broadway, Manhattan)	x		x
EC – 4 (Broadway, Brooklyn)			x
<u>EC – 5</u> (<u>Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn</u>)			<u>x</u>
<u>EC – 6</u> (<u>Fulton Street, Brooklyn</u>)			<u>x</u>

TRANSPARENCY, STREET WALL AND PARKING REGULATIONS

#Special Enhanced Commercial District#	Ground Floor Transparency (132-32)	<u>Street Wall Location</u> (132-33)	Location of Parking Spaces (132-42)	Curb Cuts (132-43)
EC – 1 (Fourth Avenue, Brooklyn)	x		x	x
EC – 2 (Columbus & Amsterdam Avenues, Manhattan)	x			

EC – 3 (Broadway, Manhattan)		x			
EC – 4 (Broadway, Brooklyn)		x		x	x
EC – 5 (Atlantic Avenue, Pitkin Avenue, Pennsylvania Avenue & Fulton Street, Brooklyn)		x		x	x
EC – 6 (Fulton Street, Brooklyn)		x	x	x	x

**132-20
SPECIAL USE REGULATIONS**

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-21 (Applicability of Use Regulations).

* * *

**132-21
Applicability of Use Regulations**

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply as follows:

- (a) #Special Enhanced Commercial Districts# ~~1 and~~ 4, 5 and 6

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# ~~1 and~~ 4, 5 and 6, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, ~~except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:~~

* * *

**132-22
Mandatory Ground Floor Uses**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial

street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building’s ground floor level# fronting upon a #designated commercial street#.

* * *

**132-23
Minimum Number of Establishments**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

* * *

**132-24
Maximum Street Wall Width**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

* * *

**132-30
SPECIAL TRANSPARENCY AND STREET WALL LOCATION REGULATIONS**

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section 132-31.

**132-31
Applicability of Transparency Regulations**

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

- (a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:
 - (1) November 29, 2011, for #Special Enhanced Commercial District# 1;
 - (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3; ~~and~~
 - (3) October 11, 2012, for #Special Enhanced Commercial District# 4; and

(4) [date of adoption], for #Special Enhanced Commercial Districts# 5 and 6; and

(b) ~~to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4; and~~

(e)(b) ~~in #Special Enhanced Commercial Districts# 1 and 4, 5 and 6, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units# or #rooming units#.~~

**132-32
Ground Floor Level Transparency Requirements**

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the special transparency regulations of this Section 37-34 (Minimum Transparency Requirements) shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#.

* * *

However, in #Special Enhanced Commercial Districts# 5 and 6, for #buildings# containing Use Groups 16, 17 and 18 at the #ground floor level#, up to 50 percent of the length of a #street wall# may be exempt from such regulations. Where the exempted portion is 50 feet or more in length and contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is less, such exempted portion shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than two feet, six inches, and a minimum width of 24 inches. Where an #extension# or a #conversion# of the #ground floor level# results in a reduction of the exempted portion, provisions set forth in 37-34 (Minimum Transparency Regulations) shall apply to such reduced portion.

**132-33
Street Wall Location**

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to a #street wall# or its prolongation fronting along a #designated commercial street#. The open area between the #street line# and #street wall#, or its prolongation, resulting from requirements set forth in this provision, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. When applying requirements set forth in this provision, two or more adjacent #developments# or #enlargements# under common ownership or control shall be considered a single #development# or #enlargement#.

In Commercial and Manufacturing Districts, other than C4-4L Districts, mapped within #Special Enhanced Commercial District# 6, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line# of the #designated commercial street#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

**132-40
SPECIAL PARKING REGULATIONS**

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations).

**132-41
Applicability of Parking Regulations**

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

**132-42
Locations of Parking Spaces**

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

* * *

**132-43
Curb Cut Requirements**

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on:
 - (1) November 29, 2011, in #Special Enhanced Commercial District# 1; ~~or~~
 - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
 - (3) [date of adoption], in #Special Enhanced Commercial District# 5; or
 - (4) [date of adoption], in #Special Enhanced Commercial District# 6;
- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#, and
- (d) has a #lot area# of at least 5,700 square feet.

**132-50
CERTIFICATIONS AND AUTHORIZATIONS**

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

The boundaries of #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# are mapped in #Commercial Districts#, the residential district equivalent, as set forth in Sections 34-112 or 35-23 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) has instead been specified for each map.

Table of
Inclusionary Housing Designated Areas and
Mandatory Inclusionary Housing Area
by Zoning Map

* * *

BROOKLYN

* * *


Brooklyn Community District 5

In the R6A, R6B, R7, R7A and R8A Districts within the areas shown on the following Map 1:


Map 1 - [date of adoption]

[PROPOSED MAP]



 **Mandatory Inclusionary Housing Area (MIHA)**

MIHA 1 [date of adoption] MIH Program Option 1 and Deep Affordability Option [Section 23-154(d) (3)]

 **Not included in IHDA nor MIHA**

Portion of Community District 5, Brooklyn

* * *

* * *

Brooklyn Community District 16

In the R6A, R6B, R7A and R7D Districts within the areas shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



■ Mandatory Inclusionary Housing Area (MIHA)

MIHA 1 [date of adoption] MIH Program Option 1 and Deep Affordability Option [Section 23-154(d) (3)]

Portion of Community District 16, Brooklyn

* * *

END

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, DONOVAN J. RICHARDS, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, April 14, 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).

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>
Aishah Fields	247 West 145th Street #4A New York, N.Y. 10039	9
Derrick Fulton	295 West 150th Street #55 New York, N.Y. 10039	9
Zeena Khan	2274 Lyon Avenue Bronx, N.Y. 10462	18

Kathleen Boehme	35-11 215th Place Queens, N.Y. 11361	19
Mary Braunstien	32-33 210th Street Queens, N.Y. 11361	19
Mynor O. Rodriguez	213-05 75th Avenue #6H Queens, N.Y. 11364	23
Melissa Glenn	221-26 111th Avenue Queens, N.Y. 11429	27
Leo R. Nelson	113-05 207th Street Queens Village, N.Y. 11429	27
Tracie Bacon	321 Monroe Street Brooklyn, N.Y. 11216	36
Nora Chanko	1485 Prospect Place #2 Brooklyn, N.Y. 11213	36
Tiffany Yip	2211 Bragg Street #2F Brooklyn, N.Y. 11229	46
Susan LaForgia	225 Oak Avenue Staten Island, N.Y. 10306	50
Lucinda Cimaglia	15 Monterey Avenue Staten Island, N.Y. 10312	51
Dana Marie Ortiz	189 Shotwell Avenue Staten Island, N.Y. 10312	51
Frank J. Rapacciuolo	54 Nelson Street Staten Island, N.Y. 10312	51

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Suzette Uricola	400 Chambers Street #8Y New York, N.Y. 10282	1
Victoria Kobylevskaya	71 Columbia Street #17G New York, N.Y. 10002	2
Herbert Cruz	321 West 24th Street #1B New York, N.Y. 10001	3
Donna McGrane	206 West 104th Street #57 New York, N.Y. 10025	7
Monisha C. Robinson	523 West 125th Street #1B New York, N.Y. 10031	7
Sergio J. Romero	2375 First Avenue #12C New York, N.Y. 10035	8
Betty Murray	1428 5th Avenue #407 New York, N.Y. 10035	9
Blanca Martinez	164 Sherman Avenue #21 New York, N.Y. 10034	10
Evelyn Trinidad	195 Nagle Avenue #5K New York, N.Y. 10034	10

Waqar R. Rizvi	304 West 260th Street Bronx, N.Y. 10471	11
Judy L. Kendrick	4 Adler Place #B Bronx, N.Y. 10475	12
Nydia M. Roman	900 Co-op City Blvd #14A Bronx, N.Y. 10475	12
Shirley J. Saunders	120 Benchley Place #20L Bronx, N.Y. 10475	12
Zulma Feliciano	955 Waring Avenue #4A Bronx, N.Y. 10469	13
Abdool Majeed	2332 Laconia Avenue Bronx, N.Y. 10469	13
Michael Stephens	560 Balcom Avenue #7M Bronx, N.Y. 10465	13
Jacqueline Pollitt	2010 Bruckner Blvd #10L Bronx, N.Y. 10473	18
Kimberlee J. Kitson	56-13 205th Street Oakland Gardens, N.Y. 11364	23
Cecilia Rodriguez	234-14 Seward Avenue Queens Village, N.Y. 11427	23
Salvador Guevara	148-05 87th Avenue Jamaica, N.Y. 11435	24
Mary C. White	119-40 196th Street St. Albans, N.Y. 11412	27
Shondel O. Garnett	116-19 147th Street Jamaica, N.Y. 11436	28
Danielle M. Graziano	156-12 97th Street Howard Beach, N.Y. 11414	32
Katihurca A. Santana	60-88 Myrtle Avenue #3 Ridgewood, N.Y. 11385	34
Judy Thorne	1289 Union Street #5D Brooklyn, N.Y. 11225	35
Jose L. Munoz	739 Park Avenue #1 Brooklyn, N.Y. 11206	36
Annery Nunez	362 41st Street #33 Brooklyn, N.Y. 11232	38
Mildred Varela	651 48th Street Brooklyn, N.Y. 11220	38
David Smith	77 Garfield Place #C Brooklyn, N.Y. 11215	39
Willermine Bonica	284 Sutter Avenue #2B Brooklyn, N.Y. 11212	41
Wesley B. Hope	185 Sumpter Street Brooklyn, N.Y. 11233	41
Garnet Lewis	870 Madison Street Brooklyn, N.Y. 11221	41
Yelena Gurevich	1514 West 11th Street #A7 Brooklyn, N.Y. 11204	44

Zinaida Karasik	3323 Kings Highway #3B Brooklyn, N.Y. 11234	45
Milla Brodsky	2632 West 2nd Street #3J Brooklyn, N.Y. 11223	47
Kamilah Cherry	2980 West 28th Street #1941 Brooklyn, N.Y. 11224	47
Ahmet Katgi	8645 Bay Parkway #D2 Brooklyn, N.Y. 11214	47
L. Byers-Bernardini	141 St. Marks Place #4C Staten Island, N.Y. 10301	49
Annmarie Edkins	136 Maple Parkway Staten Island, N.Y. 10303	49
Trisha D. Munroe	416 Maryland Avenue #3B Staten Island, N.Y. 10305	49
Joanne Nelson-Williams	35 Long Pond Lane Staten Island, N.Y. 10304	49
Anthony Iglesias	85 J Freedom Avenue Staten Island, N.Y. 10314	50
Paula Mancinelli	81 Abingdon Avenue Staten Island, N.Y. 10308	51
Joan M. Migiorato	32 Galvaston Loop Staten Island, N.Y. 10314	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 388 & Res 1049 - | Frank V. Carone - as a member of the New York City Taxi and Limousine Commission. |
| (2) M 389 & Res 1050 - | Lauvienska Polanco - as a member of the New York City Taxi and Limousine Commission. |
| (3) M 390 & Res 1051 - | Jeanne Lutfy - as a member of the New York City Landmarks Preservation Commission. |
| (4) M 392 & Res 1052 - | Manuel Miranda - as a member of the New York City Art Commission. |
| (5) M 394 & Res 1053 - | Joseph A. Puma - as a member of the New York City Civilian Complaint Review Board. |
| (6) Int 809-A - | Coordination and targeted delivery of social services in priority areas. |
| (7) Int 831-A - | Permit filing fees for new buildings and alterations. |
| (8) Int 902-A - | Defibrillators at baseball fields where youth leagues play. |
| (9) Int 1004-A - | Displaced building service workers and to re-enact such section. |
| (10) Int 1118 - | Exemption from taxation of alterations and improvements to multiple dwellings. |
| (11) Int 1119 - | Tax exemption and abatement for certain rehabilitated buildings as authorized by section 488-a of the real property tax law. |
| (12) Res 1040 - | New and changed designations of certain organizations to receive funding (Transparency Resolution). |
| (13) L.U. 341 & Res 1054 - | App. C 160035 ZMK , Zoning Map, Brooklyn, Community Boards 5 and 16, Council Districts 37 and 42. |
| (14) L.U. 342 & Res 1055 - | App. C 160037 HUK , Dinsmore-Chestnut Urban Renewal Area, Brooklyn, Community Boards 5, Council Districts 37. |
| (15) L.U. 343 & Res 1056 - | App. C 160042 HDK , Dinsmore-Chestnut Urban Renewal Area, Brooklyn, Community Board 5, Council Districts 37. |
| (16) L.U. 344 & Res 1057 - | App. N 160050 ZRK , Zoning Resolution, Brooklyn, Community Boards 5 and 16, Council Districts 37 and 42. |
| (17) L.U. 348 & Res 1043 - | App. C 160097 PPQ , Flight Center |

- Hotel, LLC, Queens, Community Districts 10, 12 and 13, Council District 28.
- (18) **L.U. 349 & Res 1044 -** **App. 20165422 HAX**, Tax exemption, project summary, voluntary dissolution of the current owner, and conveyance from the current owner to a new owner of properties, Bronx, Community Board 2, Council District 8.
- (19) **L.U. 353 & Res 1045 -** **App. 20165426 HAX**, Real Property Tax Exemption, Bronx; Community Districts 2, 3, 5, and 9; Council Districts 14, 15, 16, 17, and 18.
- (20) **L.U. 354 & Res 1046 -** **App. 20165357 TCM**, 289 Bleecker Restaurant LLC, sidewalk café, Manhattan, Community Board 2, Council District 3.
- (21) **L.U. 355 & Res 1047 -** **App. C 160065 ZMX**, Zoning Map, Bronx, Community Board 12, Council District 12.
- (22) **L.U. 356 & Res 1048 -** **App. 20165481 HAX**, Real Property Tax Exemption, Bronx, Community Board 3, Council District 16.
- (23) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Barron, Borelli, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo and the Speaker (Council Member Mark-Viverito) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 1004-A**:

Affirmative – Barron, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams and the Speaker (Council Member Mark-Viverito) – **44**.

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

The following was the vote recorded for **LU No. 341 & Res No. 1054 and LU No. 344 & Res No. 1057**:

Affirmative – Borelli, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Barron – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 809-A, 831-A, 902-A, 1004-A, 1118, and 1119.

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res No. 375

Report for the Committee on Education in favor of approving a Resolution calling upon New York State Department of Education to include lessons on climate change in K-12 schools' curriculum.

The Committee on Education to which the annexed resolution was referred on August 21, 2014 (Minutes, page 3100), respectfully

REPORTS:

INTRODUCTION

On Tuesday, January 19, 2016, the Committee on Education, chaired by Council Member Daniel Dromm, will consider Res. No. 375, a resolution calling upon New York State Department of Education to include lessons on climate change in K-12 schools' curriculum.

BACKGROUND

An October 2015 New York Times editorial called the misinformation about climate change in the United States “distressingly common,” noting that a 2014 Yale study found that 35 percent of Americans believe that global warming is caused mostly by natural phenomena rather than human activity.

¹ The National Center for Science Education (NCSE) has stated that the science of climate change should be taught in both formal and informal education environments in order for future citizens to make informed decisions².

¹ Teaching the Truth About Climate Change, *The New York Times*, Oct. 10, 2015, editorial, accessed at <http://www.nytimes.com/2015/10/11/opinion/sunday/teaching-the-truth-about-climate-change.html>.

² National Center for Science Education website accessed at <http://ncse.com/climate/teaching>.

In 2013, a consortium of 26 state governments and several groups representing scientists and teachers developed new guidelines that call for sweeping changes in the way science is taught in the United States, including, for the first time, a recommendation that climate change be taught as early as middle school. These guidelines are known as the Next Generation Science Standards. A number of states have implemented these standards that include teaching climate change but New York is not one of them.

RES. NO. 375

Resolution No. 375 would note that according to the National Center for Science Education (NCSE), “it is important for the science of climate change to be taught, both in formal and informal educational environments, in order for future citizens to be able to make scientifically informed decisions about the consequences of climate change.” The Resolution would state that according to the United States Environmental Protection Agency (EPA), climate change includes major changes in temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer. The Resolution would point out that the EPA states that the magnitude of future climate change will depend on many factors including the rate at which levels of greenhouse gas concentrations in our atmosphere continue to increase, how strongly features of the climate respond to the expected increase in greenhouse gas concentrations, and natural influences on and natural processes within the climate system.

The Resolution would indicate that while climate change is a scientifically based phenomenon, its effects can impact agriculture, infrastructure, economies, national security, and international relations. Resolution No. 375 would note that in an August 1, 2014 memo to her colleagues, Senator Patty Murray, Chair of the Senate Budget Committee, states that climate change will have serious ramifications for the United States economy and the federal budget and failure to confront it will make it harder to meet our country’s long-term fiscal challenges. The Resolution would state that in 2013, a consortium of 26 state governments and several groups representing scientists and teachers developed new guidelines that call for sweeping changes in the way science is taught in the United States, including, for the first time, a recommendation that climate change be taught as early as middle school.

Resolution No. 375 would state that currently, thirteen states have officially adopted these guidelines but New York State is not one of them. The Resolution would further state that The New York State Education Department (NYSED) is responsible for setting student learning standards for what all students should know and be able to do as a result of skilled instruction. The Resolution would indicate it is important that today’s students are equipped with the knowledge and skills that will enable them to navigate in a changing world. The Resolution would note that while climate change science should be included in science curriculum, it is also important to introduce a knowledge of its far reaching impacts to other areas impacted.

The Resolution would point out that on June 10, 2014, students from high schools throughout New York City rallied on the steps of City Hall to call for comprehensive climate change education as a basic tenet of the curriculum. Resolution No. 375 would note that Superstorm Sandy severely affected the New York City area forever changing its landscape and its people. The Resolution would indicate that many believe climate change will increase such storms and New York City’s students need to be educated about these issues. Finally, Resolution No. 375 would state that the Council of the City of New York calls upon New York State Department of Education to include lessons on climate change in K-12 schools’ curriculum.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 375:)

Res. No. 375

Resolution calling upon New York State Department of Education to include lessons on climate change in K-12 schools’ curriculum.

By Council Members Constantinides, Richards, Barron, Chin, Eugene, Johnson, Levin, Mendez, Cohen,

Rodriguez, Rosenthal, Cabrera, Kallos, Mealy, Miller, Rose, Treyger, Van Bramer, Palma, Espinal, Menchaca, Williams, Garodnick, Torres, Lander, Gentile, Maisel, Levine and Reynoso.

Whereas, According to the National Center for Science Education (NCSE), “it is important for the science of climate change to be taught, both in formal and informal educational environments, in order for future citizens to be able to make scientifically informed decisions about the consequences of climate change;” and

Whereas, According to the United States Environmental Protection Agency (EPA), climate change includes major changes in temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer; and

Whereas, The EPA states that the magnitude of future climate change will depend on many factors including the rate at which levels of greenhouse gas concentrations in our atmosphere continue to increase, how strongly features of the climate respond to the expected increase in greenhouse gas concentrations, and natural influences on and natural processes within the climate system; and

Whereas, While climate change is a scientifically based phenomenon, its effects can impact agriculture, infrastructure, economies, national security, and international relations; and

Whereas, In an August 1, 2014 memo to her colleagues, Senator Patty Murray, Chair of the Senate Budget Committee, states that climate change will have serious ramifications for the United States economy and the federal budget and failure to confront it will make it harder to meet our country’s long-term fiscal challenges; and

Whereas, In 2013, a consortium of 26 state governments and several groups representing scientists and teachers developed new guidelines that call for sweeping changes in the way science is taught in the United States, including, for the first time, a recommendation that climate change be taught as early as middle school; and

Whereas, Currently, thirteen states have officially adopted these guidelines but New York State is not one of them; and

Whereas, The New York State Education Department (NYSED) is responsible for setting student learning standards for what all students should know and be able to do as a result of skilled instruction; and

Whereas, It is important that today’s students are equipped with the knowledge and skills that will enable them to navigate in a changing world; and

Whereas, While climate change science should be included in science curriculum, it is also important to introduce a knowledge of its far reaching impacts to other areas impacted; and

Whereas, On June 10, 2014, students from high schools throughout New York City rallied on the steps of City Hall to call for comprehensive climate change education as a basic tenet of the curriculum; and

Whereas, Superstorm Sandy severely affected the New York City area forever changing its landscape and its people; and

Whereas, Many believe climate change will increase such storms and New York City’s students need to be educated about these issues; now, therefore, be it

Resolved, That the Council of the City of New York calls upon New York State Department of Education to include lessons on climate change in K-12 schools’ curriculum.

DANIEL DROMM, *Chairperson*; MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, HELEN K.ROSENTHAL, MARK TREYGER; BEN KALLOS; Committee on Education, April 19, 2016.

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

The following 2 Council Members formally noted their opposition to the passage of this item:
Council Members Borelli and Matteo.

Adopted by the Council by voice-vote.

Report for voice-vote item Res No. 1013-A

Report of the Committee on Transportation in favor of a Resolution, as amended, calling upon the City of New York to make Earth Day 2016 a car-free day for private and all non-essential city vehicles.

The Committee on Transportation to which the annexed amended resolution was referred on March 22, 2016 (Minutes, page 790), respectfully

REPORTS

INTRODUCTION

On April 18, 2016, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Proposed Res. No. 1013-A, a Resolution calling upon the City of New York to make Earth Day 2016 a car-free day for private and all non-essential city vehicles. This was the second hearing on this resolution. The first hearing was held on April 4, 2016 at which the Committee heard testimony from the New York City Department of Transportation (“DOT”) and other interested stakeholders.

ANALYSIS OF RES. NO. 1013-A

Res. No. 1013-A would state that Earth Day is an internationally-recognized event that began in 1970 and is celebrated on April 22nd each year. Res. No. 1013-A would assert that the central purpose of Earth Day is to raise awareness around the importance of protecting the environment. Res. No. 1013-A would state that New York City has a long history with this commemoration of our planet, as 45 years ago, for the inaugural event, Mayor John Lindsay shut down Fifth Avenue and made Central Park available for the celebration.

Res. No. 1013-A would state that according to the National Aeronautics and Space Administration (NASA), the planet is getting warmer as a result of anthropogenic climate change. Res. No. 1013-A would assert that according to NASA, not only have the 10 warmest years ever taken place during the last 12 years, but Antarctica lost 36 cubic miles of ice between 2002 and 2005, and the amount of carbon dioxide absorbed by the oceans has increased by 2 billion tons each year. Res. No. 1013-A would note that New York has, over the last several years, taken concrete steps toward limiting its carbon footprint.

Res. No. 1013-A would state that specifically, according to the de Blasio Administration’s “One New York” Plan, the City has reduced its greenhouse gas emissions by 19 percent since 2005, and according to the 2014 inventory of New York City Greenhouse Gas Emissions, the city reduced total energy consumption by 8%, and increased biofuel usage in buildings by over 1,000 percent between 2002 and 2005. Res. No. 1013-A would also note that the 2014 inventory of New York City Greenhouse Gas Emissions stated that, in 2013, the city emitted 11.4 million tons of carbon dioxide equivalent, 24 percent of which, or 2.8 million tons, came from the city’s 2 million vehicles.

Res. No. 1013-A would state that the 2014 inventory of New York City Greenhouse Gas Emissions also noted that Mayor de Blasio committed to reducing the City’s greenhouse gas emissions 80 percent by 2050 and 35 percent by 2025. Res. No. 1013-A would further state that New York City has a major leadership role on issues of importance both nationally and worldwide, with a population larger than that of 38 states and a gross domestic product equivalent to that of South Korea, so City government should take the lead on car-free Earth Day by encouraging New Yorkers to use alternate forms of transportation, other than their own personal vehicles, on that day.

Res. No. 1013-A would state that based on data from the 2014 inventory of New York City Greenhouse Gas Emissions, vehicles account for 24 percent of the 48 million metric tons of carbon dioxide equivalent that are emitted each year, which is 11.5 million tons per year, or 31,000 tons per day. Res. No. 1013-A would note that based on the above figures, declaring Earth Day 2016 a car-free day - with the exception of essential vehicles - could reduce carbon dioxide emissions by about 30,000 tons of carbon dioxide equivalent, and would send a strong message nationally and worldwide that reducing greenhouse gas emissions is of the utmost importance.

Finally, Res. No. 1013-A would state that the Council of the City of New York calls upon the City of New York to make Earth Day 2016 a car-free day for private and all non-essential city vehicles.

UPDATE

On April 18, 2016, the Committee on Transportation passed Res. No. 1013-A by a vote of eleven in the affirmative and zero in the negative, with one abstention.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res No. 1013-A:)

Res. No. 1013-A

Resolution calling upon the City of New York to make Earth Day 2016 a car-free day for private and all non-essential city vehicles.

By Council Members Rodriguez, Constantinides, Chin, Menchaca, Lander, Van Bramer, Vallone and Kallos.

Whereas, Earth Day is an internationally-recognized event that began in 1970 and is celebrated on April 22nd each year; and

Whereas, The central purpose of Earth Day is to raise awareness around the importance of protecting the environment; and

Whereas, New York City has a long history with this commemoration of our planet, as 45 years ago, for the inaugural event, Mayor John Lindsay shut down Fifth Avenue and made Central Park available for the celebration; and

Whereas, According to the National Aeronautics and Space Administration (NASA), the planet is getting warmer as a result of anthropogenic climate change; and

Whereas, According to NASA, not only have the 10 warmest years ever taken place during the last 12 years, but Antarctica lost 36 cubic miles of ice between 2002 and 2005, and the amount of carbon dioxide absorbed by the oceans has increased by 2 billion tons each year; and

Whereas, New York has, over the last several years, taken concrete steps toward limiting its carbon footprint; and

Whereas, Specifically, according to the de Blasio Administration's "One New York" Plan, the City has reduced its greenhouse gas emissions by 19 percent since 2005, and according to the 2014 inventory of New York City Greenhouse Gas Emissions, the city reduced total energy consumption by 8 percent, and increased biofuel usage in buildings by over 1,000 percent between 2002 and 2005; and

Whereas, The 2014 inventory of New York City Greenhouse Gas Emissions stated that, in 2013, the city emitted 11.4 million tons of carbon dioxide equivalent, 24 percent of which, or 2.8 million tons, came from the city's 2 million vehicles; and

Whereas, The 2014 inventory of New York City Greenhouse Gas Emissions also noted that Mayor de Blasio committed to reducing the City's greenhouse gas emissions 80 percent by 2050 and 35 percent by 2025; and

Whereas, New York City has a major leadership role on issues of importance both nationally and worldwide, with a population larger than that of 38 states and a gross domestic product equivalent to that of South Korea, so City government should take the lead on car-free Earth Day by encouraging New Yorkers to use alternate forms of transportation, other than their own personal vehicles, on that day; and

Whereas, According to the Guardian, Paris, another major global city, saw its nitrogen dioxide levels plummet by as much as 40 percent in parts of the city during its recent vehicle-free day on September 27th; and

Whereas, Oslo, Milan, Dublin, Madrid, and Brussels have all announced, since the beginning of 2014, plans to convert parts of their respective city centers into car-free zones; and

Whereas, Based on data from the 2014 inventory of New York City Greenhouse Gas Emissions, vehicles account for 24 percent of the 48 million metric tons of carbon dioxide equivalent that are emitted each year, which is 11.5 million tons per year, or 31,000 tons per day; and

Whereas, Based on the above figures, declaring Earth Day 2016 a car-free day – with the exception of essential vehicles - could reduce carbon dioxide emissions by about 30,000 tons of carbon dioxide equivalent, and would send a strong message nationally and worldwide that reducing greenhouse gas emissions is of the utmost importance; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the City of New York to make Earth Day 2016 a car-free day for private and all non-essential city vehicles.

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

The following 3 Council Members formally noted their opposition to the passage of this item:
Council Members Lancman, Ulrich and Matteo.

The following 3 Council Members formally noted their abstention on this item:
Council Members Gentile, Greenfield and Grodenchik.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 1035

Resolution calling upon the New York State Office of Temporary and Disability Assistance to promulgate a rule which would increase the current public assistance shelter allowance amounts in New York City.

By The Speaker (Council Member Mark-Viverito) and Council Members Dickens and Chin.

Whereas, New York City is experiencing record levels of homelessness which have not been seen since the Great Depression; and

Whereas, As of March 16, 2016, 12,184 families and 13,127 single adults were residing in the Department of Homeless Services (DHS) shelter system; and

Whereas, According to the New York City Department of Housing Preservation and Development (HPD) three-year housing report published in 2014, thirty percent of renters are deemed “severely rent burdened” where such renters spend at least half of their household income on rent and the New York Housing Conference finds housing affordability to be a serious problem for New Yorkers; and

Whereas, Pursuant to the Regulations of the State of New York, recipients of public assistance are entitled to a maximum shelter allowance, the rate of which is determined on a county-by-county basis; and

Whereas, Pursuant to New York Social Services Law Section and the Regulations of the State of New York, eligibility for public assistance is determined when countable or net household income falls below a state established “standard of need”, and is calculated according to family size; and

Whereas, Pursuant to New York State Regulations, a single person qualifying for public assistance in New York City is entitled to a maximum shelter allowance of \$215, and a family of four is entitled to a maximum shelter allowance of \$450; and

Whereas, The New York City Office of Temporary and Disability Assistance; establishes the amount of public assistance that is divided into a shelter allowance and an amount for various remaining expenses established on a schedule based on family size; and

Whereas, HPD notes that two out of every three homes in New York City is a rental property; and

Whereas, HPD reports that the median rent in New York City rose 3.4 percent from 2011 to 2014, and the median rent with the cost utilities rose 4.3 percent in the same time; and

Whereas, Rent increases during the same period were seen citywide and the median monthly rent across all boroughs was \$1,200, an amount that can vary widely, as the median rental price in Brooklyn rose to \$2,901 and in Manhattan to \$3,299; and

Whereas, HPD reported the median income in New York City rose only 1.1 percent from 2010 to 2013, a figure not matching the rise in cost of rent; and

Whereas, The United States Census Bureau data shows that rent has risen faster than inflation over the past three years, impacting especially lower-income tenants; and

Whereas, HPD has reported that 56% of renters pay about one-third of their income on rent and utilities; and

Whereas, The current amount of shelter allowance for a single person in New York City is only \$215 a month, and the schedule of rates has not changed since 1988; and

Whereas, New York City housing advocacy group MFY Legal Services finds that the low shelter allowance grant level is “grossly inadequate for the current New York City housing market”; and

Whereas, The low shelter allowance rate has been a contributing factor to various housing issues, including the eviction of tenants for nonpayment of rent, and the growth of illegal boarding rooms, known as three-quarter houses, which are offered to single adults, who are often recovering from addiction or living with mental illness and are seeking housing and supportive services; and

Whereas, The demand in New York City for safe affordable housing cannot be adequately met by current shelter allowance levels, especially given the rapidly rising cost of rent in the City, leaving vulnerable low-income and homeless populations with only limited and often exploitative housing options; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Office of Temporary and Disability Assistance to promulgate a rule which would increase the current public assistance shelter allowance amounts in New York City.

Referred to the Committee on General Welfare.

Int. No. 1158

By Council Members Borelli, Vacca, Matteo, Richards, Cabrera, Palma and Koslowitz.

A Local Law in relation to a report on the routing of cellular 9-1-1 calls near the geographic boundaries of the city of New York.

Be it enacted by the Council as follows:

Section 1. Report on the routing of cellular 9-1-1 calls near the geographic boundaries of the city of New York. a. No later than six months after the effective date of this local law, the commissioner of information technology and telecommunications shall submit to the council and mayor a report on the routing of 9-1-1 calls originating from cellular phones located near the geographic boundaries of the city of New York to a public safety answering point located in a different jurisdiction from the caller.

b. Such report shall include the following information for the calendar year immediately preceding the effective date of this local law, provided that if the effective date occurs less than three months before the end

of a calendar year then such information shall be provided for that calendar year:

1. the number of 9-1-1 calls originating from cellular phones within city limits that were routed to a public safety answering point outside the city, disaggregated by receiving public safety answering point, to the extent known;
2. the number of 9-1-1 calls originating from cellular phones outside of city limits that were routed to a public safety answering point within the city in the prior calendar year;
3. a description of the current method or methods for determining how to route 9-1-1 calls originating from cellular phones located near the geographic boundaries of the city;
4. a description of the protocols or agreements between the city and neighboring jurisdictions or telecommunications providers, in place to address or redirect 9-1-1 calls originating from cellular phones located in a different jurisdiction when received by the city's public safety answering point and when received by a neighboring jurisdiction's public safety answering point;
5. an evaluation of the possibilities and limitations in current geolocation technology for reducing instances of misrouted cellular 9-1-1 calls; and
6. recommendations on how, through technology, policy, agreement or other means, the misrouting of 9-1-1 calls could be reduced or prevented.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 1159

By Council Members Constantinides, Richards and Chin.

A Local Law to amend the administrative code of the city of New York in relation to the installation of solar water heating and thermal energy systems on city-owned buildings.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-207.2 to read as follows:

§ 4-207.2 *Solar water heating and thermal energy systems for city-owned buildings. a. As used in this section:*

City building. The term "city building" shall have the meaning ascribed to such term in section 28-309.2 of the code.

Commissioner. The term "commissioner" means the commissioner of citywide administrative services.

Cost-effective. The term "cost effective" means, with respect to the installation of a solar water heating or thermal energy system, that the cumulative savings expected to result from such installation, including expected savings in energy costs, will in 25 years or less, equal or exceed the expected costs of such installation, less all federal, state and other non-city governmental assistance available to offset the cost of such installation and including the social cost of carbon value, as described in paragraphs 3 and 4 of subdivision d of section 3-125 of the code; provided, however, that a higher site- or project-specific social cost of carbon value may be developed and used in lieu of the social cost of carbon value described in such paragraphs. Department. The term "department" means the department of citywide administrative services.

b. The department, or any other agency authorized by the commissioner, shall, within one year from the effective date of the law that added this section, submit to the mayor and the council a feasibility study of all city-owned buildings identifying where solar water heating and thermal energy systems would be cost-effective. The feasibility study shall describe any federal or state funds or incentives that would be available to defray costs related to the installation, operation or maintenance of such systems.

c. A solar water heating system shall be installed on all city-owned buildings where the feasibility study has found such system to be cost-effective, provided that the procurement and installation of such system conforms with all other applicable laws. The department may prioritize the installation of solar water heating

systems based on the expected useful life of the currently installed water heating system, the expected cost savings of such solar water heating system, and by any other criteria determined by the commissioner.

d. Not later than December 15 of the year following the submission of the feasibility study, and every second year thereafter, the department shall report to the mayor and the council the following:

1. The number of city-owned buildings where the installation of a solar water heating or thermal energy system would be cost effective, and the projected annual energy and other cost savings for each such system, both individually and in the aggregate.

2. The number of city-owned buildings that have commenced installation of a solar water heating or thermal energy system.

3. The number of city-owned buildings that have completed the installation of a solar water heating or thermal energy system.

4. The annual energy and other cost savings, and any other environmental benefits associated with the systems of completed systems.

5. New or updated information regarding technological, pricing, or socio-economic issues pertaining to solar water heating and thermal energy systems.

§ 2. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-367 to read as follows:

§ 24-367. Solar water heating system outreach. The department shall mail to property owners, with the first water bill sent each year, a notice describing the benefits of a solar water heating system, including the financial, tax, and environmental benefits of installing such system.

§ 3. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1160

By Council Members Constantinides and Richards (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the installation of sub-meters in certain tenant spaces.

Be it enacted by the Council as follows:

Section 1. The definitions of the terms “covered building” and “covered tenant space” set forth in section 28-311.2 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, are amended to read as follows:

COVERED BUILDING. As it appears in the records of the department of finance: (i) a building that exceeds [50,000] 25,000 gross square feet ([4645] 2323 m²), (ii) two or more buildings on the same tax lot that together exceed 100,000 gross square feet (9290 m²), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet (9290 m²).

[Exception] Exceptions: The term “covered building” shall not include:

1. [real] Real property classified as class one pursuant to subdivision one of section 1802 of the real property tax law; or
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC

system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.

COVERED TENANT SPACE. (i) A tenant space larger than [10,000] 5,000 gross square feet ([929] 465 m²) on one or more floors of a covered building let or sublet to the same person, or (ii) a floor₂ of a covered building₂ larger than [10,000] 5,000 gross square feet ([929] 465 m²) consisting of tenant spaces let or sublet to two or more different persons.

Exception: The term "covered tenant space" shall not include dwelling units classified in occupancy group R-2 or R-3.

§ 2. Section 28-311.3 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, is amended to read as follows:

§ 28-311.3 Sub-meters required for covered tenant spaces. On and after January 1, 2025, the electrical consumption of each covered tenant space shall be measured by one or more sub-meters. Sub-meters shall be installed in existing covered tenant spaces by the owner or the lessor of such space on or [prior to] *before* January 1, 2025 and thereafter as new covered tenant spaces are created within the building. If the covered tenant space is a floor with multiple tenancies, each tenancy that is [10,000] 5,000 gross square feet ([929] 465 m²) or less shall (i) have a separate sub-meter, (ii) share a sub-meter with other tenant spaces on the floor, or (iii) share a sub-meter covering the entire floor.

Exception: Covered tenant space for which the electrical consumption within such space is measured by a meter dedicated exclusively to that space.

§ 3. Section 28-311.5 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, is amended to read as follows:

§ 28-311.5 Reports. The owner of each covered building shall file a report [with the department on or prior to January 1, 2025] *in accordance with the rules of the department* prepared by a registered design professional or a licensed master or special electrician certifying that sub-meters have been installed in all covered tenant spaces in such building as required by this article or that covered tenant spaces are subject to the exception set forth in section 28-311.3. The department may impose a fee for filing and processing such reports.

§ 4. Section 28-315.3.1 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended to read as follows:

§ 28-315.3.1 Electrical sub-meters. [The] *By January 1, 2025, the* installation of electrical sub-meters in tenant spaces in certain buildings in accordance with article 311 of this chapter shall be completed and *the owners of such buildings shall file a* report [of such installation filed with the department by January 1, 2025.] *in accordance with the rules of the department, prepared by a registered design professional or a licensed master or special electrician, certifying compliance with such section The department may impose a fee for filing and reviewing such reports.*

§ 5. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1161

By Council Members Crowley, Cumbo, Johnson, Rosenthal, Richards and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on HPV vaccination rates.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a section 17-199.1 to read as follows:

§ 17.199.1 HPV Reporting. No later than September 17, 2016, and annually no later than September 17 of each year, the department shall send to the council, or shall include in the mayor's management report prepared pursuant to section 12 of the charter, the most recent data available on vaccination rates for New York city residents for the human papillomavirus, disaggregated by the gender of the recipient and the number of doses received. Such data shall include, but need not be limited to, that which has been reported to the department for inclusion in the citywide immunization registry.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1162

By Council Members Crowley, Cumbo, Johnson, Rosenthal, Richards and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the use of long-acting reversible contraceptives.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a section 17-199.1 to read as follows:

§ 17.199.1 Long-Acting Reversible Contraceptives Reporting. a. The department shall collect data on usage rates for long-acting reversible contraceptives as part of its annual community health survey, or any successor survey performed by or on behalf of the department.

b. No later than September 17, 2016, and annually no later than September 17 of each year, the department shall send to the council, or shall include in the mayor's management report prepared pursuant to section 12 of the charter, the most recent data collected pursuant to subdivision a of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Res. No. 1036

Resolution calling upon the New York City Department of Education to include age-appropriate gun violence prevention curriculum in all schools.

By Council Members Cumbo, Williams, Richards and Chin.

Whereas, Gun violence in the United States is at epidemic levels and is increasing; and

Whereas, According to the Centers for Disease Control and Prevention (CDC), in 2013, the latest year for which data is available, there were 33,636 deaths attributed to firearms in the U.S., up from 28,663 in 2000; and

Whereas, However, deaths from firearms are only part of the picture, as many other people are fortunate to survive gunshot wounds; and

Whereas, According to the Brady Campaign to Prevent Gun Violence, each year, on average, 108,476 people in America are shot in murders, assaults, suicides & suicide attempts, unintentional shootings, or by police intervention and 32,514 of them die; and

Whereas, Of this annual average number of people shot in America, 17,499 are children and teenagers ages 0-19 and 2,677 of them die according to the Brady Campaign to Prevent Gun Violence; and

Whereas, Further, American children 5-14 years old are 17 times more likely to be murdered by a firearm, 10 times more likely to die by suicide, and 9 times more likely to die from unintentional firearm injury than children in other industrialized countries, according to Doctors for America; and

Whereas, Besides being a serious public safety issue, there is a growing consensus among the nations' top medical organizations that gun violence is a public health crisis; and

Whereas, Efforts in the areas of drug and alcohol abuse prevention have demonstrated that preventive education can reduce the risks for youth; and

Whereas, Under New York State Law and the Regulations of the Commissioner of Education, all schools under the jurisdiction of the State Education Department must provide a program of health and physical education including health and safety education; and

Whereas, However, neither the New York State Education Department (NYSED) nor the New York City Department of Education (DOE) currently requires instruction in gun violence prevention as part of the health education curriculum; and

Whereas, The DOE recommended health curricula for Middle and High Schools, called HealthSmart, does contain lessons on "Safety & Injury Prevention" that, according to the publisher, include "discussion of how the presence of guns or other weapons increases the risk of violent injury"; and

Whereas, However, it is unclear whether such "discussion" about guns is extensive enough to be considered gun violence prevention curriculum; and

Whereas, Further, the DOE recommends but does not require all schools to use the HealthSmart curricula, instead requiring schools that choose not to use the curricula to select a curricula meeting NYSED health education requirements ; and

Whereas, Protecting our children and youth from the scourge of gun violence is too important to regard as optional; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Education to include age-appropriate gun violence prevention curriculum in all schools.

Referred to the Committee on Education.

Res. No. 1037

Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would create a tax incentive for small businesses to hire from within the communities in which they are located.

By Council Members Dickens, Cornegy, Cumbo, Rose, Richards, Salamanca, Espinal, Cabrera, Palma, Maisel, Chin, Mendez and Koslowitz.

Whereas, While New York City's unemployment rate has been declining since its peak during the midst of the Great Recession, as of January 2016 it still remained higher than the federal unemployment rate; and

Whereas, In January 2016, New York City's unemployment rate was 5.9%, as reported by the New York State Department of Labor, compared to the federal unemployment rate of 4.9%, as reported by the United States Department of Labor; and

Whereas, Moreover, the unemployment rate varies from borough to borough, with the unemployment rate in January 2016 in the Bronx at 8.1%, Staten Island and Brooklyn each at 6%, Queens at 5.2%, and Manhattan at 5.1%, according to the New York State Department of Labor; and

Whereas, In order to address unemployment in the City and to promote economic development within the City's communities, small businesses should receive a tax incentive to encourage them to hire employees from within the communities in which they are located; and

Whereas, Such tax incentive could be modeled after existing federal and New York State tax credits that reward businesses that hire employees from a specific pool of workers; and

Whereas, On the federal level, the Work Opportunity Tax Credit ("WOTC") offers employers a federal tax credit to hire from a targeted group of job seekers with barriers to employment, including veterans, people with disabilities, individuals receiving certain types of public assistance, ex-felons, and youth; and

Whereas, The maximum credit ranges from \$2,400 to \$9,600, depending on the type of employee hired; and

Whereas, In December 2015, President Obama signed an appropriations bill that renewed the WOTC through December 31, 2019; and

Whereas, The legislation also expanded the category of job seeker to include job seekers who are long-term unemployment compensation recipients; and

Whereas, New York offers the Hire-A-Veteran, Workers with Disabilities, and Urban Youth Jobs Programs Tax Credits; and

Whereas, The Hire-A-Veteran Tax Credit is available to businesses that hire veterans in an amount of up to \$15,000 for disabled veterans hired and \$5,000 for non-disabled veterans hired; and

Whereas, The Workers with Disabilities Tax Credit provides a credit up to \$5,000 per full-time employee with a disability and \$2,500 per part-time employee with a disability hired; and

Whereas, The Urban Youth Jobs Program Tax Credit provides a credit up to \$5,000 for full-time youth and \$2,500 for part-time youth hired; and

Whereas, Similarly, a tax credit could be provided to small businesses in New York City that hire employees from their local communities; and

Whereas, Encouraging small businesses to hire locally would also serve to strengthen the City's diverse neighborhoods and deepen residents' investment and commitment in their communities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, legislation that would create a tax incentive for small businesses to hire from within the communities in which they are located.

Referred to the Committee on Finance.

Res. No. 1038

Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would provide tax benefits to individuals working in the creative arts industry and to property owners who construct or lease commercial space to creative artists or creative arts organizations.

By Council Members Espinal and Dickens.

Whereas, New York City is the country's cultural arts capital with world-class art, dance, fashion, music, film, and other cultural institutions; and

Whereas, The creative arts industry provides an economic boon to the City; and

Whereas, According to NYC & Company, the City's official marketing and tourism organization, cultural institutions are an enormous draw to visitors, estimating that nearly half of the 52.7 million visitors to the City in 2012 visited a cultural institution; and

Whereas, Creative industries have been among the fastest growing segments of the City's economy between 2003 and 2013, outpacing traditional economic drivers such as finance and insurance and legal services and employing nearly 300,000 people in 2013, according to the Center for an Urban Future; and

Whereas, Moreover, as the number of creative workers in the City grows and their ventures and companies expand, more money is spent on support services, suppliers, and other businesses ancillary to the creative arts; and

Whereas, While the creative arts sector provides these and other economic benefits for the City at large, many of the individual artists who are the driving forces behind this industry are facing an affordability crisis; and

Whereas, Among the challenges faced by these artists are relatively low wages compared to the cost of living in the City and real estate constraints which make it difficult to find affordable spaces to create and display art; and

Whereas, According to the Center for an Urban Future, the median wage of a creative worker in New York City is 15 percent less than the national average when adjusted for the high cost of housing, food, transportation, and healthcare; and

Whereas, These wage gaps are experienced by both the conventional “struggling artists,” such as writers and painters, and by professional creative workers, such as architects, film editors, and industrial designers; and

Whereas, In addition, historically, the influx of artists into once less expensive neighborhoods such as SoHo, Williamsburg, and Bushwick, has led to a wave of gentrification in those areas that has priced out the very artists who made the area attractive to real estate investors in the first place; and

Whereas, To understand the demand for residential and commercial space for creative workers, it is instructive to look at the example of El Barrio’s Artspace PS109 in East Harlem, which is a community-driven project which transformed an abandoned public school building into an arts facility with affordable live/work housing for artists and their families and complementary space for arts organizations; and

Whereas, When El Barrio’s Artspace PS109 opened its lottery for housing applications in 2014, approximately 53,000 applications were received for the 89 available housing units; and

Whereas, It is in the economic and cultural interest of the City to help creative workers by creating tax incentives for them to be able to flourish within the five boroughs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, legislation that would provide tax benefits to individuals working in the creative arts industry and to property owners who construct or lease commercial space to creative artists or creative arts organizations.

Referred to the Committee on Finance.

Res. No. 1039

Resolution calling upon the New York State Legislature to pass and Governor Cuomo to sign S.7049/A.9648, which would ensure that participants in the Special Supplemental Nutrition Program for Women, Infants and Children may receive foods from any vendor approved by such program, including infant formula.

By Council Members Espinal, Mealy and Dickens.

Whereas, Special Supplemental Nutrition Program for Women, Infants and Children (“WIC”) is a federal nutrition program that supports eligible low-income pregnant, postpartum, and breastfeeding women, infants and children up to the age of five, and promotes better health for these families; and

Whereas, WIC provides nutrition education and counseling, breastfeeding support, prenatal and postpartum support, referrals and supplemental food vouchers; and

Whereas, Foods that are WIC approved include low or fat free milk, fruits and vegetables, whole grains, infant formula, and other essential items; and

Whereas, According to the New York State Department of Health (“DOH”) website, “WIC vendors are grocery stores and pharmacies who are authorized to issue healthy supplemental foods to WIC participants in exchange for WIC food instruments (WIC checks) and vouchers”; and

Whereas, In February 2014, DOH implemented a policy change which only allows WIC vendors that are pharmacies or stores with a pharmacy department to redeem WIC checks for infant formulas issued with a prescription, known as exempt or specialty formulas; and

Whereas, According to an article in *Crain's New York Business*, the new policy was created in response to fraudulent activity where store owners were providing cash instead of infant formula, for example, in exchange for WIC vouchers; and

Whereas, As a result, the State retroactively eliminated all stores without a pharmacy from selling specialty infant formula, thus, limiting the ability of WIC participants to access such products in their local neighborhoods; and

Whereas, Many WIC recipients must travel long distances from their homes to buy formula, and may experience more financial hardship due to transportation costs; and

Whereas, Limiting the number of WIC vendors that can accept WIC checks for exempt infant formula can have an adverse effect on a young child's health if a mother has difficulty finding a store that is conveniently located to meet her child's needs; and

Whereas, S.7049, sponsored by State Senator Klein, and A.9648, sponsored by Assembly Member Crespo, would ensure that participants in the WIC program have access to all WIC approved products, including exempt or specialty infant formulas at any WIC approved vendor; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and Governor Cuomo to sign S.7049/A.9648, which would ensure that participants in the Special Supplemental Nutrition Program for Women, Infants and Children may receive foods from any vendor approved by such program, including infant formula.

Referred to the Committee on Health.

Preconsidered Res. No. 1040

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

By Council Member Ferreras-Copeland.

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

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2015 and Fiscal 2016 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

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

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 4; and be it further

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 6; and be it further

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Mental Health Services for Veterans Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 10; and be it further

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

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MS Extra Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the TASC After-Three Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Healthy Women, Healthy Future Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 15; and be it further

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

Resolved, That the City Council approves the new organizations and a change in a certain organization that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in the Transparency Resolution dated September 17, 2015, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 24.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1040 printed in these Minutes).

Int. No. 1163

By Council Member Garodnick, Richards, Johnson, Constantinides and Chin (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to expanding the list of buildings required to be benchmarked for energy and water efficiency.

Be it enacted by the Council as follows:

Section 1. The definitions of “city building” and “covered building” set forth in section 28-309.2 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, are amended to read as follows:

CITY BUILDING. A building that is more than 10,000 gross square feet, as it appears in the records of the department of finance, that is owned by the city or for which the city regularly directly pays all [or part] of the annual energy bills, provided that two or more buildings on the same tax lot shall be deemed to be one building.

Exception: The term “city building” shall not include:

1. [Any building not owned by the city in which the city is a tenant and for which the city does not pay all the energy bills;]

[2.] Any building owned by the city that participates in the tenant interim lease apartment purchase program; or

[3.] 2. Any building owned by the city that (i) is [50,000] 25,000 gross square feet or less, as it appears in the records of the department of finance, and (ii) participates in a program administered by the department of housing preservation and development.

COVERED BUILDING. As it appears in the records of the department of finance (i) a building that exceeds [50,000] 25,000 gross square feet, (ii) two or more buildings on the same tax lot that together exceed 100,000 gross square feet, [or] (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet, *or (iv) a city building.*

[Exception:] Exceptions: The term “covered building” shall not include:

1. [Any building that is a city building.
2. Any building that is owned by the city.] *Any building owned by the city that participates in the tenant interim lease apartment purchase program.*

[3.] 2. Real property classified as class one pursuant to subdivision one of section 1802 of the real property tax law.

3. *Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.*

§ 2. Section 28-309.4 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

§ 28-309.4 Benchmarking required for covered buildings *other than city buildings*. The owner of a covered building, *other than a city building*, shall annually benchmark such covered building no later than May 1, 2011, and no later than every May [first] 1 thereafter. Benchmarking of water use shall not be required unless the building was equipped with automatic meter reading equipment by the department of environmental protection for the entirety of the previous calendar year. The owner or the owner’s representative performing the benchmarking shall consult with the operating staff of the building, as appropriate. *Information submitted to the benchmarking tool must be accurate and complete.*

Exception: *The first mandatory benchmarking for a covered building, other than a city building, that (i) does not exceed 50,000 gross square feet, (ii) is not one of two or more buildings on the same tax lot that together exceed 100,000 gross square feet and (iii) is not one of two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet, shall be completed on or before May 1, 2018.*

§ 28-309.4.1 Obligation to [request and to report information] *report energy use for all utility accounts and addresses connected to the building.* [Where a unit or other space in a covered building, other than a dwelling unit, is occupied by a tenant and such unit or space is separately metered by a utility company, the owner of such building shall request from such tenant information relating to such tenant’s separately metered energy use for the previous calendar year and such tenant shall report such information to such owner.] *The owner shall submit information to the benchmarking tool for all utility accounts and addresses connected to the building, including those for separately metered tenant spaces. The owner shall obtain information for separately metered tenant spaces from the utility. If the utility does not have a program to provide such information, the owner shall make reasonable efforts to obtain such information from the tenant. Tenants shall have the obligation to provide such information.*

[§ 28-309.4.1.1 Owner solicitation of tenant information. Such owner shall request information relating to such tenant's separately metered energy use for the previous calendar year no earlier than January first and no later than January thirty-first of any year in which the owner is required to benchmark such building. The office of long-term planning and sustainability may require that such owner provide such tenant with a form designated by the office of long-term planning and sustainability to report such information.]

[§ 28–309.4.1.2 Tenant reporting of information. Such tenant shall report information relating to such tenant's separately metered energy use for the previous calendar year no later than February fifteenth of any year in which the owner is required to benchmark such building. Such information shall be reported in a form and manner determined by the office of long-term planning and sustainability.]

[§ 28–309.4.1.3 Provision of information prior to vacating a unit or other space. Where such owner receives notice that such tenant intends to vacate such unit or other space before reporting information in accordance with sections 28–309.4.1 and 28–309.4.1.2, such owner shall request information relating to such tenant's energy use for any period of occupancy relevant to such owner's obligation to benchmark. Any such tenant shall report such information to the owner of such building prior to vacating such unit or other space or, if such information is not available prior to vacating such unit or other space, as soon as practicable thereafter, regardless of whether such owner has requested information pursuant to this section. Such information shall be reported in a form and manner determined by the office of long-term planning and sustainability.]

[§28–309.4.1.4 Continuing obligation to benchmark. The failure of any or all tenants to report the information required by sections 28–309.4.1, 28–309.4.1.2, and 28–309.4.1.3 to the owner shall not relieve such owner of the obligation to benchmark pursuant to this article, provided that such owner shall not be required to benchmark such information not reported by a tenant unless otherwise available to such owner.]

§ 28-309.4.2 Preservation of documents, inspection, and audit. [Owners] *An owner of a covered [buildings] building shall maintain such records as the department determines are necessary for carrying out the purposes of this article, including but not limited to energy and water bills and reports or forms received from utilities and tenants. Where energy use within separately metered tenant spaces is omitted, records shall be maintained documenting the owner's efforts to obtain such information.* [Such] *All records shall be preserved for a period of three years, provided that the commissioner may consent to their destruction within that period or may require that such records be preserved longer than such period. At the request of the department, such records shall be made available for inspection and audit by the department at the place of business of the owner or at the offices of the department during normal business hours.*

§ 28–309.4.3 Violations. It shall be unlawful for the owner of a covered building to fail to benchmark pursuant to section 28–309.4. The commissioner shall classify such violation as a lesser violation. *If, upon audit of a benchmarking report, the department finds that information submitted to the benchmarking tool was substantially inaccurate or incomplete, the department may reject the purported benchmarking and the owner shall be liable for a violation of section 28-309.4 as if no benchmarking had been performed.*

§ 3. Section 28-309.5.1 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

§ 28-309.5.1 Direct upload by a utility company or other source. The office of long-term planning and sustainability shall encourage and facilitate any utility company or any other source authorized by the office of long-term planning and sustainability to upload directly to the benchmarking tool, as soon as practicable, information necessary to benchmark a building. [Where information is uploaded directly to the benchmarking tool by a utility company or other authorized source, owners and tenants shall not be obligated to request and report such information pursuant to section 28-309.4.1.]

§ 4. Section 28-309.8 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

§ 28–309.8 Disclosure. The department of finance shall make information generated by the benchmarking tool available to the public on the internet no later than September 1[, 2011, and no later than every September first thereafter for city buildings, no later than September 1, 2012, and no later than every

September first thereafter for covered buildings whose primary use is not residential, as determined by the department of finance, and no later than September 1, 2013, and no later than every September first thereafter for covered buildings whose primary use is residential, as determined by the department of finance] *of the year in which the covered buildings are benchmarked*. Such information shall include, but need not be limited to: (i) the energy [utilization index] *use intensity*, (ii) the water use per gross square foot, (iii) where available, a rating *or score* that compares the energy and water use of the building to that of similar buildings, and (iv) a comparison of data across calendar years for any years such building was benchmarked. Information generated by the benchmarking tool for the 2009 calendar year for city buildings, for the 2010 calendar year for covered buildings, and for the 2011 calendar year for covered buildings whose primary use is residential, as determined by the department of finance, shall not be disclosed.

Exception: Ratings *or scores* generated by the benchmarking tool for a covered building that contains a data center, television studio, and/or trading floor that together exceed ten percent of the gross square footage of any such building shall not be disclosed until the office of long-term planning and sustainability determines that the benchmarking tool can make adequate adjustments for such facilities. When the office of long-term planning and sustainability determines that the benchmarking tool can make such adjustments, it shall report such determination to the mayor and the speaker of the city council. Until such determination is made, the office of long-term planning and sustainability shall report biennially to the mayor and the speaker of the city council that the benchmarking tool is unable to make such adjustments.

§ 5. Section 28-309.9 of the administrative code of the city of New York, as added by local law number 84 for the year 2009, is amended to read as follows:

§ 28-309.9 Report. No later than December 31 of [2011, 2012 and 2013, respectively] *each year*, the office of long-term planning and sustainability shall prepare, submit to the mayor and the speaker of the city council, and post on the internet a report reviewing and evaluating the administration and enforcement of this article and analyzing data obtained from the benchmarking tool. Such report shall contain information regarding: (i) the energy and water efficiency of buildings in the city, (ii) the accuracy of benchmarked data and whether there is a need to train and/or certify individuals who benchmark, (iii) compliance with the requirements of this article, (iv) any administrative and legislative recommendations for strengthening the administration and enforcement of this article, (v) the effectiveness of the benchmarking tool in accounting for New York city conditions, including, but not limited to, high density occupancies, use of steam, large building size, and specific high-energy uses such as data centers, television studios, and trading floors, and (vi) such other information and analyses as the office of long-term planning and sustainability deems appropriate.

§ 6. Article 309 of the administrative code of the city of New York is amended by adding a new section 28-309.11 to read as follows:

§ 28-309.11 Benchmarking assistance. *The department shall establish a system to receive and respond to requests from owners for assistance with respect to fulfilling the benchmarking requirements of this section.*

§ 7. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1164

By Council Members Johnson, Levin, Torres, Richards, Chin, Barron, Rose, Gentile, Koslowitz, Salamanca, Cornegy, Gibson and Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to information regarding unlawful evictions.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-138 to read as follows:

§ 21-138 Information regarding unlawful evictions. a. For the purposes of this section, the term “rental subsidy” means financial assistance, including the public assistance shelter allowance as established by section 131-a of the social services law, the living in communities rental assistance program, the city family eviction prevention supplement program, the city family exit plan supplement, the city special exit and prevention supplement, the home tenant-based rental assistance program or any other program provided or administered by the department for the purpose of paying a recipient’s rent.

b. Upon the initial receipt of a rental subsidy and at each point of recertification the department shall provide to rental subsidy recipients a written statement explaining that pursuant to local law persons who lawfully occupy dwelling units for 30 consecutive days or longer may not be evicted without a court order. The notice may also include any additional information as determined by the department.

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

Referred to the Committee on General Welfare.

Int. No. 1165

By Council Members Richards, Constantinides and Chin (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to upgrading lighting systems in certain buildings.

Be it enacted by the Council as follows:

Section 1. Section 28-310.2 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, is amended to read as follows:

§ 28-310.2 Definitions. As used in this article the following terms shall have the following meanings:

COVERED BUILDING. As it appears in the records of the department of finance: (i) a building that exceeds [50,000] 25,000 gross square feet ([4645] 2323 m²), (ii) two or more buildings on the same tax lot that together exceed 100,000 gross square feet (9290 m²), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet (9290 m²).

[Exception] Exceptions: The term "covered building" shall not include:

1. [real] Real property classified as class one pursuant to subdivision one of section 1802 of the real property tax law; or

2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.

[UPGRADE.] The installation or modification of the lighting system of a covered building to comply with the standards required for new systems, including all of the following elements: lighting controls (interior

lighting controls, light reduction controls and automatic lighting shutoff), tandem wiring, exit signs, interior lighting power requirements and exterior lighting.]

§ 2. Section 28-310.3 of the administrative code of the city of New York, as added by local law number 88 for the year 2009, is amended to read as follows:

§ 28-310.3 Upgrade of lighting systems of covered buildings required. [The] *No later than January 1, 2025 the* lighting systems of covered buildings shall be [upgraded to comply] *in compliance* with the standards for new systems set forth in [section 805 of] the New York city energy conservation code and/or applicable standards referenced in such energy code [on or prior to January 1, 2025]. The owner of a covered building shall ensure that the upgrade of the lighting system of the entire covered building is completed on or prior to such date and shall file a report with the department, [on or prior to such date] *in accordance with the rules of the department*, prepared by a registered design professional or a licensed master or special electrician certifying that such upgrade has been completed and that the work is in compliance with the technical standards of the New York city electrical code. The department may impose a fee for filing and review of such reports.

Exceptions:

1. [No upgrade is required for (i) an] *An* element of a lighting system that is in compliance with the standards of the New York city energy conservation code and/or applicable standards referenced in such code as in effect for new systems installed on or after July 1, 2010[, or (ii) lighting].

2. *Lighting* power densities in any space bounded by permanent floor-to-ceiling partitions and/or closable doors that are in compliance with the standards of the *New York city energy conservation code* and/or applicable standards referenced in such code as in effect for new systems installed on or after July 1, 2010.

2. [No upgrade is required for the] *The* lighting system within dwelling units classified in occupancy group R-2 or R-3 [or spaces serving such dwelling units, including but not limited to, hallways, laundry rooms, or boiler rooms].

3. [No upgrade is required for the] *The* lighting system within a space classified in occupancy group A-3 that is within a house of worship.

§ 3. Section 28-315.3.1 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended to read as follows:

§ 28-315.3.1 Lighting systems. [The upgrade of] *By January 1, 2025,* the lighting systems of certain buildings [in accordance] *shall be in compliance* with article 310 of this chapter [shall be completed] and *the owners of such buildings shall file* a report [of such upgrade filed with the department by January 1, 2025] *in accordance with the rules of the department, prepared by a registered design professional or a licensed master or special electrician, certifying compliance with such section and compliance with the technical standards of the New York city electrical code. The department may impose a fee for filing and reviewing such reports.*

§ 4. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1166

By Council Members Richards, Torres, Johnson, Williams, Chin, Barron, Rose, Gentile, Koslowitz, Salamanca, Cornegy, Gibson and Espinal.

A Local Law in relation to reporting on violations issued to three-quarters houses.

Be it enacted by the Council as follows:

Section 1. Three-quarters houses task force report. a. For the purposes of this section, the term “three-quarters houses task force” means the group of inspectors from the department of social services/human resources administration, department of buildings, the fire department, and the department of housing preservation and development responsible for inspecting dwellings where ten or more unrelated adults are living.

b. The department of social services/human resources administration shall submit to the council and post on its website quarterly reports regarding the three-quarters house task force. The first such report shall be due 30 days following the calendar quarter ending September 30, 2016, and all subsequent reports shall be due 30 days following the last day of each succeeding calendar quarter. Such reports shall include the following information:

1. the number of violations issued by the three-quarters houses task force disaggregated by each inspected building, identified in such a way that does not disclose the building’s address, and type of violation;
2. the number of beds at each building inspected by the three-quarters houses task force;
3. the number of instances in which the department of social services/human resources administration stopped rent payments to a landlord due to the findings of the three-quarters houses task force; and
4. the number of people relocated from buildings inspected by the three-quarters houses task force, disaggregated by whether such individuals were given a rental assistance subsidy, what type of subsidy was provided, and the type of housing to which the individual was relocated, including but not limited to private apartments, single room occupancy dwellings or temporary housing.

c. The first such report shall cover the period from July 1, 2015 to September 30, 2016.

§ 2. This local law takes effect immediately and expires and is deemed repealed on November 1, 2018.

Referred to the Committee on General Welfare.

Res. No. 1041

Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would extend the property tax abatement for the installation of a solar electric generating system to the installation of a solar thermal system.

By Council Members Richards and Borelli.

Whereas, New York State law currently provides a tax abatement for the installation of solar electric generating systems, such as solar panels, but not for the installation of solar thermal systems which are used for heating water or otherwise powering heating/cooling systems; and

Whereas, Solar electric generating systems directly convert the sun’s light into electricity, and solar thermal systems convert the sun’s energy to heat which in turn either heats water or can be converted into electricity; and

Whereas, Section 499-bbbb of the State Real Property Tax law provides a property tax abatement to the owners of class one, two, or four properties that install or have installed solar electric generating systems on such properties; and

Whereas, While the law provides for a tax abatement at varying levels depending on the date of the systems’ installation, in all cases the amount of the abatement would be the lesser of a percentage of the installation expenditures, the amount of taxes payable the year the abatement is claimed, or \$62,500; and

Whereas, According to the State Legislature’s Memorandum in Support of Chapter 473 of the Laws of New York for 2008 which first created section 499-bbb, the City strongly supported the abatement because it aligned with the City’s “long-term sustainability plan, PlaNYC released in April 2007, which set a 30% greenhouse gas emission reduction target for 2030 and committed to provide cleaner, more reliable power for every New Yorker”; and

Whereas, Since then, pursuant to Local Law 66 of 2014 passed by the Council, the City has expanded its goal with a new commitment to reduce greenhouse gas emissions by 80 percent by 2050; and

Whereas, Using a solar thermal system to heat water or power a heating/cooling system for a building also can lead to reduced greenhouse gas emissions; and

Whereas, According to a report issued by the New York City Economic Development Corporation (“EDC”) entitled “Solar Thermal in New York City: Opportunities + Challenges,” in the City over 30% of a building’s energy consumption is used to provide space heating and hot water and this demand is largely met by fuel oil- and natural gas-powered boilers; and

Whereas, According to EDC’s report, solar thermal systems provide a renewable, emissions-free and cost-efficient alternative to fossil fuel-based space and water heating, yet the industry has seen slow growth due in part to a lack of financial incentives and financing options; and

Whereas, Because the use of solar thermal systems have similar environmental benefits to the use of solar electric generating systems, their installation should also be encouraged through the provision of a property tax abatement; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, legislation that would extend the property tax abatement for the installation of a solar electric generating system to the installation of a solar thermal system.

Referred to the Committee on Finance.

Int. No. 1167

By Council Members Torres, Richards, Williams, Chin, Barron, Rose, Gentile, Koslowitz, Salamanca, Cornegy, Gibson and Espinal..

A Local Law to amend the administrative code of the city of New York, in relation to time limits on the receipt of relocation services.

Be it enacted by the Council as follows:

Section 1. Section 26-301 of the administrative code of the city of New York is amended by adding a new subdivision 7 to read as follows:

7. The commissioner shall not impose any deadline or limitation of time in which a tenant or person lawfully entitled to the occupancy of a dwelling may apply for relocation services pursuant to subparagraph v of paragraph a of subdivision 1 of this section, provided that the vacate order remains in effect and the individual is otherwise eligible as provided in this section.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1168

By Council Members Torres, Richards, Williams, Barron, Rose, Koslowitz, Salamanca, Cornegy, Gibson and Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to making it unlawful to mandate medical treatment and expanding who may institute a housing court claim.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York, is amended to add a new paragraph 49 to read as follows:

49. The term “medical treatment” means any medical care, whether or not such care is provided by a licensed medical practitioner, including but not limited to any activity intended to further examination, diagnosis, counseling, physical or psychotherapy, preventive care, prescription or administration of medication, prescription or administration of prostheses, surgery, referral to a medical provider, any procedure to cure or abate any injury, illness, physical or mental condition or any treatment for substance abuse addiction.

§ 2. Article 1 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2009.2 to read as follows:

§ 27-2009.2 An owner of a dwelling shall not condition occupancy of a dwelling unit or any term, benefit or right of occupancy upon the occupant’s seeking, receiving, or refraining from submitting to medical treatment. It shall be unlawful for an owner, by express terms or otherwise, to restrict the rights of a person lawfully entitled to the occupancy of a dwelling unit as provided in this section. This section shall not apply to the following programs and services: (i) medically managed withdrawal and stabilization services as defined in section 816.4 of title 14 of the compilation of codes, rules and regulations of the state of New York; (ii) inpatient medically supervised withdrawal and stabilization services as defined in section 816.4 of title 14 of the compilation of codes, rules and regulations of the state of New York; (iii) licensed chemical dependence residential rehabilitation services for youth established by part 817 of title 14 of the compilation of codes, rules and regulations of the state of New York; (iv) licensed chemical dependence inpatient rehabilitation services established by part 818 of title 14 of the compilation of codes, rules and regulations of the state of New York; (v) intensive residential rehabilitation services established by section 819.8 of title 14 of the compilation of codes, rules and regulations of the state of New York; (vi) adult-care facilities as defined in section 485.2 of title 18 of the compilation of codes, rules and regulations of the state of New York; (vii) enriched housing programs as defined in section 488.2 of title 18 of the compilation of codes, rules and regulations of the state of New York; (ix) assisted living programs as defined in section 494.2 of title 18 of the compilation of codes, rules and regulations of the state of New York; (x) residential treatment facilities for children and youth established by part 584 of title 14 of the compilation of codes, rules and regulations of the state of New York; (xi) crisis residences as defined in section 589.4 of title 14 of the compilation of codes, rules and regulations of the state of New York; and (xii) hospitals, nursing homes, and residential health care facilities as defined in section 2801 of the public health law, provided however that such programs and services are currently licensed or certified by and in good standing with the appropriate government agency.

§ 3. Paragraph 1 of subdivision h of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

(h)(1) Should the department fail to issue a notice of violation upon the request of a tenant or group of tenants *or any person lawfully entitled to occupancy of a dwelling unit* within thirty days of the date of such request, or if there is a notice of violation outstanding respecting the premises in which the tenant or group of tenants *or any person lawfully entitled to occupancy of a dwelling unit* resides, or, if there is a claim of harassment pursuant to subdivision d of section 27-2005 of this chapter, *or if there is a claim of a violation of section 27-2009.2 of this chapter,* the tenant or any group of tenants *or any person lawfully entitled to occupancy of a dwelling unit*, may individually or jointly apply to the housing part for an order directing the owner and the department to appear before the court. Such order shall be issued at the discretion of the court for good cause shown, and shall be served as the court may direct. If the court finds a condition constituting a violation exists, it shall direct the owner to correct the violation and, upon failure to do so within the time set for certifying the correction of such violation pursuant to subdivision (c) of this section, it shall impose a penalty in accordance with subdivision (a) of this section. Nothing in this section shall preclude any person from seeking relief pursuant to any other applicable provision of law.

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

Referred to the Committee on Housing and Buildings.

Res. No. 1042

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would reinstate the Barbara Clark Leaders of Tomorrow scholarships funded by the New York Lottery.

By Council Members Treyger, Barron, Greenfield, Johnson, Rose, Richards, Dickens, Chin, Grodenchik, Miller, Koslowitz and Torres.

Whereas, Under Article 1, section 9 of the New York State Constitution, generally only the State may operate a lottery, “the net proceeds of which [must] be applied exclusively to or in aid or support of education” “as the legislature may prescribe”; and

Whereas, The New York Lottery is an enterprise fund of the State of New York now administered by the New York State Gaming Commission’s Lottery Division;

Whereas, The New York Lottery offers traditional lottery games and also video lottery gaming, both of which fund the Lottery’s annual contribution to aid education; and

Whereas, State law and regulations generally dictate the formula and timing for distributing these net lottery proceeds statewide to support education, including funds for schools and textbooks; and

Whereas, Beginning in 1999, the New York Lottery awarded a Leaders of Tomorrow scholarship to one graduating senior from every participating public and private high school in New York State based on demonstrated academic ability, extracurricular participation and commitment to community service; and

Whereas, Students awarded a Leaders of Tomorrow scholarship in 2007-2008 or later received a \$5,000 scholarship, in the form of \$1,250 per year so long as they remained eligible, to help cover attending any New York accredited college, university, trade school or community college; and

Whereas, According to the New York Lottery, those scholarship funds critically supported the ability of over 10,000 students and families to finance postsecondary education, including hundreds of individuals in New York City alone; and

Whereas, The New York Lottery stopped awarding the Leaders of Tomorrow scholarships in 2010; and

Whereas, According to news reports at the time, the New York Lottery said that it ended the scholarship program, which cost over \$1 million per year, due to necessary budget cuts and fiscal constraints; and

Whereas, According to year-end reports, the New York Lottery took in \$7.54 billion in lottery sales and video gaming net win (that is, the amount gained by the New York Lottery on video gaming once players’ winnings are deducted from the total number of credits played), and gave \$2.54 billion to aid in education during fiscal year 2008-2009; and

Whereas, Since 2009, lottery revenue has increased – according to the New York Lottery’s year-end report for fiscal year 2014-2015, the Lottery took in \$9.16 billion in lottery sales and video gaming net win, and gave \$3.11 billion to aid in education; and

Whereas, S. 6645A introduced by State Senator Carl Marcellino and pending in committee in the New York State Senate, and a similar bill, A.9213A, introduced by Assembly Member Luis Sepúlveda and pending in committee in the New York State Assembly, would re-establish the Barbara Clark Leaders of Tomorrow Scholarship funded by the New York Lottery;

Whereas, Under the New York Constitution, a core purpose of the Lottery is to fund and support education; and

Whereas, Families in New York City and across the state continue to struggle to meet the rising costs of postsecondary education; and

Whereas, It appears that the New York Lottery’s revenue is now higher than it was in the last year that the Lottery funded the Leaders of Tomorrow scholarships and so the Lottery should once again serve its core

purpose of investing in New York Education by facilitating secondary education for New York's most promising graduates; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would reinstate the Barbara Clark Leaders of Tomorrow scholarships funded by the New York Lottery.

Referred to the Committee on Higher Education.

Int. No. 1169

By Council Members Williams and Richards (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and repealing section 28-1001.2 in relation thereto.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The New York State Energy Conservation Construction Code (the "New York State Energy Code") is promulgated by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law. In accordance with Article 11, the New York City Energy Conservation Code is stricter than the New York State Energy Code. The purpose of this local law is to conform the New York City Energy Conservation Code to recent changes in the New York State Energy Code with local law amendments unique to construction in the City.

§ 2. Section 28-1001.1.1 of the administrative code of the city of New York, as added by local law number 4 for the year 2015, is amended to read as follows:

§28-1001.1.1 Definition. As used in this chapter, the term "New York State Energy Code" means the New York State Energy Conservation Construction Code (the "New York State Energy Code"), constituting part 1240 of title 19 of the New York codes, rules and regulations (19 NYCRR Part 1240), and the publications incorporated by reference in such part, promulgated on [November 18, 2014] *April 6, 2016*, by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law.

§ 3. Section 28-1001.2 of the administrative code of the city of New York is REPEALED and a new section 28-1001.2 is added to read as follows:

§28-1001.2 New York city amendments to the New York state energy code. *The following New York city amendments to the New York state energy code are hereby adopted as set forth in sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3.*

§28-1001.2.1 New York city amendments to 19 NYCRR Part 1240.
1240.5 Exceptions.

Delete Exception (b) in its entirety and replace with a new Exception (b) to read as follows:

(b) Certain alterations. *The New York State Energy Code shall not apply to the following alterations of existing buildings, provided that the alteration will not increase the energy usage of the building:*

1. Storm windows installed over existing fenestration.

2. Glass-only replacements in an existing sash and frame, provided that the U-factor and the solar heat

gain coefficient (SHGC) shall be equal to or lower than before the glass replacement.

3. Alterations, renovations or repairs to roof/ceiling, wall or floor cavities, including spaces between furring strips, provided that such cavities are insulated to the full existing cavity depth with insulation having a minimum nominal value of R-3.0/inch (R-2.0/cm).

4. Alterations, renovations or repairs to walls and floors in cases where the existing structure is without framing cavities and no new framing cavities are created.

5. Reroofing where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.

6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

7. An alteration that replaces less than 20 percent of the luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

8. An alteration that replaces only the bulb and ballast within the existing luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

§28-1001.2.2 New York city amendments to commercial and residential chapters of the New York state energy code.

Chapter 1 [CE] and Chapter 1 [RE]

Delete Chapter R1 and Chapter C1 in their entirety and replace with a new Chapter 1 to read as follows:

CHAPTER 1

ADMINISTRATION

Introductory Statement

The New York City Energy Conservation Code (“NYCECC”) is comprised of the New York State Energy Code (“NYSEC”) with amendments as enacted into law by the New York City Council.

The NYCECC is divided into provisions relevant to commercial buildings and provisions relevant to residential buildings as follows:

1. The provisions of the NYCECC for commercial buildings are reflected in the state publications incorporated by reference in 19 NYCRR section 1240.4, as amended by sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3 of the administrative code of the city of New York. Such state publications include (i) Chapters 1 [CE], 2 [CE], 3 [CE], 4 [CE], 5 [CE] and 6 [CE] of the 2015 edition of the International Energy Conservation Code (the “2015 IECC”), as amended by Part 1 of the publication entitled the 2016 Supplement to the New York State Energy Conservation Construction Code (the “2016 Energy Code Supplement”) (ii) the July 2014 edition of Energy Standard for Buildings Except

Low-Rise Residential Buildings (“ASHRAE 90.1-2013”), as amended by Part 2 of the 2016 Energy Code Supplement; and (iii) reference standards incorporated by reference in 19 NYCRR section 1240.4(c).

2. The provisions of the NYCECC for residential buildings are reflected in the state publications incorporated by reference in 19 NYCRR section 1240.5, as amended by sections 28-1001.2.1, 28-1001.2.2 and 28-1001.2.3 of the administrative code of the city of New York. Such state publications include (i) Chapters 1 [RE], 2 [RE], 3 [RE], 4 [RE], 5 [RE] and 6 [RE] of the 2015 edition of the International Energy Conservation Code (the “2015 IECC”), as amended by Part 3 of the publication entitled the 2016 Supplement to the New York State Energy Conservation Construction Code (the “2016 Energy Code Supplement”); and (ii) the referenced standards incorporated by reference in 19 NYCRR section 1240.5(b), as amended by Part 3 of the 2016 Energy Code Supplement.

SECTION ECC 101

SCOPE AND GENERAL REQUIREMENTS

101.1 General. These provisions shall be known and cited as the “New York City Energy Conservation Code,” “NYCECC” or “ECC,” and are referred to herein as “this code.” All section numbers in this code shall be deemed to be preceded by the designation “ECC.” Administration and enforcement of this code shall be in accordance with Title 28 of the Administrative Code.

101.1.1 Titles.

The 2015 edition of the International Energy Code shall be known as the “2015 IECC.”

The 2013 edition of the Energy Standard for Buildings Except Low-Rise Residential Buildings shall be known as “ASHRAE 90.1-2013.” All references in this code to ASHRAE 90.1-2013 shall be deemed to be references to ASHRAE 90.1-2013 (AS AMENDED).

The 2016 Energy Code Supplement to the New York State Energy Conservation Construction Code shall be known as the “2016 Supplement.”

The New York State Energy Conservation Construction Code along with the New York City amendments to the New York State Energy Conservation Construction Code shall be known collectively as the “New York City Energy Conservation Code.”

101.2 Scope. This code applies to commercial buildings and residential buildings, as defined in Chapter C2 and Chapter R2 of this code, and the buildings’ sites, associated systems and equipment.

101.2.1 Occupancy classifications. For determination of occupancy classification and use within this

code, a comparable occupancy classification shall be made to the New York City Building Code.

101.2.2 Reconciliation with New York State Energy Conservation Construction Code. Whenever any provision of the New York State Energy Conservation Construction Code provides for a more stringent requirement than imposed by this code, the more stringent requirement shall govern.

101.2.3 Other laws. The provisions of this code shall not be deemed to nullify any federal, state or local law, rule or regulation relating to any matter as to which this code does not provide.

101.3 Intent. This code shall regulate the design and construction of buildings for the use and conservation of energy over the life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes. To the fullest extent feasible, use of modern technical methods, devices and improvements that tend to minimize consumption of energy without abridging reasonable requirements for the safety, health and security of the occupants or users of buildings shall be permitted. As far as may be practicable, the improvement of energy conservation construction practices, methods, equipment, materials and techniques shall be encouraged.

101.4 Applicability. The provisions of this code shall apply to the construction of buildings. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

101.4.1 Mixed occupancy. Where a building includes both commercial and residential occupancies, each occupancy shall be separately considered and shall meet the applicable provisions of Chapters C2, C3, C4 and C5 for commercial, and Chapters R2, R3, R4, and R5 for residential.

101.5 Compliance. Commercial buildings shall comply with the provisions of this code applicable to commercial buildings in Chapters C2, C3, C4, and C5. Residential buildings shall comply with the provisions of this code applicable to residential buildings in Chapters R2, R3, R4, and R5.

101.5.1 Compliance materials. Compliance with the provisions of this code can be demonstrated through the use of computer software deemed acceptable by the New York State Secretary of State, and the commissioner.

101.5.2 Demonstration of compliance. For a building project application or applications required to be submitted to the department, the following documentation, as further described in the rules of the department, shall be required in order to demonstrate compliance with this code:

101.5.2.1 Professional statement. Any registered design professional or lead energy professional filing an application or applications for a new building or alteration project shall provide on a signed and sealed drawing a statement of compliance or exemption in accordance with the rules of the department.

101.5.2.2 Energy analysis. For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, an energy analysis shall be provided on a sheet or sheets within the construction drawing set. The energy analysis shall identify the compliance path followed, demonstrate how the design complies with this code and be in a format as prescribed in the rules of the department. The energy analysis shall meet the requirements of this code for the entire project. Projects that utilize trade-offs among disciplines shall use DOE2-based energy modeling programs or other energy-modeling programs as prescribed in the rules of the department and shall be signed and sealed by a lead energy professional.

101.5.2.3 Supporting documentation. For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, supporting documentation shall be required in the approved construction drawings. See Section 103 for further requirements.

SECTION ECC 102

ALTERNATE MATERIALS, METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS

102.1 General. This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such material, method of construction, design or insulating system has been approved by the commissioner as (1) meeting the intent of this code, (2) achieving energy savings that are equivalent to or greater than would be achieved using prescribed materials, methods of construction, designs or insulating systems, and (3) meeting the requirements of Article 113 of Chapter 1 of Title 28 of the Administrative Code and the remaining New York City Construction Codes.

SECTION ECC 103

CONSTRUCTION DOCUMENTS

103.1 General. Construction documents shall be prepared in accordance with the provisions of Chapter 1 of Title 28 of the Administrative Code, the New York City Construction Codes, including this code, and the rules of the department.

103.2 Supporting documentation on construction documents. Supporting documentation shall include those construction documents that demonstrate compliance with this code.

103.2.1 Intent. Supporting documentation shall accomplish the following:

1. Demonstrate conformance of approved drawings to the energy analysis for every element and value of the energy analysis;

2. Demonstrate conformance of approved drawings to other mandatory requirements of this code, including, but not limited to, sealing against air leakage from the building envelope and from ductwork as applicable, insulation of ducts and piping as applicable, mechanical and lighting controls with devices shown and operational narratives for each, and additional requirements as set forth in this section;

3. Identify required progress inspections in accordance with the scope of work, this code, the Administrative Code, the New York City Building Code and the rules of the department; and

4. Comply with other requirements as may be set forth in the rules of the department.

103.2.2 Detailed requirements. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted in accordance with department procedures. Construction documents for a project shall be fully coordinated and of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, building systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their R-values; fenestration U-factors and SHGCs; area-weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment, types, sizes and efficiencies; economizer description; equipment and systems controls; fan motor horsepower and controls; duct sealing, duct and pipe insulation and location; lighting fixture schedule with wattages and control narrative; location of daylight zone on floor plans (as

applicable), and air sealing details. The building's thermal envelope shall be represented on the construction documents.

103.3 Examination of documents. In accordance with Article 104 of Chapter 1 of Title 28 of the Administrative Code, the department shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws, rules and regulations.

103.4 Changes during construction. For changes during construction refer to Section 28-104.3 of the Administrative Code.

SECTION ECC 104

INSPECTIONS

104.1 General. Except as otherwise specifically provided, inspections required by this code or by the department during the progress of work may be performed on behalf of the owner by an approved agency. All inspections shall be performed at the sole cost and expense of the owner. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to inspections. In addition to any inspections otherwise required by this code or the rules of the department, the following inspections shall be required:

1. Progress inspections. Progress inspections shall be performed in accordance with the rules of the department.
2. Final inspection. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code and the rules of the department.
3. Issuance of Certificate of Compliance. Refer to Section 28-116.4.1 of the Administrative Code.

The requirements of Section 104.1 shall not be read to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

104.1.1 Approved agencies. Refer to Article 114 of Chapter 1 of Title 28 of the Administrative Code and the rules of the department.

104.1.2 Inspection of prefabricated construction assemblies. Prior to the issuance of a work permit for a prefabricated construction assembly having concealed mechanical work, the department shall require the submittal of an evaluation report by the manufacturer or approved agency on each prefabricated construction assembly, indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated for energy use, test results and similar information, and other data as necessary for the commissioner to determine conformance to this code.

104.1.2.1 Test and inspection records. Required test and inspection records shall be made available to the commissioner at all times during the fabrication of the mechanical system and the erection of the building; or such records as the commissioner designates shall be filed.

104.2 Testing. Envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical systems shall be tested as required in this code and in accordance with Sections 104.2.1 through 104.2.3. Except as otherwise required in this code or in the rules of the department, tests shall be made by the permit holder and witnessed by an approved agency.

104.2.1 New, altered, extended, renovated or repaired systems. New envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical installations or systems, and parts of existing systems that have been altered, extended, renovated or repaired, shall be tested as prescribed herein or in the rules of the department to disclose leaks and defects.

104.2.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an envelope, heating, ventilating, air conditioning, service water heating, lighting and/or electrical installation or system or part thereof shall be furnished by the permit holder.

104.2.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the New York City Construction Codes, including this code. The work or installation shall then be reinspected or retested by the approved agency.

104.3 Sign-off of completed work. In addition to the requirements of Article 116 of Chapter 1 of Title 28 of the Administrative Code, Section 103.4 of this code and other requirements for sign-off, the project team shall either certify that construction does not differ from the last approved energy analysis or provide a whole-project as-built energy analysis and supporting documents, signed and sealed, for approval prior to sign-off. The as-built energy analysis and supporting documents shall reflect the materials, equipment and values actually used in the construction of the project, and shall demonstrate compliance of the constructed project with this code. Such signed and sealed documents may be accepted with less than full examination by the department based on the professional certification of the registered design professional.

104.4 Temporary connection. The commissioner shall have the authority to allow the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of occupancy.

SECTION ECC 105

REFERENCED STANDARDS

105.1 Referenced standards. The standards referenced in Chapters C2, C3, C4, and C5 of the New York City Energy Conservation Code shall be those that are listed in Chapter C6 of the New York City Energy Conservation Code, and in the rules of the department and such standards shall be considered part of the requirements of the commercial provisions of the New York City Energy Conservation Code to the prescribed extent of each such reference. The standards referenced in Chapters R2, R3, R4, and R5, of the New York City Energy Conservation Code shall be those that are listed in Chapter R6 of the New York City Energy Conservation Code, and in the rules of the department and such standards shall be considered part of the requirements of the residential provisions of the New York City Energy Conservation Code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Refer to Article 103 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to referenced standards.

CHAPTER C2

DEFINITIONS

SECTION C201

GENERAL

Section C201- Revise Section C201.3 to read as follows:

C201.3 Terms defined in other codes. Terms that are not defined in this code but are defined in the *New York City Construction Codes*, *New York City Fire Code*, or *New York City Electrical Code* shall have the meanings ascribed to them in those codes.

SECTION C202

GENERAL DEFINITIONS

Delete the definitions of “2015 International Fire Code (As Amended),” “2015 International Fuel Gas Code (As Amended),” “2015 International Plumbing Code (As Amended),” “2015 International Property Maintenance Code (As Amended),” and “2015 International Residential Code (As Amended).”

Section C202 - Revise the definition of “Approved” after the definition of “Alteration” to read as follows:

APPROVED. See Section 28-101.5 of the Administrative Code.

Section C202 – Revise the definition of “Approved agency” after the definition of “Approved,” to read as follows:

APPROVED AGENCY. See Section 28-101.5 of the Administrative Code.

Section C202 - Revise the definition of “ASHRAE 90.1-2013 (AS AMENDED)” to read as follows:

ASHRAE 90.1-2013 (AS AMENDED). ASHRAE 90.1-2013, as amended by Part 2 of the 2016 Energy Code Supplement with revisions as set forth in Appendix CA of this code.

Section C202 - Add a new definition of “Authority having jurisdiction” after the definition of “ASHRAE 90.1-2013, (AS AMENDED)” to read as follows:

AUTHORITY HAVING JURISDICTION. The commissioner or the commissioner's designee.

Section C202 – Revise the definition of “Building site” to read as follows:

BUILDING SITE. A contiguous area of land that is under the ownership or control of one entity.

Section C202 - Revise the definition of “Code official” after the definition of “Climate Zone,” to read as follows:

CODE OFFICIAL. The commissioner or the commissioner's designee.

Section C202 - Add a new definition of “Electrical design load” after the definition of “Economizer, water,” to read as follows:

ELECTRICAL DESIGN LOAD. The electrical load that feeders and branch circuits are required to support pursuant to the relevant provisions of the New York City Electrical Code for the category of equipment loads being supported.

Section C202 - Delete the definition of “Energy code” after the definition of “Energy Analysis”.

Section C202 - Add a new definition of “Grade plane” after the definition of “General purpose electric motor (subtype II),” to read as follows:

GRADE PLANE. For this code, a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Section C202 - Add a new definition of “High-Efficacy Lamps” after the definition of “Heated Slab,” to read as follows:

HIGH-EFFICACY LAMPS. Compact fluorescent lamps, T-8 or smaller diameter linear fluorescent lamps, or lamps with a minimum efficacy of:

1. 60 lumens per watt for lamps over 40 watts;
2. 50 lumens per watt for lamps over 15 watts to 40 watts; and
3. 40 lumens per watt for lamps 15 watts or less.

Section C202 - Add a new definition of “Lead energy professional” after the definition of “Labeled,” to read as follows:

LEAD ENERGY PROFESSIONAL. The registered design professional who signs and seals the energy analysis for an entire project. Such individual may be the same registered design professional who signs and seals the design drawings for the same project.

Section C202 - Add the definition of “Networked guest room control system” after the definition of “Nameplate Horsepower” to read as follow:

NETWORKED GUEST ROOM CONTROL SYSTEM. A control system, accessible from the hotel/motel front desk or other central location, that is capable of identifying reserved rooms according to a timed schedule, and is capable of controlling HVAC in each hotel/motel guest room separately.

Section C202 - Add new definitions of “Professional certification” and “Project” after the definition of “Powered roof/wall ventilators,” to read as follows:

PROFESSIONAL CERTIFICATION. See Section 28-101.5 of the Administrative Code.

PROJECT. A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 107 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

Section C202 - Delete the definition of “Uniform Code.”

CHAPTER C3**GENERAL REQUIREMENTS****SECTION C301****CLIMATE ZONES****Section C301.1 General.**

Section C301.1 - Delete Section C301.1 in its entirety and replace with a new Section C301.1 to read as follows:

C301.1 General. For projects in the City of New York, *Climate Zone 4A* shall be used in determining the applicable requirements from Chapter C4.

Section C301.2 Warm humid counties.

Section C301.2 - Delete Section C301.2 in its entirety.

Section C301.3 International climate zones.

Section C301.3 - Delete Section C301.3 in its entirety.

Section C301.4 Tropical climate zone.

Section C301.4 - Delete Section C301.4 in its entirety.

Table C301.1

Delete Table C301.1 in its entirety.

Table C301.3(1)

Delete Table C301.3(1) in its entirety.

Table C301.3(2)

Delete Table C301.3(2) in its entirety.

SECTION C303

MATERIALS, SYSTEMS AND EQUIPMENT

Section C303.2 Installation.

Section C303.2 - Revise Section C303.2 to read as follows:

C303.2 Installation. Materials, systems and equipment shall be installed in accordance with (i) the manufacturer's installation instructions and (ii) the applicable provisions of the New York City Construction Codes.

CHAPTER C4

COMMERCIAL ENERGY EFFICIENCY

SECTION C401

GENERAL**Section C401.2 Application.**

Section C401.2 - Delete Item 1 and replace with a new Item 1 to read as follows:

1. ASHRAE Compliance Path: The requirements of ASHRAE 90.1-2013.

Section C401.2 - Delete Item 3 and replace with a new Item 3 to read as follows:

3. Performance Compliance Path: The requirements of Section C407.

Section C401.2.1 Application to replacement fenestration products.

Section C401.2.1 - Revise Section C401.2.1 to read as follows:

C401.2.1 Application to replacement fenestration products. Where some portion or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for U-factor and SHGC in Table C402.4.

Exception: An area-weighted average of the U-factor of replacement fenestration products being installed in the building for each fenestration product category listed in Table C402.4 shall be permitted to satisfy the U-factor requirements for each fenestration product category listed in Table C402.4. Individual fenestration products from different product categories listed in Table C402.4 shall not be combined in calculating the area-weighted average U-factor.

SECTION C402**BUILDING ENVELOPE REQUIREMENTS**

Section C402.1 General (Prescriptive).

Section C402.1 - Revise Item 1 to read as follows:

1. The opaque portions of the building thermal envelope shall comply with the specific insulation requirements of Section C402.2 and the thermal requirements of either the *R*-value-based method of Section C402.1.3; the *U*-, *C*-and *F*-factor-based method of Section C402.1.4; or the component performance alternative of Section C402.1.5. When the total area of penetrations from through-the-wall mechanical equipment or equipment listed in Table C403.2.3(3) exceeds 1% of the opaque above-grade wall area, the building thermal envelope shall comply with the *U*-, *C*-and *F*-factor-based method of Section C402.1.4.

Section C402.1.3 Insulation component R-value-based method.

Section C402.1.3 – Revise the first sentence of Section C402.1.3 to read as follows:

Building thermal envelope opaque assemblies shall meet the requirements of Sections C402.2 and C402.4 based on the climate zone specified in Chapter C3.

Section C402.1.4.2 Thermal resistance of mechanical equipment penetrations.

Section C402.1.4.2 - Add a new Section C402.1.4.2 to read as follows:

C402.1.4.2 Thermal resistance of mechanical equipment penetrations.
When the total area of penetrations from through-the-wall mechanical equipment or mechanical equipment listed in Table C403.2.3(3) exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default *U*-factor of 0.5.

Section C402.2.4 Floors.

Section C402.2.4 – Revise Item 1 under Exceptions to read as follows:

1. The floor framing cavity insulation or structural slab insulation shall be permitted to be in contact with the top side of sheathing or continuous insulation installed on the bottom side of floor assemblies where combined with insulation that meets or exceeds the minimum R-value in Table C402.1.3 for “Metal framed” or “Wood framed and other” values for “Walls, Above Grade” and extends from the bottom to the top of all perimeter floor framing or floor assembly members.

Section C402.2.6 Fireplaces.

Section C402.2.6 – Delete the Section number and replace to read as follows:

Section C402.2.7

Section C402.2.7 - Revise the second paragraph of Section C402.2.7 to read as follows:

New wood-burning fireplaces that are designed to allow an open burn and new wood-burning fireplace units that are designed to allow an open burn shall be provided with a source of outdoor combustion air as required by the fireplace construction provisions of the New York City Construction Codes, as applicable.

Section C402.4.2 Minimum skylight fenestration area.

Section C402.4.2 - Revise Item 5 under Exception to read as follows:

5. Spaces where the total area minus the area of daylight zones adjacent to vertical fenestration is less than 2,500 square feet (232 m²), and where the lighting is controlled according to Section C405.2.3.

Section C402.5 Air Leakage-thermal envelope (Mandatory)

Section C402.5.1.3 - Add a new Section C402.5.1.3 to read as follows:

C402.5.1.3 Air barrier testing. New buildings of a certain size must comply with the following requirements:

1. New buildings 25,000 square feet (2,322.6 m²) and greater, but less than 50,000 square feet (4 645.2 m²), and less than or equal to 75 feet (22.86 m) in height must show compliance through testing in accordance with ASTM E 779 and department rules.
2. New buildings 50,000 square feet (4 645.2 m²) and greater, shall test or inspect each type of unique air barrier joint or seam in the building envelope for continuity and defects, as per an Air Barrier Continuity Plan developed by a registered design professional and department rules.
3. Rules governing air barrier testing promulgated by the department.

Section C402.5.3 Rooms containing fuel-burning appliances.

Section C402.5.3 - Revise Item 2 under the Exceptions to read as follows:

2. Fireplaces and stoves complying with Sections 901 through 905 of the New York City Mechanical Code and Section 2111.13 of the New York City Building Code.

Section C402.5.4 Doors and access opening to shafts, chutes, stairways, and elevator lobbies.

Section C402.5.4 - Revise Item 1 and Item 2 under the Exceptions to read as follows:

Exceptions:

1. Door openings required to comply with Section 716 or 716.4 of the *New York City Building Code*.
2. Doors and door openings required to comply with UL 1784 by the *New York City Building Code*.

Section C402.5.7 Vestibules.

Section C402.5.7 - Revise Item 4 under the Exceptions to read as follows:

4. Doors that open directly from a space less than 3,000 square feet (298 m²) in area, in buildings less than 75 feet (22.86 m) in height, and doors that open directly from a space less than 1,000 square feet (92.9 m²) in area, in buildings 75 feet (22.86 m) and greater in height.

Section C402.5.7 - Renumber Item 6 under the Exceptions as Item 7 and add a new Item 6 to read as follows:

6. Doors used primarily to facilitate vehicular movement or material handling and adjacent personnel doors.

7. Doors that have an air curtain with a velocity of not less than 6.56 feet per second (2 m/s) at the floor that have been tested in accordance with ANSI/AMCA 220 and installed in accordance with the manufacturer's instructions. Manual or automatic controls shall be provided that will operate the air curtain with the opening and closing of the door. Air curtains and their controls shall comply with Section C408.2.3.

SECTION C403

BUILDING MECHANICAL SYSTEMS

Section C403.2 Provisions applicable to all mechanical systems (Mandatory).

Section C403.2 - Delete the reference to Section C403.2.16 and replace with the reference to Section C403.2.18.

Section C403.2.1 Calculation of heating and cooling loads.

Section C403.2.1 – Revise the first sentence of Section C403.2.1 to read as follows:

Design loads associated with heating, ventilating and air conditioning of the building shall be determined in accordance with ANSI/ASHRAE/ACCA Standard 183 or by an approved equivalent computational procedure using the design parameters specified in Chapter C3.

Section C403.2.3 HVAC equipment performance requirements.

Section C403.2.3 - Revise the first sentence of Section C403.2.3 to read as follows:

Equipment shall meet the minimum efficiency requirements of Tables C403.2.3(1), C403.2.3(2), C403.2.3(3), C403.2.3(4), C403.2.3(5), C403.2.3(6), C403.2.3(7), C403.2.3(8), C403.2.3(9), C403.2.3(11), and C403.2.3(12) when tested and rated in accordance with the applicable test procedure.

Table C403.2.3(3)

Delete Table C403.2.3(3) in its entirety and replace with a new Table C403.2.3(3) to read as follows:

TABLE C403.2.3(3)
MINIMUM EFFICIENCY REQUIREMENTS: ELECTRICALLY OPERATED
PACKAGED TERMINAL AIR CONDITIONERS, PACKAGED TERMINAL HEAT
PUMPS, SINGLE-PACKAGE VERTICAL AIR CONDITIONERS, SINGLE-PACKAGE
VERTICAL HEAT PUMPS, ROOM AIR CONDITIONERS, AND ROOM AIR-
CONDITIONER HEAT PUMPS

<u>Equipment Type</u>	<u>Size Category</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
PTAC (cooling mode) standard size	All capacities	95°F db outdoor air	$14.0 - (0.300 \times \text{Cap}/1000)^c$ EER	
PTAC (cooling mode) nonstandard size	All capacities	95°F db outdoor air	$10.9 - (0.213 \times \text{Cap}/1000)^c$ EER	
PTHP (cooling mode) standard size	All capacities	95°F db outdoor air	$14.0 - (0.300 \times \text{Cap}/1000)^c$ EER	AHRI 310/380
PTHP (cooling mode) nonstandard size	All capacities	95°F db outdoor air	$10.8 - (0.213 \times \text{Cap}/1000)^c$ EER	
PTHP (heating)	All capacities	—————	$3.7 - (0.052 \times$	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
mode)			$\text{Cap}/1000)^c \text{COP}_H$	
standard size				
PTHP (heating mode)	All capacities	_____	$2.9 - (0.026 \times \text{Cap}/1000)^c \text{COP}_H$	
nonstandard size				
SPVAC (cooling mode)	< 65,000 BTU/h	95°F db/75°F wb outdoor air	10.0 EER	AHRI 390
	≥ 65,000 Btu/h and < 135,000 Btu/h	95°F db/75°F wb outdoor air	10.0 EER	
	≥ 135,000 Btu/h and < 245,000 Btu/h	95°F db/75°F wb outdoor air	10.0 EER	
SPVHP (cooling mode)	< 65,000 BTU/h	95°F db/75°F wb outdoor air	10.0 EER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	95°F db/75°F wb outdoor air	10.0 EER	
	≥ 135,000 Btu/h and < 245,000 Btu/h	95°F db/75°F wb outdoor air	10.0 EER	
SPVHP (heating mode)	< 65,000 BTU/h	47°F db/43°F wb outdoor air	3.0 COP _H	
	≥ 65,000 Btu/h and < 135,000 Btu/h	47°F db/43°F wb outdoor air	3.0 COP _H	
	≥ 135,000 Btu/h and < 245,000 Btu/h	47°F db/43°F wb outdoor air	3.0 COP _H	
SPVAC (cooling mode), nonweatherized space constrained	< 30,000 BTU/h	95°F db/75°F wb outdoor air	9.2 EER	AHRI 390
	> 30,000 Btu/h and < 36,000 Btu/h	95°F db/75°F wb outdoor air	9.0 EER	
SPVHP (cooling	< 30,000 BTU/h	95°F db/75°F wb	9.2 EER	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
mode), nonweatherized		outdoor air		
space constrained	≥ 30,000 Btu/h and < 36,000 Btu/h	95°F db/75°F wb outdoor air	9.0 EER	
SPVHP (heating mode), nonweatherized	< 30,000 BTU/h	47°F db/43°F wb outdoor air	3.0 COP _H	
space constrained	≥ 30,000 Btu/h and < 36,000 Btu/h	47°F db/43°F wb outdoor air	3.0 COP _H	
	< 6,000 Btu/h	—	11.0 CEER	
	≥ 6,000 Btu/h and < 8,000 Btu/h	—	11.0 CEER	
	≥ 8,000 Btu/h and < 14,000 Btu/h	—	10.9 CEER	10 CFR Part 430
Room air conditioners, with louvered sides	≥ 14,000 Btu/h and < 20,000 Btu/h	—	10.7 CEER	
	≥ 20,000 Btu/h and < 24,000 Btu/h	—	9.4 CEER	
	≥ 25,000 Btu/h	—	9.0 CEER	
	< 6,000 Btu/h	—	10.0 CEER	
	≥ 6,000 Btu/h and < 8,000 Btu/h	—	10.0 CEER	10 CFR Part 430
Room air conditioners,	≥ 8,000 Btu/h and < 11,000 Btu/h	—	9.6 CEER	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
<u>without louvered sides</u>	$\geq 11,000$ Btu/h and $< 14,000$ Btu/h	_____	<u>9.5 CEER</u>	
	$\geq 14,000$ Btu/h and $< 20,000$ Btu/h	_____	<u>9.3 CEER</u>	
	$\geq 20,000$ Btu/h	_____	<u>9.4 CEER</u>	
<u>Room air conditioner heat pumps, with louvered sides</u>	$< 20,000$ Btu/h	_____	<u>9.8 CEER</u>	<u>10 CFR Part 430</u>
	$\geq 20,000$ Btu/h	_____	<u>9.3 CEER</u>	
<u>Room air conditioner heat pumps, without louvered sides</u>	$< 14,000$ Btu/h	_____	<u>9.3 CEER</u>	<u>10 CFR Part 430</u>
	$\geq 14,000$ Btu/h	_____	<u>8.7 CEER</u>	
<u>Casement-only</u>	<u>All capacities</u>	_____	<u>9.5 CEER</u>	<u>10 CFR Part 430</u>
<u>Casement-slider</u>	<u>All capacities</u>	_____	<u>10.4 CEER</u>	

Table C403.2.3(11)

Add a new Table C403.2.3(11) to read as follows:

TABLE C403.2.3(11)
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED VARIABLE-REFRIGERANT-FLOW AIR CONDITIONERS

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
<u>VRF air</u>	$< 65,000$ Btu/h	<u>All</u>	<u>VRF multisplit</u>	<u>13.0 SEER</u>	<u>AHRI 1230</u>

<u>conditioners, air cooled</u>	<u>system</u>		
			<u>11.2 SEER</u>
	<u>≥ 65,000 Btu/h and < 135,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>13.1 IEER (before 1/1/2017)</u>
		<u>VRF multisplit system</u>	<u>15.5 IEER (as of 1/1/2017)</u>
			<u>11.0 EER</u>
	<u>≥ 135,000 Btu/h and < 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>12.9 IEER (before 1/1/2017) 14.9 (as of 1/1/2017)</u>
		<u>VRF multisplit system</u>	
			<u>10.0 EER</u>
	<u>≥ 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>11.6 IEER (before 1/1/2017) 13.9 (as of 1/1/2017)</u>
		<u>VRF multisplit system</u>	

Table C403.2.3(12)

Add a new Table C403.2.3(12) to read as follows:

TABLE C403.2.3(12)
MINIMUM EFFICIENCY REQUIREMENTS:
ELECTRICALLY OPERATED VARIABLE-REFRIGERANT-FLOW AIR-TO-AIR AND APPLIED
HEAT PUMPS

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
	<u>< 65,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system</u>	<u>13.0 SEER</u>	
<u>VRF air cooled (cooling mode)</u>	<u>≥ 65,000 Btu/h and < 135,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>11.0 EER</u> <u>12.9</u> <u>IEER(before</u> <u>1/1/2017)</u> <u>14.6 IEER (as</u>	<u>AHRI 1230</u>

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
				of 1/1/2017)	
	<u>≥ 65,000 Btu/h and < 135,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system with heat recovery</u>	<u>10.8 EER</u> <u>12.7 IEER</u> <u>(before 1/1/2017)</u> <u>14.4 IEER (as of 1/1/2017)</u>	
	<u>≥ 135,000 Btu/h and < 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>10.6 EER</u> <u>12.3 IEER</u> <u>(before 1/1/2017)</u> <u>13.9 IEER (as of 1/1/2017)</u>	
	<u>≥ 135,000 Btu/h and < 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system with heat recovery</u>	<u>10.4 EER</u> <u>12.1 IEER</u> <u>(before 1/1/2017)</u> <u>13.7 IEER (as of 1/1/2017)</u>	
	<u>≥ 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	<u>9.5 EER</u> <u>11.0 IEER</u> <u>(before 1/1/2017)</u> <u>12.7 (as of 1/1/2017)</u>	
	<u>≥ 240,000 Btu/h</u>	<u>Electric resistance (or none)</u>	<u>VRF multisplit system with heat recovery</u>	<u>9.3 EER</u> <u>10.8 IEER</u> <u>(before 1/1/2017)</u> <u>12.5 IEER (as of 1/1/2017)</u>	
<u>VRF water source (cooling mode)</u>	<u>< 65,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>12.0 EER</u>	<u>AHRI 1230</u>
	<u>< 65,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>11.8 EER</u>	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
	<u>≥ 65,000 Btu/h and < 135,000</u>	<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>12.0 EER</u>	
	<u>≥ 65,000 Btu/h and < 135,000</u>	<u>All</u>	<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>11.8 EER</u>	
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>10.0 EER</u>	
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>9.8 EER</u>	
	<u>< 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system 59°F entering water</u>	<u>16.2 EER</u>	
<u>VRF ground source (cooling mode)</u>	<u>< 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system with heat recovery 59°F entering water</u>	<u>16.0 EER</u>	<u>AHRI 1230</u>
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system 59°F entering water</u>	<u>13.8 EER</u>	
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system with heat recovery 59°F entering water</u>	<u>13.6 EER</u>	
	<u>< 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system 77°F entering water</u>	<u>13.4 EER</u>	
<u>VRF ground source (cooling mode)</u>	<u>< 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system with heat recovery 77°F entering water</u>	<u>13.2 EER</u>	<u>AHRI 1230</u>
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system 77°F entering water</u>	<u>11.0 EER</u>	
	<u>≥ 135,000 Btu/h</u>	<u>All</u>	<u>VRF multisplit system with heat recovery 77°F entering water</u>	<u>10.8 EER</u>	
<u>VRF air cooled (heating mode)</u>	<u>< 65,000 Btu/h (cooling capacity)</u>	<u>=</u>	<u>VRF multisplit system</u>	<u>7.7 HSPF</u>	<u>AHRI 1230</u>

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
	$\geq 65,000$ Btu/h and $< 135,000$ Btu/h	=	<u>VRf multisplit system</u> <u>47°F db/43°F wb</u> <u>outdoor air</u>	<u>3.3 COP_H</u>	
			<u>17°F db/15°F wb</u> <u>outdoor air</u>	<u>2.25 COP_H</u>	
	$\geq 135,000$ Btu/h (cooling capacity)	=	<u>VRf multisplit system</u> <u>47°F db/43°F wb</u> <u>outdoor air</u>	<u>3.2 COP_H</u>	
			<u>17°F db/15°F wb</u> <u>outdoor air</u>	<u>2.05 COP_H</u>	
<u>VRf water source</u> (heating mode)	$< 135,000$ Btu/h (cooling capacity)	=	<u>VRf multisplit system</u> <u>68°F entering water</u>	<u>4.2 COP_H</u>	<u>AHRI 1230</u>
	$\geq 135,000$ Btu/h (cooling capacity)	=	<u>VRf multisplit system</u> <u>68°F entering water</u>	<u>3.9 COP_H</u>	
<u>VRf groundwater</u> <u>source</u> (heating mode)	$< 135,000$ Btu/h (cooling capacity)	=	<u>VRf multisplit system</u> <u>50°F entering water</u>	<u>3.6 COP_H</u>	<u>AHRI 1230</u>
	$\geq 135,000$ Btu/h (cooling capacity)	=	<u>VRf multisplit system</u> <u>50°F entering water</u>	<u>3.3 COP_H</u>	
<u>VRf ground source</u> (heating mode)	$< 135,000$ Btu/h (cooling capacity)	=	<u>VRf multisplit system</u> <u>32°F entering water</u>	<u>3.1 COP_H</u>	<u>AHRI 1230</u>
<u>VRf ground source</u> (heating mode)	$\geq 135,000$ Btu/h (cooling capacity)	=	<u>VRf multisplit system</u> <u>32°F entering water</u>	<u>2.8 COP_H</u>	<u>AHRI 1230</u>

Section C403.2.4.3 Shutoff dampers.

Section C403.2.4.3 - Revise the second paragraph of Section C403.2.4.3 to read as follows:

Outdoor air intake and exhaust dampers shall be installed with automatic controls configured to close when the systems or spaces served are not in use or during unoccupied period warm-up and setback operation, unless the systems served require outdoor or exhaust air in accordance with the *New York City Mechanical Code* or the dampers are opened to provide intentional economizer cooling.

Section C403.2.6 Ventilation.

Section C403.2.6 – Revise Section C403.2.6 to read as follows:

C403.2.6 Ventilation. Ventilation, either natural or mechanical, shall be provided in accordance with Chapter 4 of the *New York City Mechanical Code*. Where mechanical ventilation is provided, the system shall provide the capability to reduce the outdoor air supply to the minimum required by Chapter 4 of the *New York City Mechanical Code*.

Section C403.2.6.1 Demand controlled ventilation.

Section C403.2.6.1 - Revise the first paragraph of Section C403.2.6.1 to read as follows:

Demand control ventilation (DCV) shall be provided for spaces larger than 500 square feet (46.5 m^2) and with an average occupant load of 25 people per 1,000 square feet (93 m^2) of floor area (as established in Table 403.3 of the *New York City Mechanical Code*) and served by systems with one or more of the following:

Section C403.2.6.2 Enclosed parking garage ventilation controls.

Section C403.2.6.2 – Revise Section C403.2.6.2 to read as follows:

C403.2.6. Enclosed parking garage ventilation controls. Enclosed parking garages used for storing or handling automobiles operating under their own power shall employ contamination-sensing devices and automatic controls configured to stage fans or modulate fan average airflow rates to 50 percent or less of design capacity, or intermittently operate fans less than 20 percent of the occupied time or as required to maintain acceptable contaminant levels in accordance with *New York City Mechanical Code* provisions. Failure of contamination sensing devices shall cause the exhaust fans to operate continuously at design airflow.

Section C403.2.7 Energy recovery ventilation systems.

Section C403.2.7 – Revise Item 1 under the Exceptions to read as follows:

Exception: An energy recovery ventilation system shall not be required in any of the following conditions:

1. Where energy recovery systems are prohibited by section 514.2 of the *New York City Mechanical Code*.

Section C403.2.7 Energy recovery ventilation systems.

Section C403.2.7 - Revise Item 8 under the Exceptions to read as follows:

8. Where the largest source of air exhausted at a single location at the building exterior is less than 75 percent of the design outdoor air flow rate. Multiple exhaust fans or outlets located within a 30 foot (9.144 m) radius from the outdoor air supply unit shall be considered a single exhaust location.

Section C403.2.9 Duct and plenum insulation and sealing.

Section C403.2.9 - Revise the last sentence of Section C403.2.9 to read as follows:

Joints and seams shall comply with Section 603.9 of the *New York City Mechanical Code*.

Section C403.2.9.1 Duct construction.

Section C403.2.9.1 – Revise Section C403.2.9.1 to read as follows:

C403.2.9.1 Duct construction. Ductwork shall be constructed and erected in accordance with the *New York City Mechanical Code*.

Section C403.2.9.1.1 Low-pressure duct systems.

Section C403.2.9.1.1 - Revise the first paragraph of Section C403.2.9.1.1 to read as follows:

Longitudinal and transverse joints, seams and connections of supply and return ducts operating at a static pressure less than or equal to 2 inches water gauge (w.g.) (498 Pa) shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems or tapes installed in accordance with the manufacturer's instructions. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *New York City Mechanical Code*.

Section C403.2.9.1.2 Medium-pressure duct systems.

Section C403.2.9.1.2 - Revise Section C403.2.9.1.2 to read as follows:

C403.2.9.1.2 Medium-pressure duct systems. Ducts and plenums designed to operate at a static pressure greater than 2 inches water gauge (w.g.) (498 Pa) but less than 3 inches w.g. (747 Pa) shall be insulated and sealed in accordance with Section C403.2.9. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *New York City Mechanical Code*.

Section C403.2.18 Automatic Control of HVAC in Hotel/Motel Guest Rooms.

Section C403.2.18 - Add a new Section C403.2.18 to read as follows:

C403.2.18 Automatic Control of HVAC in Hotel/Motel Guest Rooms. In hotels and motels with greater than 50 guest rooms, automatic controls for the HVAC equipment serving each guest room shall be configured according to the requirements in the following subsection. Controls must comply with either C403.2.18.1 or C403.2.18.2.

C403.2.18.1 Guest Room HVAC Setpoint Control. Within 30 minutes of all occupants leaving the guest room, HVAC setpoints shall be automatically raised by at least 4°F (2°C) from the occupant setpoint in the cooling mode and automatically lowered by at least 4°F (2°C) from the occupant setpoint in the heating mode. When the guest room is unrented and unoccupied, HVAC setpoints shall be automatically reset to 80°F (27°C) or higher in the cooling mode and to 60°F (16°C) or lower in the heating mode. Unrented and unoccupied guest rooms shall be determined by either of the following:

- a. The guest room has been continuously unoccupied for up to 16 hours.
- b. A networked guest room control system indicates the guest room is unrented and the guest room is unoccupied for more than 30 minutes.

Exceptions:

1. A networked guest room control system shall be permitted to return the thermostat setpoints to their default occupied setpoints 60 minutes prior to the time the room is scheduled to be occupied.
2. Cooling for humidity control shall be permitted during unoccupied periods.

C403.2.18.2 Automatic Control. Captive key card systems shall be permitted to be used to comply with Section C403.2.18.

Section C403.4.1.1 Fan airflow control.

Section C403.4.1.1 - Revise Item 2 under the Exceptions to read as follows:

2. Where the volume of outdoor air required to comply with the *ventilation* requirements of the *New York City Mechanical Code* at low speed exceeds the air that would be delivered at the speed defined in Section C403.4.1, the minimum speed shall be selected to provide the required *ventilation air*.

Section C403.4.4 Requirements for complex mechanical systems serving multiple zones.

Section C403.4.4 - Revise the first sentence to read as follows:

Sections C403.4.4.1 through C403.4.4.6 shall apply to complex mechanical systems serving multiple zones.

Section C403.4.4 Requirements for complex mechanical systems serving multiple zones.

Section C403.4.4 - Revise Item 3 to read as follows:

3. The minimum ventilation requirements of *New York City Mechanical Code*.

Section C403.4.4 Requirements for complex mechanical systems serving multiple zones.

Section C403.4.4 - Revise Item 4 under the Exception to read as follows:

4. Zones where the volume of air to be reheated, recooled or mixed is not greater than the volume of outside air required to provide the minimum ventilation requirements of Chapter 4 of the *New York City Mechanical Code*.

Section C403.4.4.4 Fractional hp fan motors.

Section C403.4.4.4 - Revise Item 2 under the Exceptions to read as follows:

2. Motors in space-conditioning equipment that comply with Section C403.2.3 or C403.2.12.

Sections C403.4.4.6 Multiple-zone VAV system ventilation optimization control.

Section C403.4.4.6 - Revise the first paragraph of Section C403.4.4.6 to read as follows:

Multiple-zone VAV systems with direct digital control of individual zone boxes reporting to a central control panel shall have automatic controls configured to reduce outdoor air intake flow below design rates in response to changes in system ventilation efficiency (E_v) as defined by the *2015 International Mechanical Code (as amended)*.

SECTION C405**ELECTRICAL POWER AND LIGHTING SYSTEMS****Section C405.2 Lighting Controls (Mandatory).**

Section C405.2 - Add a new sentence at the end of Section C405.2 to read as follows:

Lighting systems shall be provided with controls as specified in Sections C405.2.1, C405.2.2, C405.2.3, C405.2.4 and C405.2.5. Lighting controls shall be commissioned and completed in accordance with the requirements of C408.3.

Section C405.2.1 Occupant sensor controls.

Section C405.2.1 - Add a new Item 13 to read as follows:

13. Open Plan Offices.

Section C405.2.1.1 Occupant sensor control function.

Section C405.2.1.1 - Delete Section C405.2.1.1 in its entirety and replace with a new Section C405.2.1.1 to read as follows:

C405.2.1.1 OCCUPANT SENSOR CONTROL FUNCTION. Occupant sensor controls in spaces other than warehouses specified in Section C405.2.1 shall comply with the following:

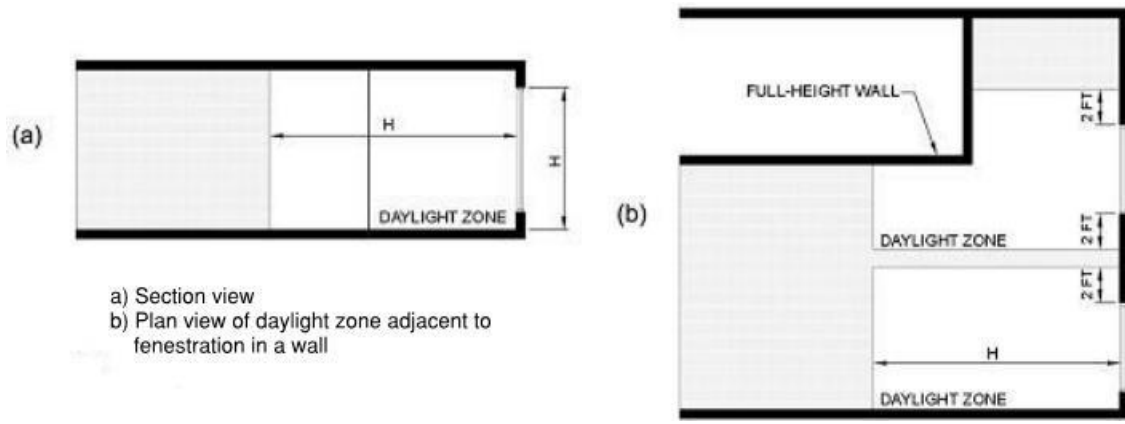
1. Automatically turn off lights within 20 minutes of all occupants leaving the space.
2. Be manual on or controlled to automatically turn the lighting on to not more than 50 percent power.

Exceptions:

1. Full automatic-on controls shall be permitted to control lighting in public corridors, stairways, restrooms, primary building entrance areas and lobbies, and areas where manual-on operation would endanger the safety or security of the room or building occupants.
2. Manual on controls shall be required for classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms), conference/meeting rooms, employee lunch and break rooms, and offices smaller than 200 square feet (18.5 m²) in area. Such sensors and controls shall not have an override switch that converts from manual-on to automatic-on functionality, and may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.
3. Shall incorporate a *manual control* to allow occupants to turn lights off.

Figure C405.2.3.2(1) DAYLIGHT ZONE ADJACENT TO FENESTRATION IN A WALL

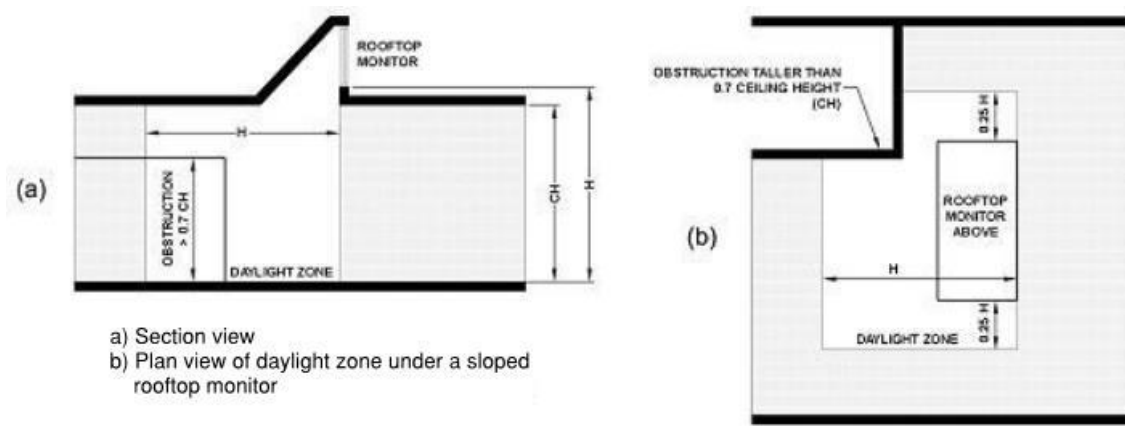
Figure C405.2.3.2(1)(b) – Delete Figure C405.2.3.2(1)(b) in its entirety and replace with a new Figure C405.2.3.2(1)(b) to read as follows:



**FIGURE C405.2.3.2(1)
 DAYLIGHT ZONE ADJACENT TO FENESTRATION IN A WALL**

Figure C405.2.3.2(3) DAYLIGHT ZONE UNDER A SLOPED ROOFTOP MONITOR

Figure C405.2.3.2(3)(b) – Delete Figure C405.2.3.2(3)(b) in its entirety and replace with a new Figure C405.2.3.2(3)(b) to read as follows:



**FIGURE C405.2.3.2(3)
 DAYLIGHT ZONE UNDER A SLOPED ROOFTOP MONITOR**

TABLE C405.4.2(2)

Revise the maximum lighting power allowance (LPD) in the Common Space Types Section of Table C405.4.2(2) to read as follows:

TABLE C405.4.2(2)
INTERIOR LIGHTING POWER ALLOWANCES:
SPACE-BY-SPACE METHOD

<u>COMMON SPACE TYPES^a</u>	<u>LPD (watts/sq.ft)</u>
<u>Atrium</u>	
<u>Less than 40 feet in height</u>	<u>0.03 per foot in total height</u>
<u>Greater than 40 feet in height</u>	<u>0.40 + 0.02 per foot in total height</u>
<u>Audience seating area</u>	
<u>In an auditorium</u>	<u>0.63</u>
<u>In a convention center</u>	<u>0.82</u>
<u>In a gymnasium</u>	<u>0.65</u>
<u>In a motion picture theater</u>	<u>1.14</u>
<u>In a penitentiary</u>	<u>0.28</u>
<u>In a performing arts theater</u>	<u>2.43</u>
<u>In a religious building</u>	<u>1.53</u>
<u>In a sports arena</u>	<u>0.43</u>
<u>Otherwise</u>	<u>0.43</u>
<u>Banking activity area</u>	<u>1.01</u>
<u>Breakroom (See Lounge/Breakroom)</u>	

<u>Classroom/lecture hall/training room</u>	
<u>In a penitentiary</u>	<u>1.34</u>
<u>Otherwise</u>	<u>1.24</u>
<u>Conference/meeting/multipurpose room</u>	
	<u>1.23</u>
<u>Copy/print room</u>	
	<u>0.72</u>
<u>Corridor</u>	
<u>In a facility for the visually impaired (and not used primarily by the staff)^b</u>	<u>0.92</u>
<u>In a hospital</u>	<u>0.79</u>
<u>In a manufacturing facility</u>	<u>0.41</u>
<u>Otherwise</u>	<u>0.66</u>
<u>Courtroom</u>	
	<u>1.72</u>
<u>Computer room</u>	
	<u>1.71</u>
<u>Dining area</u>	
<u>In a penitentiary</u>	<u>0.96</u>
<u>In a facility for the visually impaired (and not used primarily by the staff)^b</u>	<u>1.9</u>
<u>In bar/lounge or leisure dining</u>	<u>1.07</u>
<u>In cafeteria or fast food dining</u>	<u>0.65</u>
<u>In family dining</u>	<u>0.89</u>
<u>Otherwise</u>	<u>0.65</u>
<u>Electrical/mechanical room</u>	
	<u>0.95</u>
<u>Emergency vehicle garage</u>	
	<u>0.56</u>
<u>Food preparation area</u>	
	<u>1.21</u>
<u>Guest room</u>	
	<u>0.47</u>
<u>Laboratory</u>	
<u>In or as a classroom</u>	<u>1.43</u>

<u>Otherwise</u>	<u>1.81</u>
<u>Laundry/washing area</u>	<u>0.6</u>
<u>Loading dock, interior</u>	<u>0.47</u>
<u>Lobby</u>	
<u>In a facility for the visually impaired (and not used primarily by the staff)^b</u>	<u>1.8</u>
<u>For an elevator</u>	<u>0.64</u>
<u>In a hotel</u>	<u>1.06</u>
<u>In a motion picture theater</u>	<u>0.59</u>
<u>In a performing arts theater</u>	<u>2.0</u>
<u>Otherwise</u>	<u>0.9</u>
<u>Locker room</u>	<u>0.75</u>
<u>Lounge/breakroom</u>	
<u>In a healthcare facility</u>	<u>0.92</u>
<u>Otherwise</u>	<u>0.73</u>
<u>Office</u>	
<u>Enclosed</u>	<u>1.0</u>
<u>Open plan</u>	<u>0.90</u>
<u>Parking area, interior</u>	<u>0.19</u>
<u>Pharmacy area</u>	<u>1.68</u>
<u>Restroom</u>	
<u>In a facility for the visually impaired (and not used primarily by the staff)^b</u>	<u>1.21</u>
<u>Otherwise</u>	<u>0.98</u>
<u>Sales area</u>	<u>1.30</u>
<u>Seating area, general</u>	<u>0.54</u>
<u>Stairway (See space containing stairway)</u>	

<u>Stairwell</u>	<u>0.69</u>
<u>Storage room</u>	<u>0.63</u>
<u>Vehicular maintenance area</u>	<u>0.67</u>
<u>Workshop</u>	<u>1.59</u>

Section C405.6.1 Electrical sub-metering (Mandatory).

Section C405.6.1 - Add a new Section C405.6.1 to read as follows:

C405.6.1 Measurement of electrical consumption of tenant spaces in covered buildings. The terms meter, submeter, covered building, tenant space and covered tenant space shall be as defined in Section 28-311.2 of the Administrative Code of the city of New York. Each covered tenant space in a new building shall be equipped with a separate meter or sub-meter to measure the electrical consumption of such space when let or sublet. Where the covered tenant space is a floor with multiple tenancies, each tenancy with an area less than that as defined in Section 28-311.2 of the Administrative Code of the city of New York shall (i) be equipped with a separate meter or sub-meter, (ii) share a meter or sub-meter with other tenant spaces on the floor, or (iii) share a meter or sub-meter covering the entire floor. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section.

Exception: Covered tenant space for which the electrical consumption within such space is measured by a meter dedicated exclusively to that space.

SECTION C406

ADDITIONAL EFFICIENCY PACKAGE OPTIONS

Section C406.2 More efficient HVAC equipment performance.

Section C406.2 - Delete Section C406.2 in its entirety and replace with a new section C406.2 to read as follows:

C406.2 More efficient HVAC equipment performance. Equipment shall exceed the minimum efficiency requirements listed in Tables C403.2.3(1) through C403.2.3(7), C403.2.3(11), and C403.2.3(12) by 10 percent, in addition to the requirements of Section C403. Where multiple performance requirements are provided, the equipment shall exceed all requirements by 10 percent. Equipment not listed in Tables C403.2.3(1) through C403.2.3(7), C403.2.3(11), and C403.2.3(12) shall be limited to 10 percent of the total building system capacity.

Section C406.5 On-site renewable energy.

Section C406.5 – Revise Item 2 to read as follows:

2. Provide not less than 3 percent of the energy used within the building for building mechanical and service water heating equipment and lighting regulated in Chapter C4.

Section C406.6 Dedicated outdoor air system.

Section C406.6 – Revise the first sentence of Section C406.6 to read as follows:

Buildings covered by Section C403.4 shall be equipped with an independent ventilation system designed to provide not less than the minimum 100-percent outdoor air to each individual occupied space, as specified by the New York City Mechanical Code.

Section C406.7 Reduced energy use in service water heating.

Section C406.7 - Delete Item 7 of Section C406.7 in its entirety.

SECTION C407

TOTAL BUILDING PERFORMANCE

Section C407 - Delete Section C407 in its entirety and replace with a new section C407 to read as follows:

SECTION C407

TOTAL BUILDING PERFORMANCE

C407.1 Scope. This section establishes criteria for compliance using total building performance. Buildings following the total building performance path must comply with ASHRAE 90.1-2013, demonstrating compliance under Section 11 or Appendix G of such standard.

SECTION C408

SYSTEM COMMISSIONING

Section C408.1 General.

Section C408.1 - Delete Section C408.1 in its entirety and replace with a new Section C408.1 to read as follows:

C408.1 General. This section covers the commissioning of building mechanical systems in Section C403, service water heating systems in Section C404, and electrical power and lighting systems in Section C405.

Section C408.2 Mechanical systems commissioning and completion requirements.

Section C408.2 - Delete Section C408.2 in its entirety and replace with a new Section C408.2 to read as follows:

C408.2 Mechanical, renewable energy, and service water heating systems commissioning and completion requirements. Prior to passing the final mechanical and plumbing inspections, the approved agency shall provide evidence of mechanical systems commissioning and completion in accordance with the provisions of this section.

Construction document notes shall clearly indicate provisions for commissioning and completion requirements in accordance with this section and are permitted to refer to specifications for further requirements. Copies of all documentation shall be given to the owner or owner's authorized agent and made available to the code official upon request in accordance with Sections C408.2.4 and C408.2.5.

Mechanical systems, renewable energy, and service water heating systems shall include but are not limited to, at a minimum, the following heating, ventilating, air conditioning, service water heating, indoor air quality and refrigeration systems (mechanical and/or passive) and associated controls:

1. Heating, cooling, air handling and distribution, ventilation, and exhaust systems, and their related air quality monitoring systems.

2. Air, water, and other energy recovery systems.

3. Manual or automatic controls, whether local or remote, on energy using systems including but not limited to temperature controls, setback sequences, and occupancy based control, including energy management functions of the building management system.

4. Plumbing, including insulation of piping and associated valves, domestic and process water pumping, and mixing systems.

5. Mechanical heating systems and service water heating systems.

6. Refrigeration systems.

7. Renewable energy and energy storage systems.

8. Other systems, equipment and components that are used for heating, cooling or ventilation and that affect energy use.

Exceptions:

1. Mechanical and service hot water systems in buildings where the total mechanical equipment capacity being installed is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water-heating and space-heating capacity.
2. Renewable energy systems being installed with a generating capacity of less than 25kW.

Section C408.2.1 Commissioning plan.

Section C408.2.1 – Revise the first sentence of Section C408.2.1 to read as follows:

A commissioning plan shall be developed by an approved agency and shall include the following items:

Section C408.2.1 - Delete Item 2 and replace with a new Item 2 to read as follows:

2. A listing of the specific equipment, appliances or systems to be tested, their full sequences of operation, and a description of the tests to be performed, including prerequisite activities and reference to specific checklists or worksheets which are necessary or required by the department.

Section C408.2.2 Systems adjusting and balancing.

Section C408.2.2 - Delete the first sentence of Section C408.2.2 and replace with a new sentence to read as follows:

HVAC systems shall be balanced in accordance with ASHRAE 111, “Testing, Adjusting, and Balancing of Building HVAC Systems” or other accepted engineering standards as approved by the department.

Section C408.2.2.1 Air systems balancing.

Section C408.2.2.1 - Revise the first sentence of Section C408.2.2.1 to read as follows:

Each supply air outlet and zone terminal device shall be equipped with means for air balancing in accordance with the requirements of Chapter 6 of the *New York City Mechanical Code*.

Section C408.2.3.1 Equipment.

Section C408.2.3.1 - Delete the Exception and replace with a new Exception to read as follows:

Exception: Unitary or packaged HVAC equipment listed in Tables C403.2.3(1) through C403.2.3(3) that do not require supply air economizers shall only be required to demonstrate functioning under full-load and part-load conditions.

Section C408.2.4 Preliminary commissioning report.

Section C408.2.4 – Revise the first sentence of Section C408.2.4 to read as follows:

A preliminary report of commissioning test procedures and results shall be completed and certified by the approved agency and provided to the building owner or owner’s authorized agent.

Section C408.2.4.1 Acceptance of report.

Section C408.2.4.1 – Revise the Section C408.2.4.1 to read as follows:

Buildings, or portions thereof shall not be considered acceptable for a final inspection pursuant to Chapter 1 of this code until the code official has received a letter of transmittal from the building owner acknowledging that the building owner or owner’s authorized agent has received the Preliminary Commissioning Report.

Section C408.2.5 Documentation requirements.

Section C408.2.5 - Delete the introductory paragraph and replace with a new paragraph to read as follows:

The construction documents shall specify that the documents described in sections C408.2.5.1 through C408.2.5.3 be provided to the building owner or owner's authorized agent within 90 days of the date of receipt of the certificate of occupancy. The construction documents shall also specify that the Final commissioning report be provided to the building owner or owner's authorized agent in accordance with the requirements of section C408.2.5.4.

Section C408.2.5.4 Final commissioning report.

Section C408.2.5.4 - Delete Section C408.2.5.4 in its entirety and replace with a new Section C408.2.5.4 to read as follows:

Section C408.2.5.4 Final commissioning report. Within 30 months for new buildings 500,000 gross square feet (46 452 m²) or greater, excluding R-2 occupancies, or within 18 months for R-2 occupancies and all other buildings, of the issuance of the certificate of occupancy or letter of completion, an approved agency shall prepare a report of test procedures and results, including test procedures and results performed after occupancy, identified as the "Final Commissioning Report", provide such report to the building owner, and submit a certification to the department with applicable fees in accordance with department rules. The owner of a building 500,000 gross square feet (46 452 m²) or greater may apply for an extension of time to the code official based on good cause, in accordance with department rules. Such report shall include the following:

1. Results of functional performance tests.
2. Disposition of deficiencies found during testing, including details of corrective measures used or proposed.
3. Functional performance test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

Exception: Deferred tests that cannot be performed at the time of report preparation due to climatic conditions.

Section C408.3.1 Functional testing.

Section C408.3.1 - Revise the first sentence of Section C408.3.1 to read as follows:

Prior to passing final inspection, the approved agency shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's instructions.

CHAPTER C5

EXISTING BUILDINGS

SECTION C501

GENERAL

SECTION C501.4 COMPLIANCE.

SECTION C501.4 – DELETE SECTION C501.4 IN ITS ENTIRETY AND REPLACE WITH A NEW SECTION C501.4 to read as follows:

C501.4 COMPLIANCE. *Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with (i) all applicable provisions of this code, (ii) the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the *New York City Construction Codes*, (iii) the *New York City Fire Code*, and (iv) the *New York City Electrical Code*.*

Section C501.6 Historic Buildings.

Section C501.6 – Revise Section C501.6 to read as follows:

C501.6 Historic Buildings. *No provisions of this code relating to the construction, repair, alteration, restoration, and change of occupancy shall be mandatory for historic buildings.*

Section C501.7 Compliance alternative.

Section C501.7 – Revise Section C501.7 to read as follows:

C501.7 Compliance alternative. *Additions, alterations, repairs, and changes of occupancy are permitted to comply with the requirements of ASHRAE 90.1-2013 in lieu of compliance with the requirements of Sections C502, C503, C504 and C505, as applicable.*

Section C503 Alterations.

Section C503.1- Revise Item 7 under Exception to read as follows:

7. Alterations that replace less than 20 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

CHAPTER C6

REFERENCED STANDARDS

Chapter C6 – Delete Chapter C6 in its entirety and replace with a new chapter C6 to read as follows:

This chapter lists the standards that are referenced in various sections of the commercial provisions of this code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 106. Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to the referenced standards set forth herein in accordance with Section 28-103.19 of the *Administrative Code*.

AAMA

American Architectural Manufacturers Association
1827 Walden Office Square
Suite 550

Schaumburg, IL 60173-4268

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>AAMA/WDMA/CSA 101/I.S.2/A C440—11</u>	<u>North American Fenestration Standard/ Specifications for Windows, Doors and Unit Skylights</u>	<u>Table C402.5.2</u>

ACCA Air Conditioning Contractors of America
2800 Shirlington Road #300
Arlington, VA 22206

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ANSI/ASHRAE/ACCA- 183-07 (RA2011)</u>	<u>Peak Cooling and Heating Load Calculations in Buildings Except Low-Rise Residential Buildings</u>	<u>C403.2.1</u>

AHAM Association of Home Appliance Manufacturers
1111 19th Street, NW, Suite 402
Washington, DC 20036

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>AHAM HRF-1— 2007</u>	<u>Energy, Performance and Capacity of Household Refrigerators, Refrigerator-Freezers and Freezers</u>	<u>Table C403.2.14(1)</u>

AHRI Air-Conditioning, Heating, and Refrigeration Institute
2111 Wilson Blvd, Suite 500
Arlington, VA 22201

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ISO/AHRI/ASHRAE 13256-1 (2011)</u>	<u>Water-to-Air and Brine-to-Air Heat Pumps—Testing and Rating for Performance</u>	<u>Table C403.2.3(2)</u>
<u>ISO/AHRI/ASHRAE 13256-2 (2011)</u>	<u>Water-to-Water and Brine-to-Water Heat Pumps —Testing and Rating for Performance</u>	<u>Table C403.2.3(2)</u>
<u>210/240—08</u>	<u>Unitary Air-Conditioning and Air-Source Heat Pump Equipment</u>	<u>Table C403.2.3(1), C403.2.3(2)</u>
<u>310/380—04</u>	<u>Standard for Packaged Terminal Air Conditioners and Heat Pumps</u>	<u>Table C403.2.3(3)</u>
<u>340/360—2007</u>	<u>Commercial and Industrial Unitary Air-Conditioning and Heat Pump Equipment</u>	<u>Table C403.2.3(1), C403.2.3(2)</u>
<u>365(I-P)—09</u>	<u>Commercial and Industrial Unitary Air-Conditioning Condensing Units</u>	<u>Table C403.2.3(1), C403.2.3(6)</u>
<u>390—03</u>	<u>Performance Rating of Single Package Vertical Air-Conditioners and Heat Pumps</u>	<u>Table C403.2.3(3)</u>
<u>400—2001</u>	<u>Liquid to Liquid Heat Exchangers with Addendum 1</u>	<u>Table C403.2.3(10)</u>
<u>440—2008</u>	<u>Room Fan Coils</u>	<u>C403.2.10</u>
<u>460—2005</u>	<u>Performance Rating of Remote Mechanical-Draft Air-Cooled Refrigerant Condensers</u>	<u>Table C403.2.3(8)</u>
<u>550/590—2011 With Addendum 1</u>	<u>Performance Rating of Water-Chilling and Heat Pump Water-Heating Packages Using the Vapor Compression Cycle</u>	<u>C403.2.3.1, Table C403.2.3(7)</u>
<u>560—00</u>	<u>Absorption Water Chilling and Water Heating Packages</u>	<u>Table C403.2.3(7)</u>

<u>840-15</u>	<u>Performance Rating of Unit Ventilators</u>	<u>C403.2.10</u>
<u>1160 (I-P) —09</u>	<u>Performance Rating of Heat Pump Pool Heaters</u>	<u>Table C404.2</u>
<u>1200-2010</u>	<u>Performance Rating of Commercial Refrigerated Display Merchandisers and Storage Cabinets</u>	<u>C403.2.14, Table C403.2.14(1), Table C403.2.14(2)</u>
<u>ANSI/AHRI 1230-10 with Addendum 1</u>	<u>Performance Rating of Variable Refrigerant Flow (VRF) Multi-Split Air-Conditioning and Heat Pump Equipment</u>	<u>Table C403.2.3(11), Table C403.2.3(12)</u>

AMCA Air Movement and Control Association International
30 West University Drive
Arlington Heights, IL 60004-1806

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>205—12</u>	<u>Energy Efficiency Classification for Fans</u>	<u>C403.2.12.3</u>
<u>220—08 (R2012)</u>	<u>Laboratory Methods of Testing Air Curtain Units for Aerodynamic Performance Rating</u>	<u>C402.5.7</u>
<u>500D—12</u>	<u>Laboratory Methods for Testing Dampers for Rating</u>	<u>C403.2.4.3</u>

ANSI American National Standards Institute
25 West 43rd Street
Fourth Floor
New York, NY 10036

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ANSI/AHRI 1230-10 with Addendum 1</u>	<u>Performance Rating of Variable Refrigerant Flow (VRF) Multi-Split Air-Conditioning and Heat Pump Equipment</u>	<u>Table C403.2.3(11),</u>

		<u>Table</u> <u>C403.2.3(12)</u>
<u>ANSI/AMCA 220—08</u> <u>(R2012)</u>	<u>Laboratory Methods of Testing Air Curtain Units for</u> <u>Aerodynamic Performance Rating</u>	<u>C402.5.7</u>
<u>ANSI/ASHRAE</u> <u>127-2007</u>	<u>Method of Testing for Rating Computer and Data Processing</u> <u>Room Unitary Air Conditioners</u>	<u>Table</u> <u>C403.2.3(9)</u>
<u>ANSI/ASHRAE/ACCA-</u> <u>183-07 (RA2011)</u>	<u>Peak Cooling and Heating Load Calculations in Buildings</u> <u>Except Low-Rise Residential Buildings</u>	<u>C403.2.1</u>
<u>ANSI/ASHRAE/IES</u> <u>90.1-2013 (AS</u> <u>AMENDED) with</u> <u>revisions as set forth in</u> <u>appendix CA of this</u> <u>code</u>	<u>Energy Standard for Buildings Except Low-Rise Residential</u> <u>Buildings</u>	<u>CH1 (Intro.</u> <u>Paragraph),</u> <u>101.1.1, C202,</u> <u>C401.2, Table</u> <u>C402.1.3, Table</u> <u>C402.1.4, C407,</u> <u>C407.1, C501.7,</u> <u>C502.1, C503.1,</u> <u>C504.1</u>
<u>ANSI/CRRC-1—2012</u>	<u>CRRC-1 Standard</u>	<u>Table C402.3,</u> <u>C402.3.1</u>
<u>ANSI/DASMA 105-92</u> <u>(R 2004) – 13</u>	<u>Test Method for Thermal Transmittance and Air Infiltration of</u> <u>Garage Doors</u>	<u>C303.1.3, Table</u> <u>C402.5.2</u>
<u>Z21.10.3/CSA 4.3—11</u>	<u>Gas Water Heaters, Volume III—Storage Water Heaters with</u> <u>Input Ratings Above 75,000 Btu per Hour, Circulating</u> <u>Tank and Instantaneous</u>	<u>Table C404.2</u>
<u>Z21.47/CSA 2.3—12</u>	<u>Gas-fired Central Furnaces</u>	<u>Table</u> <u>C403.2.3(4)</u>
<u>Z83.8/CSA 2.6—09</u>	<u>Gas Unit Heaters, Gas Packaged Heaters, Gas Utility Heaters</u> <u>and Gas-fired Duct Furnaces</u>	<u>Table</u> <u>C403.2.3(4)</u>

APSP The Association of Pool & Spa Professionals
2111 Eisenhower Avenue
Alexandria, VA 22314

<u>Standard</u> <u>reference</u> <u>number</u>	<u>Title</u>	<u>Referenced</u> <u>in code</u> <u>section number</u>
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ASHRAE American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.
1791 Tullie Circle, NE
Atlanta, GA 30329-2305

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ANSI/ASHRAE 127-2007</u>	<u>Method of Testing for Rating Computer and Data Processing Room Unitary Air Conditioners</u>	<u>Table C403.2.3(9)</u>
<u>ANSI/ASHRAE/ACCA Standard 183—2007 (RA2011)</u>	<u>Peak Cooling and Heating Load Calculations in Buildings, Except Low-rise Residential Buildings</u>	<u>C403.2.1</u>
<u>ASHRAE—2012</u>	<u>ASHRAE HVAC Systems and Equipment Handbook</u>	<u>C403.2.1</u>
<u>ASHRAE 111—08</u>	<u>Measurement, Testing, Adjusting, and Balancing of Building Heating, Ventilation and Air-Conditioning Systems</u>	<u>C408.2.2</u>
<u>ISO/AHRI/ASHRAE 13256-1 (2011)</u>	<u>Water-to-Air and Brine-to-Air Heat Pumps—Testing and Rating for Performance</u>	<u>Table C403.2.3(2)</u>
<u>ISO/AHRI/ASHRAE 13256-2 (2011)</u>	<u>Water-to-Water and Brine-to-Water Heat Pumps—Testing and Rating for Performance</u>	<u>Table C403.2.3(2)</u>
<u>ANSI/ASHRAE/IES 90.1—2013 (AS AMENDED) with revisions as set forth in appendix CA of this code</u>	<u>Energy Standard for Buildings Except Low-rise Residential Buildings</u>	<u>CH1 (Intro. Paragraph), 101.1.1, C202, C401.2, Table C402.1.3, Table C402.1.4, C407, C407.1, C501.7, C502.1, C503.1, C504.1</u>

ASHRAE Appendix G

Excerpt-2015 (as amended by Part 2, Section 6 of the 2016 Energy Code Supplement with revisions as set forth in appendix CA of this code)

Standard 90.1 Appendix G 2013 Performance Rating Method Excerpt from ANSI/ASHRAE/IES Standard 90.1-2013 (I-P), publication date 2015

Appendix G

146—2011

Testing and Rating Pool Heaters

Table C404.2

ASME

American Society Mechanical Engineers
Two Park Avenue
New York, NY 10016-5990

Standard reference number

Title

Referenced in code section number

ASME A17.1/
CSA B44—2013

Safety Code for Elevators and Escalators

C405.9.2

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2859

Standard reference number

Title

Referenced in code section number

C 90—13

Specification for Load-bearing Concrete Masonry Units

Table C402.1.3

C 1363—11

Standard Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus

C303.1.4.1, Table C402.1.4

C 1371—04

Standard Test Method for Determination of Emittance of

Table C402.3

Materials Near Room Temperature Using Portable Emissometers

<u>C 1549—09</u>	<u>Standard Test Method for Determination of Solar Reflectance Near Ambient Temperature Using A Portable Solar Reflectometer</u>	<u>Table C402.3</u>
<u>D 1003—11e1</u>	<u>Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics</u>	<u>C402.4.2.2</u>
<u>E 283—04</u>	<u>Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen</u>	<u>C202, C402.5.1.2.2, Table C402.5.2, C402.5.8</u>
<u>E 408—71(2008)</u>	<u>Test Methods for Total Normal Emittance of Surfaces Using Inspection-meter Techniques</u>	<u>Table C402.3</u>
<u>E 779—10</u>	<u>Standard Test Method for Determining Air Leakage Rate by Fan Pressurization</u>	<u>C402.5, C402.5.1.3</u>
<u>E 903—96</u>	<u>Standard Test Method Solar Absorptance, Reflectance and Transmittance of Materials Using Integrating Spheres (Withdrawn 2005)</u>	<u>Table C402.3</u>
<u>E 1677—11</u>	<u>Standard Specification for an Air-retarder (AR) Material or System for Low-rise Framed Building Walls</u>	<u>C402.5.1.2.2</u>
<u>E 1918—06</u>	<u>Standard Test Method for Measuring Solar Reflectance of Horizontal or Low-sloped Surfaces in the Field</u>	<u>Table C402.3</u>
<u>E 1980—11</u>	<u>Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-sloped Opaque Surfaces</u>	<u>Table C402.3</u>
<u>E 2178—13</u>	<u>Standard Test Method for Air Permanence of Building Materials</u>	<u>C202, C402.5.1.2.1</u>
<u>E 2357—11</u>	<u>Standard Test Method for Determining Air Leakage of Air Barriers Assemblies</u>	<u>C402.5.1.2.2</u>

CRRC Cool Roof Rating Council
449 15th Street, Suite 200
Oakland, CA 94612

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
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ANSI/CRRC-1—2012 CRRC-1 Standard Table C402.3, C402.3.1

CSA CSA Group
8501 East Pleasant Valley
Cleveland, OH 44131-5516

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>AAMA/WDMA/CSA 101/1.S.2/A440—11</u>	<u>North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights</u>	<u>Table C402.5.2</u>
<u>ASME A17.1/CSA B44—2013</u>	<u>Safety Code for Elevators and Escalators</u>	<u>C405.9.2</u>
<u>Z21.10.3/CSA 4.3—11</u>	<u>Gas Water Heaters, Volume III—Storage Water Heaters with Input Ratings Above 75,000 Btu per Hour, Circulating Tank and Instantaneous</u>	<u>Table C404.2</u>
<u>Z21.47/CSA 2.3—12</u>	<u>Gas-fired Central Furnaces</u>	<u>Table C403.2.3(4)</u>
<u>Z83.8/CSA 2.6—09</u>	<u>Gas Unit Heaters, Gas Packaged Heaters, Gas Utility Heaters and Gas-fired Duct Furnaces</u>	<u>Table C403.2.3(4)</u>
<u>CSA B55.1—2012</u>	<u>Test Method for Measuring Efficiency and Pressure Loss of Drain Water Heat Recovery Units</u>	<u>C404.8</u>
<u>CSA B55.2—2012</u>	<u>Drain Water Heat Recover Units</u>	<u>C404.8</u>

CTI Cooling Technology Institute
P. O. Box 73383
Houston, TX 77273-3383

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
ATC 105 (00)	<u>Acceptance Test Code for Water Cooling Tower</u>	<u>Table C403.2.3(8)</u>
ATC 105S—11	<u>Acceptance Test Code for Closed Circuit Cooling Towers</u>	<u>Table C403.2.3(8)</u>
ATC 106—11	<u>Acceptance Test For Mechanical Draft Evaporative Vapor Condensers</u>	<u>Table C403.2.3(8)</u>
STD 201—11	<u>Standard for Certification of Water Cooling Towers Thermal Performances</u>	<u>Table C403.2.3(8)</u>

DASMA Door and Access Systems Manufacturers Association
1300 Sumner Avenue
Cleveland, OH 44115-2851

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>105—92 (R2004)—13</u>	<u>Test Method for Thermal Transmittance and Air Infiltration of Garage Doors</u>	<u>C303.1.3, Table C402.5.2</u>

DOE U.S. Department of Energy
c/o Superintendent of Documents
1000 Independence Avenue SW
Washington, DC 20585

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>10 CFR, Part 430</u>	<u>Energy Conservation Program for Consumer Products: Test Procedures and Certification and Enforcement Requirement for Plumbing Products; and Certification and</u>	<u>Table C403.2.3(3), Table C403.2.3(4), Table C403.2.3(5),</u>

	<u>Enforcement Requirements for Residential Appliances; Final Rule</u>	<u>Table C404.2</u>
<u>10 CFR, Part 430, Subpart B, Appendix N</u>	<u>Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers</u>	<u>Table C403.2.3(4), Table C403.2.3(5)</u>
<u>10 CFR, Part 431</u>		<u>Table C403.2.3(5), C403.4.4.4, C405.7, Table C405.7, C405.8, Table C405.8(1), Table C405.8 (2), Table C405.8 (3), Table C405.8(4)</u>
	<u>Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards; Final Rules</u>	
<u>10 CFR 431 Subpart B App B</u>		<u>C403.4.4.4, C405.7, Table C405.7, Table C405.8(1), Table C405.8(2), Table C405.8(2), Table C405.8(3), C405.8(4)</u>
	<u>Uniform Test Method for Measuring Nominal Full Load Efficiency of Electric Motors</u>	
<u>NAECA 87—(88)</u>	<u>National Appliance Energy Conservation Act 1987 [(Public Law 100-12 (with Amendments of 1988-P.L. 100-357)]</u>	<u>Tables C403.2.3(1), C403.2.3(2), C403.2.3(4)</u>

IEEE The Institute of Electrical and Electronic Engineers Inc.
3 Park Avenue
New York, NY 10016

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>IEEE 515.1—2012</u>	<u>IEE Standard for the Testing, Design, Installation, and Maintenance of Electrical Resistance Trace Heating for Commercial Applications</u>	<u>C404.6.2</u>

IES Illuminating Engineering Society
120 Wall Street, 17th Floor
New York, NY 10005-4001

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ANSI/ASHRAE/IES 90.1-2013 (AS AMENDED) with revisions as set forth in appendix CA of this code</u>	<u>Energy Standard for Buildings, Except Low-rise Residential Buildings</u>	<u>CH1 (Intro. Paragraph), 101.1.1, C202, C401.2, Table C402.1.3, Table C402.1.4, C407, C407.1, C501.7, C502.1, C503.1, C504.1</u>

ISO International Organization for Standardization
1, rue de Varembe, Case postale 56, CH-1211
Geneva, Switzerland

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ISO/AHRI/ASHRAE 13256-1 (2011)</u>	<u>Water-to-Air and Brine-to-air Heat Pumps -Testing and Rating for Performance</u>	<u>Table C403.2.3(2)</u>
<u>ISO/AHRI/ASHRAE 13256-2(2011)</u>	<u>Water-to-Water and Brine-to-Water Heat Pumps -Testing and Rating for Performance</u>	<u>Table C403.2.3(2)</u>

NEMA National Electrical Manufacturers Association
1300 North 17th Street, Suite 1752

Rosslyn, VA 22209

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
MG1—1993	<u>Motors and Generators</u>	<u>C202</u>

NFRC National Fenestration Rating Council, Inc.
6305 Ivy Lane, Suite 140
Greenbelt, MD 20770

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
100—2009	<u>Procedure for Determining Fenestration Products U-factors— Second Edition</u>	<u>C303.1.3, C402.2.2</u>
200—2009	<u>Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence—Second Edition</u>	<u>C303.1.3, C402.4.1.1</u>
400—2009	<u>Procedure for Determining Fenestration Product Air Leakage— Second Edition</u>	<u>Table C402.5.2</u>

NYC New York City Department of Buildings
280 Broadway
New York, NY 10007

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
NYCAC—14	<u>New York City Administrative Code</u>	<u>CH1 (Intro Statement), 101.1, 101.5.2.2, 101.5.2.3 102.1, 103.1, 103.2.1, 103.3, 104.1, 104.1.1,</u>

		<u>104.3, 105.1, C202,</u> <u>C405.6.1</u>
<u>NYCBC—14</u>	<u>New York City Building Code</u>	<u>101.2.2, 103.2.1,</u> <u>C402.5.3, C402.5.4</u>
<u>NYCCC—14</u>	<u>New York City Construction Codes</u>	<u>102.1, 103.1,</u> <u>104.2.3, C201.3,</u> <u>C303.2, C402.2.7,</u> <u>C501.4</u>
<u>NYCEC— 11</u>	<u>New York City Electrical Code</u>	<u>C201.3, C202,</u> <u>C501.4</u>
<u>NYCFC—14</u>	<u>New York City Fire Code</u>	<u>C201.3, C501.4</u>
<u>NYCMC—14</u>	<u>New York City Mechanical Code</u>	<u>C402.5.3,</u> <u>C403.2.4.3,</u> <u>C403.2.6,</u> <u>C403.2.6.1,</u> <u>C403.2.6.2,</u> <u>C403.2.7,</u> <u>C403.2.9,</u> <u>C403.2.9.1,</u> <u>C403.2.9.1.1,</u> <u>C403.2.9.1.2,</u> <u>C403.4.1.1,</u> <u>C403.4.4, C406.6,</u> <u>C408.2.2.1</u>

NYS New York Department of State
One Commerce Plaza, 99 Washington Ave
Albany, NY 12231-0001

<u>Standard</u> <u>reference</u> <u>number</u>	<u>Title</u>	<u>Referenced</u> <u>in code</u> <u>section number</u>
<u>ECCCNYS- 16</u>	<u>New York State Energy Conservation Construction Code</u>	<u>CH1 (Intro</u> <u>Statement), 101.1.1,</u> <u>101.2.2, 101.3,</u>

C202IBC—15 International Building Code® (as amended) C202IMC—15 International Mechanical Code® (as amended) C202, C403.4.4.6

SMACNA Sheet Metal and Air Conditioning Contractors National Association, Inc.
4021 Lafayette Center Drive
Chantilly, VA 20151-1209

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
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<u>SMACNA—2012</u>	<u>HVAC Air Duct Leakage Test Manual 2nd Edition</u>	<u>C403.2.9.1.3</u>
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UL UL LLC
333 Pfingsten Road
Northbrook, IL 60062-2096

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
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<u>127—11</u>	<u>Standard for Factory-Built Fireplaces</u>	<u>C402.2.7</u>
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<u>710—12</u>	<u>Exhaust Hoods for Commercial Cooking Equipment</u>	<u>C403.2.8</u>
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<u>727—06</u>	<u>Oil-fired Central Furnaces—with Revisions through April 2010</u>	<u>Table C403.2.3(4)</u>
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<u>731—95</u>	<u>Oil-fired Unit Heaters—with Revisions through August 2012</u>	<u>Table C403.2.3(4)</u>
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<u>907—10</u>	<u>Standard for Fireplace Accessories</u>	<u>C402.2.7</u>
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<u>1784—01</u>	<u>Air Leakage Tests of Door Assemblies—with Revisions through July 2009</u>	<u>C402.5.4</u>
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US-FTC United States-Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
CFR Title 16 (May 31, 2005)	<u>R-value Rule</u>	<u>C303.1.4</u>

WDMA Window and Door Manufacturers Association
2025 M Street, NW, Suite 800
Washington, DC 20036-3309

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>AAMA/WDMA/CSA 101/I.S.2/A440—11</u>	<u>North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights</u>	<u>Table C402.5.2</u>

CHAPTER R2

DEFINITIONS

SECTION R201

GENERAL

Section R201.3 Terms defined in other codes.

Section R201.3 - Revise Section R201.3 to read as follows:

R201.3 Terms defined in other codes. Terms that are not defined in this code but are defined in the New York City Construction Codes, New York City Fire Code, or the New York City Electrical Code shall have the meanings ascribed to them in those codes.

SECTION R202

GENERAL DEFINITIONS

Delete the definitions of “2016 Uniform Code Supplement,” “2015 International Building Code (As Amended),” “2015 International Fire Code (As Amended),” “2015 International Fuel Gas Code (As Amended),” “2015 International Mechanical Code (As Amended),” “2015 International Plumbing Code (As Amended),” “2015 International Property Maintenance Code (As Amended),” and “2015 International Residential Code (As Amended).”

Revise the definition of “Approved” after the definition of “Alteration,” to read as follows:

APPROVED. See Section 28-101.5 of the Administrative Code.

Add a new definition of “Approved agency” after the definition of “Approved,” to read as follows:

APPROVED AGENCY. See Section 28-101.5 of the Administrative Code.

Delete the definitions of “ASHRAE 90.1-2013” and “ASHRAE 90.1-2013 (As amended)” after the definition of “Area weighted average.”

Add a new definition of “Authority having jurisdiction” after the definition of “Area weighted average” to read as follows:

AUTHORITY HAVING JURISDICTION. The commissioner or the commissioner’s designee.

Revise the term “Code official” after the definition of “Climate Zone.” to read as follows:

CODE OFFICIAL. The commissioner or the commissioner’s designee.

Delete the definition of “Energy code”, after the definition of “Energy Analysis.”

Add a new definition of “Grade plane” after the definition of “General lighting,” to read as follows:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Add a new definition of “Lead energy professional” after the definition of “Labeled,” to read as follows:

LEAD ENERGY PROFESSIONAL. The registered design professional who signs and seals the energy analysis for an entire project. Such individual may be the same registered design professional who signs and seals the design drawings for the same project.

Add new definitions of “Professional certification” and “Project” after the definition of "Manual," to read as follows:

PROFESSIONAL CERTIFICATION. See Section 28-101.5 of the Administrative Code.

PROJECT. A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 107 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

Delete the definition of "Uniform Code."

CHAPTER R3

GENERAL REQUIREMENTS

SECTION R301

CLIMATE ZONES

Section R301.1 General.

Section R301.1 - Revise Section R301.1 to read as follows:

R301.1 General. For projects in the City of New York, *Climate Zone 4A* shall be used in determining the applicable requirements from Chapter R4.

Section R301.2 Warm humid counties.

Section R301.2 - Delete Section R301.2 in its entirety.

Section R301.3 International Climate Zones.

Section R301.3 - Delete Section R301.3 in its entirety.

Section R301.4 Tropical Climate Zone.

Section R301.4 - Delete Section R301.4 in its entirety.

Table R301.1

Delete Table R301.1 in its entirety.

Table R301.3(1)

Delete Table R301.3(1) in its entirety

Table R301.3(2)

Delete Table R301.3(2) in its entirety

SECTION R303**MATERIALS, SYSTEMS, AND EQUIPMENT****Section R303.2 Installation.**

Section R303.2 - Delete Section R303.2 in its entirety and replace with a new Section R303.2 to read as follows:

R303.2 Installation. Materials, systems and equipment shall be installed in accordance with the manufacturer's instructions and the applicable provisions of the *New York City Building Code*, as applicable.

CHAPTER R4**RESIDENTIAL ENERGY EFFICIENCY****SECTION R401**

GENERAL**Section R401.2.1 Tropical Zone.**

Section R401.2.1- Delete Section R401.2.1 in its entirety.

Section R401.4 Solar-ready requirements (Mandatory).

Section R401.4 - Add a new Section R401.4 to read as follows:

R401.4 Solar-ready requirements (Mandatory). Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) shall meet the requirements of Appendix RB of this code.

Section R402.1.1 Vapor retarder.

Section R402.1.1 - Revise Section R402.1.1 to read as follows:

R402.1.1 Vapor retarder. Wall assemblies in the building thermal envelope shall comply with the vapor retarder requirements of Section 1405.3 of the New York City Building Code, as applicable.

Section R402.1.2 Insulation and fenestration criteria.

Section R402.1.2 – Revise Section R402.1.2 to read as follows:

R402.1.2 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table R402.1.2, based on the climate zone specified in Chapter R3.

Table R402.1.2

Revise Table R402.1.2 to read as follows:

**TABLE R402.1.2
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a**

<u>CLIMATE ZONE</u>	<u>FENESTRATION U-FACTOR^b</u>	<u>SKYLIGHT^b U-FACTOR</u>	<u>GLAZED FENESTRATION SHGC^{b,e}</u>	<u>CEILING R-VALUE</u>	<u>WOOD FRAME WALL R-VALUE</u>	<u>MASS WALL R-VALUEⁱ</u>	<u>FLOOR R-VALUE</u>	<u>BASEMENT^c WALL R-VALUE</u>	<u>SLAB^d R-VALUE & DEPTH</u>	<u>CRAWL SPACE^c WALL R-VALUE</u>
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13+5 ^h	8/13	19	5/13 ^f	0	5/13
4 except Marine	0.32	0.55	0.40	49	20+5 or 13+10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
5 and Marine 4	0.32	0.55	NR	49	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20+5 or 13+10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20+5 or 13+10 ^h	19/21	38 ^g	15/19	10, 4 ft	15/19

For SI: 1 foot = 304.8 mm.

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: Skylights may be excluded from glazed fenestration SHGC requirements in climate zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.
- c. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Climate Zones 1 through 3 for heated slabs.

- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure R301.1 and Table R301.1.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. The first value is cavity insulation, the second value is continuous insulation, so “13+5” means R-13 cavity insulation plus R-5 continuous insulation.
- i. The second R-value applies when more than half the insulation is on the interior of the mass wall.

Table R402.1.4

Revise Table R402.1.4 to read as follows:

TABLE R402.1.4
EQUIVALENT U-FACTORS^a

<u>CLIMATE ZONE</u>	<u>FENESTRATION U-FACTOR</u>	<u>SKYLIGHT U-FACTOR</u>	<u>CEILING U-FACTOR</u>	<u>FRAME WALL U-FACTOR</u>	<u>MASS WALL U-FACTOR^b</u>	<u>FLOOR U-FACTOR</u>	<u>BASEMENT WALL U-FACTOR</u>	<u>CRAWL SPACE WALL U-FACTOR</u>
<u>1</u>	<u>0.50</u>	<u>0.75</u>	<u>0.035</u>	<u>0.084</u>	<u>0.197</u>	<u>0.064</u>	<u>0.360</u>	<u>0.477</u>
<u>2</u>	<u>0.40</u>	<u>0.65</u>	<u>0.030</u>	<u>0.084</u>	<u>0.165</u>	<u>0.064</u>	<u>0.360</u>	<u>0.477</u>
<u>3</u>	<u>0.35</u>	<u>0.55</u>	<u>0.030</u>	<u>0.060</u>	<u>0.098</u>	<u>0.047</u>	<u>0.091^c</u>	<u>0.136</u>
<u>4 except Marine</u>	<u>0.32</u>	<u>0.55</u>	<u>0.026</u>	<u>0.045</u>	<u>0.060</u>	<u>0.033</u>	<u>0.050</u>	<u>0.055</u>
<u>5 and Marine 4</u>	<u>0.32</u>	<u>0.55</u>	<u>0.026</u>	<u>0.060</u>	<u>0.082</u>	<u>0.033</u>	<u>0.050</u>	<u>0.055</u>
<u>6</u>	<u>0.32</u>	<u>0.55</u>	<u>0.026</u>	<u>0.045</u>	<u>0.060</u>	<u>0.033</u>	<u>0.050</u>	<u>0.055</u>
<u>7 and 8</u>	<u>0.32</u>	<u>0.55</u>	<u>0.026</u>	<u>0.045</u>	<u>0.057</u>	<u>0.028</u>	<u>0.050</u>	<u>0.055</u>

- a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.
- b. When more than half the insulation is on the interior, the mass wall U-factors shall be a maximum of 0.17 in Climate Zone 1, 0.14 in Climate Zone 2, 0.12 in Climate Zone 3, 0.087 in Climate Zone 4 except Marine, 0.065 in Climate Zone 5 and Marine 4, and 0.057 in Climate Zones 6 through 8.
- c. Basement wall U-factor of 0.360 in warm-humid locations as defined by Figure R301.1 and Table R301.1.

Section 402.2.4 Access hatches and doors.

Section R402.2.4 – Revise the Exception to read as follows:

Exception: Vertical doors that provide access from conditioned to unconditioned spaces shall be permitted to meet the fenestration requirements of Table R402.1.2 based on the applicable climate zone specified in Chapter R3.

Section R402.2.8 Floors.

Section R402.2.8 – Revise the Exception to read as follows:

Exception: The floor framing-cavity insulation shall be permitted to be in contact with the topside of sheathing or continuous insulation installed on the bottom side of floor framing where combined with insulation that meets or exceeds the minimum wood frame wall R-value in Table R402.1.2 and that extends from the bottom to the top of all perimeter floor framing members.

Section R402.2.11 Crawl Space Walls.

Section R402.2.11 - Revise the third sentence of Section R402.2.11 to read as follows:

Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder in accordance with the New York City Building Code, as applicable.

Section R402.3 Fenestration (Prescriptive).

Section R402.3 - Revise Section R402.3 to read as follows:

R402.3 Fenestration (Prescriptive). In addition to the requirements of Section R402, fenestration shall comply with Sections R402.3.1 through R402.3.5.

Section R402.4.2 Fireplaces.

Section R402.4.2 - Revise the second paragraph of Section R402.4.2 to read as follows:

New wood-burning fireplaces that are designed to allow an open burn and new wood-burning fireplace units that are designed to allow an open burn shall be provided with a source of outdoor combustion air as required by the fireplace construction provisions of the New York City Building Code, as applicable.

Section R402.4.4 Rooms containing fuel-burning appliances.

Section R402.4.4 - Revise Item 2 under Exceptions to read as follows:

2. Fireplaces and stoves complying with Section R402.4.2 and Chapter 9 of the New York City Mechanical Code.

Section R402.5 Maximum fenestration U-factor and SHGC (Mandatory).

Section R402.5 – Revise Section R402.5 to read as follows:

R402.5 Maximum fenestration U-factor and SHGC (Mandatory). The area-weighted average maximum fenestration *U*-factor permitted using tradeoffs from Section R402.1.5 or R405 shall be 0.40 for vertical fenestration, and 0.75 for skylights.

Section R403.3.2 Sealing (Mandatory).

Section R403.3.2 - Revise the first paragraph of Section R403.3.2 to read as follows:

R403.3.2 SEALING (MANDATORY). Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with the *New York City Mechanical Code*, as applicable.

Section R403.6 Mechanical Ventilation (Mandatory).

Section R403.6 - Revise the first sentence of Section R403.6 to read as follows:

The building shall be provided with ventilation that meets the requirements of the *New York City Mechanical Code*, as applicable, or with other approved means of ventilation.

Section R403.8 Systems serving multiple dwelling units (Mandatory).

Section R403.8 - Revise Section R403.8 to read as follows:

R403.8 SYSTEMS SERVING MULTIPLE DWELLING UNITS (MANDATORY). Systems serving multiple dwelling units shall comply with Sections C403 and C404 of this code in lieu of Section R403.

SECTION R404

ELECTRICAL POWER AND LIGHTING SYSTEMS

Section R404.2 Electrical energy consumption.

Section R404.2 - Add a new Section R404.2 to read as follows:

R404.2 Electrical energy consumption (Mandatory). In all buildings having individual dwelling units, provisions shall be made to determine the electrical energy consumed by each unit by separately metering individual dwelling units.

SECTION R406
ENERGY RATING INDEX
COMPLIANCE ALTERNATIVE

Section R406.2 Mandatory requirements.

Section R406.2 Mandatory requirements – Revise the second sentence of Section R406.2 to read as follows:

The building thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficient in Table 402.1.1 or 402.1.3 of the 2011 New York City Energy Conservation Code.

CHAPTER R5

SECTION R501

GENERAL

Section R501.4 Compliance.

Section R501.4 - Delete Section R501.4 in its entirety and replace with a new Section R501.4 to read as follows:

R501.4 COMPLIANCE. Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with (i) all applicable provisions of this code, (ii) the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the New York City Construction Codes, (iii) the New York City Fire Code, and (iv) the New York City Electrical Code.

Section R501.6 Historic Buildings.

Section R501.6 - Revise Section R501.6 to read as follows:

R501.6 Historic Buildings. No provisions of this code relating to the construction, repair, alteration, restoration, and change of occupancy shall be mandatory for historic buildings.

SECTION R502

ADDITIONS

Section R502.1.1.1 Building Envelope.

Section R502.1.1.1 – Revise the Exception under Section R502.1.1.1 to read as follows:

Exception: Where nonconditioned space is changed to conditioned space, the building envelope of the addition shall comply where the UA, as determined in Section R402.1.5, of the existing building and the addition, and any alterations that are part of the project, is less than or equal to UA generated for the existing building.

SECTION R503

ALTERATIONS

Section R503.1.1 Building Envelope.

Section R503.1.1 – Delete Section R503.1.1 in its entirety and replace with a new Section R503.1.1 to read as follows:

R503.1.1 Building envelope. Building envelope assemblies that are part of the alteration shall comply with Section R402.1.2 or R402.1.4, Sections R402.2.1 through R402.2.13, R402.3.1, R402.3.2, R402.4.3 and R402.4.5.

Section R503.1.4 Lighting

Section R503.1.4 – Revise the Exception under Section R503.1 to read as follows:

Exception: Alterations that replace less than 20 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

CHAPTER R6

REFERENCED STANDARDS

Chapter R6 – Delete Chapter R6 in its entirety and replace with a new chapter R6 to read as follows:

CHAPTER R6

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of the residential provisions of this code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 106. Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to the referenced standards set forth herein in accordance with Section 28-103.19 of the *Administrative Code*.

<u>AAMA</u>	<u>American Architectural Manufacturers Association</u> <u>1827 Walden Office Square</u> <u>Suite 550</u> <u>Schaumburg, IL 60173-4268</u>
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<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>AAMA/WDMA/CSA</u>	<u>North American Fenestration Standard/Specifications for</u>	<u>R402.4.3</u>

101/I.S.2/A C440—11 Windows, Doors and Unit Skylights

ACCA Air Conditioning Contractors of America
2800 Shirlington Road, Suite 300
Arlington, VA 22206

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>Manual J—2011</u>	<u>Residential Load Calculation Eighth Edition</u>	<u>R403.7</u>
<u>Manual S—13</u>	<u>Residential Equipment Selection</u>	<u>R403.7</u>

ANSI American National Standards Institute
25 West 43rd Street
Fourth Floor
New York, NY 10036

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>Z-65-96</u>	<u>Method for Measuring Floor Area in Office Buildings</u>	<u>R402.4.1.2,</u> <u>R402.4.1.3</u>
<u>ANSI/DASMA 105—92(R2004)— 13</u>	<u>Test Method for Thermal Transmittance and Air Infiltration of Garage Doors</u>	<u>R303.1.3</u>

APSP The Association of Pool and Spa Professionals
2111 Eisenhower Avenue
Alexandria, VA 22314

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>APSP 14—11</u>	<u>American National Standard for Portable Electric Spa Energy Efficiency</u>	<u>R403.11</u>
<u>APSP 15a—2013</u>	<u>American National Standard for Residential Swimming Pool and Spa Energy Efficiency</u>	<u>R403.12</u>

ASHRAE American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.
1791 Tullie Circle, NE
Atlanta, GA 30329-2305

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ASHRAE—2001</u>	<u>ASHRAE Handbook of Fundamentals—2001</u>	<u>R402.1.5, Table R405.5.2(1)</u>
<u>ASHRAE—2013</u>	<u>ASHRAE Handbook of Fundamentals—2013</u>	<u>R402.1.5, Table R405.5.2(1)</u>
<u>ASHRAE 193—2010</u>	<u>Method of Test for Determining the Airtightness of HVAC Equipment</u>	<u>R403.3.2.1</u>

ASTM ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2859

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>C 1363—11</u>	<u>Standard Test Method for Thermal Performance of Building Materials and Envelope Assemblies by Means of a Hot Box Apparatus</u>	<u>R303.1.4.1</u>

<u>E 283—04</u>	<u>Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen</u>	<u>R202, R402.4.5</u>
<u>E 779—10</u>	<u>Standard Test Method for Determining Air Leakage Rate by Fan Pressurization</u>	<u>R402.4.1.2, R402.4.1.3</u>
<u>E 1827—11</u>	<u>Standard Test Methods for Determining Airtightness of Building Using an Orifice Blower Door</u>	<u>R402.4.1.2</u>
<u>E 2178</u>	<u>Standard Test Method for Air Permeance of Building Materials</u>	<u>R202</u>

CSA CSA Group
8501 East Pleasant Valley
Cleveland, OH 44131-5575

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>AAMA/WDMA/CSA 101/I.S.2/A440—11</u>	<u>North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights</u>	<u>R402.4.3</u>
<u>CSA B55.1—2012</u>	<u>Test Method for measuring efficiency and pressure loss of drain water heat recovery units</u>	<u>R403.5.4</u>
<u>CSA B55.2—2012</u>	<u>Drain water heat recover units</u>	<u>R403.5.4</u>

DASMA Door and Access Systems Manufacturers Association
1300 Sumner Avenue
Cleveland, OH 44115-2851

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>105—92(R2004)—13</u>	<u>Test Method for Thermal Transmittance and Air Infiltration of Garage Doors</u>	<u>R303.1.3</u>

DOE U.S. Department of Energy
 c/o Superintendent of Documents
 U.S. Government Printing Office
 Washington, DC 20402-9325

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
(Current Edition)	State Energy Price and Expenditure Report	R405.3

ICC International Code Council, Inc.
 500 New Jersey Avenue, NW
 6th Floor
 Washington, DC 20001

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ICC 400—12</u>	<u>Standard on the Design and Construction of Log Structures®</u>	<u>Table R402.4.1.1</u>
<u>IECC—06</u>	<u>2006 International Energy Conservation Code®</u>	<u>R202, R406.3.1</u>

IEEE The Institute of Electrical and Electronic Engineers, Inc.
 3 Park Avenue
 New York, NY 1016-5997

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>515.1—2012</u>	<u>IEEE Standard for the Testing, Design, Installation, and Maintenance</u>	<u>R403.5.1.2</u>

of Electrical Resistance Trace Heating for Commercial Applications

NFRC National Fenestration Rating Council, Inc.
6305 Ivy Lane, Suite 140
Greenbelt, MD 20770

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>100—2009</u>	<u>Procedure for Determining Fenestration Products <i>U</i>-factors— Second Edition</u>	<u>R303.1.3</u>
<u>200—2009</u>	<u>Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence— Second Edition</u>	<u>R303.1.3</u>
<u>400—2009</u>	<u>Procedure for Determining Fenestration Product Air Leakage— Second Edition</u>	<u>R402.4.3</u>

NYC New York City Department of Buildings
280 Broadway
New York, NY 10007

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>NYCAC-14</u>	<u>New York City Administrative Code</u>	<u>101.1, 101.2.1, 101.5.2.2, 101.5.2.3, 102.1, 103.1, 103.2.1, 103.3, 104.1, 104.1.1, 105.1, R202</u>
<u>NYCBC-14</u>	<u>New York City Building Code</u>	<u>101.2.2, 103.2.1,</u>

R202, R303.2,
R402.1.1,
R402.2.11,
R402.4.2

<u>NYCCC-14</u>	<u>New York City Construction Codes</u>	<u>101.2.1, 102.1,</u> <u>103.1, 104.2.3,</u> <u>R201.3, R501.4</u>
<u>NYCECC-11</u>	<u>New York City Energy Conservation Code</u>	<u>R406.2</u>
<u>NYCEC-09</u>	<u>New York City Electrical Code</u>	<u>101.2.1, R201.3,</u> <u>R501.4</u>
<u>NYCFC-14</u>	<u>New York City Fire Code</u>	<u>101.2.1, R201.3,</u> <u>R501.4, RB103.3</u>
<u>NYCMC-14</u>	<u>New York City Mechanical Code</u>	<u>R402.4.4, R403.3.2,</u> <u>R403.6</u>

NYS New York Department of State
One Commerce Plaza, 99 Washington Ave
Albany, NY 12231-0001

<u>Standard</u> <u>reference</u> <u>number</u>	<u>Title</u>	<u>Referenced</u> <u>in code</u> <u>section number</u>
<u>BCNYS-10</u>	<u>Building Code of New York State</u>	<u>R202</u>
<u>ECCCNYS- 16</u>	<u>New York State Energy Conservation Construction Code</u>	<u>CH1 (Intro</u> <u>Statement), 101.1.1,</u> <u>101.2.2, 101.3,</u> <u>C202</u>

UL UL LLC
333 Pfingsten Road
Northbrook, IL 60062

<u>Standard</u> <u>reference</u> <u>number</u>	<u>Title</u>	<u>Referenced</u> <u>in code</u> <u>section number</u>
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<u>127—11</u>	<u>Standard for Factory Built Fireplaces</u>	<u>R402.4.2</u>
<u>515—11</u>	<u>Electrical Resistance Heat Tracing for Commercial and Industrial Applications including revisions through November 30, 2011</u>	<u>R403.5.1.2</u>
<u>907—10</u>	<u>Standard for Fireplace Accessories</u>	<u>R402.4.2</u>

US-FTC United States-Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>CFR Title 16 (May 31, 2005)</u>	<u>R-value Rule</u>	<u>R303.1.4</u>

WDMA Window and Door Manufacturers Association
2025 M Street, NW Suite 800
Washington, DC 20036-3309

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>AAMA/WDMA/CSA 101/1.S.2/A440—11</u>	<u>North American Fenestration Standard/Specification for Windows, Doors and Unit Skylights</u>	<u>R402.4.3</u>

APPENDIX RB

SOLAR-READY PROVISIONS- DETACHED ONE- AND TWO-FAMILY DWELLINGS, MULTIPLBE SINGLE-FAMILY DWELLINGS (TOWNHOUSES)

Appendix RB - Revise the first sentence in Appendix RB to read as follows:

(The provisions contained in this appendix are mandatory.)

Section RB103.1 General.

Section RB103.1 – Revise Item 2 under the Exceptions to read as follows:

2. A building with a solar-ready zone that is shaded for more than 50 percent of daylight hours annually.

Section RB103.3 Solar-ready zone area.

Section RB103.3 - Revise Section RB103.3 to read as follows:

RB103.3 Solar-ready zone area. The total solar-ready zone area shall be not less than 200 square feet (27.87 m²) exclusive of mandatory access or set back areas as required by the *New York City Fire Code*. New multiple single-family dwellings (townhouses) three stories or less in height above grade plane and with a total floor area less than or equal to 2,000 square feet (185.8 m²) per dwelling shall have a solar-ready zone area of not less than 100 square feet (13.94 m²). The solar-ready zone shall be composed of areas not less than 5 feet (1524 mm) in width and not less than 80 square feet (7.44 m²) exclusive of access or set back areas as required by the *New York City Fire Code*.

§28-1001.2.3 New York city amendments to the 2013 edition of Energy Standard for Buildings Except Low-Rise Residential Buildings (“ASHRAE 90.1-2013”), as amended by Part 2 of the 2016 Supplement. The New York city amendments to ASHRAE 90.1-2013 are as follows:

For the purpose of applying ASHRAE 90.1-2013 in the NYCECC, modifications to ASHRAE 90.1-2013 pursuant to Part 2 of the 2016 Supplement and New York City amendments of such standard pursuant to this section are deemed to be incorporated in a new Appendix CA to be inserted after chapter C6 of the NYCECC and to read as follows:

APPENDIX CA**MODIFIED ENERGY STANDARD FOR BUILDINGS, EXCEPT FOR LOW-RISE
RESIDENTIAL BUILDINGS****SECTION ECC CA101**

SCOPE

CA101.1 Scope. This appendix provides the modifications to the nationally recognized standard ASHRAE 90.1-2013, governing commercial energy efficiency. Where a referenced publication has been modified for the City of New York by the New York City Construction Codes including the New York City Energy Conservation Code, every reference to such publication shall be deemed to include all such modifications.

SECTION ECC CA102

ENERGY STANDARD FOR COMMERCIAL BUILDINGS

CA102.1 General. Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to this standard in accordance with Section 28-103.19 of the Administrative Code.

CA102.2 New York City amendments. The following New York City amendments to ASHRAE 90.1-2013, as amended by Part 2 of the 2016 Supplement, are hereby adopted as set forth in this section.

CA102.3 Unaffected ASHRAE 90.1-2013 Provisions. The chapters, sections, tables, and other provisions in ASHRAE 90.1-2013 that are not deemed to be amended by the 2016 Supplement or revised in this Appendix CA are referred to as the “Unaffected ASHRAE 90.1-2013 Provisions.” Nothing in this Appendix shall be construed as deleting all or part of any Unaffected ASHRAE 90.1-2013 Provision. Each Unaffected ASHRAE 90.1-2013 Provision shall continue in full force and effect, and shall be deemed to be part of “ASHRAE 90.1-2013.”

Section 3 - DEFINITIONS, ABBREVIATIONS, AND ACRONYMS

Section 3 – Revise the definition “authority having jurisdiction” after the definition of “attic and other roofs,” to read as follow:

authority having jurisdiction: The commissioner or the commissioner’s designee.

Section 3 – Revise the definition “building official” after the definition of “building material,” to read as follow:

building official: The commissioner or the commissioner’s designee.

Section 3 - Add a new definition of “electrical design load” after the definition of “efficiency,” to read as follows:

electrical design load: The electrical load that feeders and branch circuits are required to support pursuant to the relevant provisions of the New York City Electrical Code for the category of equipment loads being supported.

Section 3 - Add a new definition of “high-efficacy lamps” after the definition of “heating seasonal performance factor (HSPF),” to read as follows:

high-efficacy lamps: Compact fluorescent lamps, T-8 or smaller diameter linear fluorescent lamps, or lamps with a minimum efficacy of:

1. 60 lumens per watt for lamps over 40 watts;
2. 50 lumens per watt for lamps over 15 watts to 40 watts; and
3. 40 lumens per watt for lamps 15 watts or less.

Section 3 - Add a new definition of “networked guest room control system” after the definition of “nameplate rating” to read as follow:

networked guest room control system: a control system, accessible from the hotel/motel front desk or other central location, that is capable of identifying reserved rooms according to a timed schedule, and is capable of controlling HVAC in each hotel/motel guest room separately.

Section 5 - BUILDING ENVELOPE

5.1.3 Envelope Alterations.

Section 5.1.3 - Delete Item 8 under Exceptions.

5.4.3.4 Vestibules.

Section 5.4.3.4 – Revise Item 7 under Exceptions to read as follows:

7. Doors that open directly from a space less than 3,000 square feet (298 m²) in area, in buildings less than 75 feet (22.86 m) in height, and doors that open directly from a space less than 1,000 square feet (92.9 m²) in area, in buildings 75 feet (22.86 m) and greater in height.

5.4.3 Air Leakage

Section 5.4.3 - Add a new Section 5.4.3.5 to read as follows:

5.4.3.5 Air Barrier Testing. New buildings of a certain size must comply with the following requirements:

- a. New buildings 25,000 square feet and greater, but less than 50,000 square feet, and less than or equal to 75 feet in height must show compliance through testing in accordance with ASTM E 779 and department rules.
- b. New buildings 50,000 square feet and greater, shall test or inspect each type of unique air barrier joint or seam in the building envelope for continuity and defects, as per an Air Barrier Continuity Plan developed by a registered design professional. Alternatively, new buildings 50,000 square feet and greater may show compliance through testing in accordance with ASTM E 779 and department rules.
- c. Rules governing air barrier testing promulgated by the department.

5.5.3 Opaque Areas.

Section 5.5.3 - Add a new Item 3 under Exceptions to read as follows:

3. When the total area of penetrations from through-the-wall equipment or mechanical equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5, and compliance shall be shown with method b.

5.6.1.1

Section 5.6.1.1 - Add a new sentence at the end of Section 5.6.1.1 to read as follows:

When the total area of penetrations from through-the-wall equipment or mechanical equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5

Section 6 - HEATING, VENTILATION, AND AIR-CONDITIONING

6.1.1.3 Alterations to Heating, Ventilating, Air Conditioning, and Refrigeration in Existing Buildings.

Section 6.1.1.3.1 – Revise Section 6.1.1.3.1 to read as follows:

6.1.1.3.1 Alterations to Heating, Ventilating, Air Conditioning, and Refrigeration in Existing Buildings. New HVACR equipment that are part of the alteration or a direct replacement of the existing HVACR shall comply with the applicable provisions in Section 6 to that equipment being installed.

6.1.1.3.2

Section 6.1.1.3.2 – Revise Section 6.1.1.3.2. to read as follows:

6.1.1.3.2 New cooling systems installed to serve previously uncooled spaces and new heating systems installed to serve previously unheated spaces shall comply with this section as described in Section 6.2.

6.3.2 Criteria.

Section 6.3.2 – Delete Items k through r and replace them with new Items k through s to read as follows:

k. Systems serving hotel/motel guest rooms shall comply with Section 6.4.3.3.5.

l. Except for piping within manufacturers' units, HVAC piping shall be insulated in accordance with Tables 6.8.3-1 and 6.8.3-2. Insulation exposed to weather shall be suitable for outdoor service, e.g., protected by aluminum, sheet metal, painted canvas, or plastic cover. Cellular foam insulation shall be protected as above or painted with a coating that is water retardant and provides shielding from solar radiation.

m. Ductwork and plenums shall be insulated in accordance with Tables 6.8.2-1 and 6.8.2-2 and shall be sealed in accordance with Section 6.4.4.2.1.

n. Construction documents shall require a ducted system to be air balanced in accordance with industry accepted procedures.

o. Outdoor air intake and exhaust systems shall meet the requirements of Section 6.4.3.4.

p. Where separate heating and cooling equipment serves the same temperature zone, thermostats shall be interlocked to prevent simultaneous heating and cooling.

q. Systems with a design supply air capacity greater than 10,000 cfm shall have optimum start controls.

r. The system shall comply with the demand control ventilation requirements in Section 6.4.3.8.

s. The system complies with the door switch requirements in Section 6.5.10.

6.4.3.3.5 Automatic Control of HVAC in Hotel/Motel Guest Rooms.

Section 6.4.3.3.5 - Add a new Section 6.4.3.3.5 to read as follows:

6.4.3.3.5 Automatic Control of HVAC in Hotel/Motel Guest Rooms. In hotels and motels with greater than 50 guest rooms, automatic controls for the HVAC equipment serving each guest room shall be configured according to the requirements in the following subsection. Controls must comply with either 6.4.3.3.5.1 or 6.4.3.3.5.2.

6.4.3.3.5.1 Guest Room HVAC Setpoint Control. Within 30 minutes of all occupants leaving the guest room, HVAC setpoints shall be automatically raised by at least 4°F (2°C) from the occupant setpoint in the cooling mode and automatically lowered by at least 4°F (2°C) from the occupant setpoint in the heating mode. When the guest room is unrented and unoccupied, HVAC setpoints shall be automatically reset to 80°F (27°C) or higher in the cooling mode and to 60°F (16°C) or lower in the heating mode. Unrented and unoccupied guest rooms shall be determined by either of the following:

a. The guest room has been continuously unoccupied for up to 16 hours.

b. A networked guest room control system indicates the guest room is unrented and the guest room is unoccupied for more than 30 minutes.

Exceptions:

3. A networked guest room control system shall be permitted to return the thermostat setpoints to their default occupied setpoints 60 minutes prior to the time the room is scheduled to be occupied.

4. Cooling for humidity control shall be permitted during unoccupied periods.

6.4.3.3.5.2 Automatic Control. Captive key card systems shall be permitted to be used to comply with Section 6.4.3.3.5.

6.5.6.1 Exhaust Air Energy Recovery.

Section 6.5.6.1 - Revise Item 8 under the Exceptions to read as follows:

8. Where the largest source of air exhausted at a single location at the building exterior is less than 75 percent of the design outdoor air flow rate. Multiple exhaust fans or outlets located within a 30 foot radius from the outdoor air supply unit shall be considered a single exhaust location.

6.7.2.4 System Commissioning.

Section 6.7.2.4 - Delete Section 6.7.2.4 in its entirety and replace with a new Section 6.7.2.4 to read as follows:

6.7.2.4. System Commissioning. Projects complying with this standard shall also comply with Section C408 of the New York City Energy Conservation Code in regards to system commissioning. When demonstrating compliance with Section C408.3, projects following ASHRAE 90.1-2013 must demonstrate compliance with Section 9 of ASHRAE 90.1-2013 as required, in lieu of Section C405 of the New York City Energy Conservation Code.

Table 6.8.1-4

Revise Table 6.8.1-4 to read as follows:

TABLE 6.8.1-4
ELECTRICALLY OPERATED PACKAGED TERMINAL AIR CONDITIONERS, PACKAGED
TERMINAL HEAT PUMPS, SINGLE-PACKAGE VERTICAL AIR CONDITIONERS, SINGLE-
PACKAGE VERTICAL HEAT PUMPS, ROOM AIR CONDITIONERS, AND ROOM AIR-
CONDITIONER HEAT PUMPS—MINIMUM EFFICIENCY REQUIREMENTS

<u>Equipment Type</u>	<u>Size Category</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
PTAC (cooling mode) standard size	All capacities	95°F db outdoor air	$14.0 - (0.300 \times \text{Cap}/1000)^c$	
PTAC (cooling mode) nonstandard size	All capacities	95°F db outdoor air	$10.9 - (0.213 \times \text{Cap}/1000)^c$ EER	
PTHP (cooling mode) standard size	All capacities	95°F db outdoor air	$14.0 - (0.300 \times \text{Cap}/1000)^c$	
				AHRI 310/380
PTHP (cooling mode) nonstandard size	All capacities	95°F db outdoor air	$10.8 - (0.213 \times \text{Cap}/1000)^c$	
PTHP (heating mode) standard size	All capacities	—————	$3.7 - (0.052 \times \text{Cap}/1000)^c$ COP _H	
PTHP (heating mode) nonstandard size	All capacities	—————	$2.9 - (0.026 \times \text{Cap}/1000)^c$ COP _H	
SPVAC (cooling mode)	< 65,000 BTU/h	95°F db/75°F wb outdoor air	10.0 EER	AHRI 390
	≥ 65,000 Btu/h and	95°F db/75°F wb	10.0 EER	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
	< 135,000 Btu/h	outdoor air		
	≥ 135,000 Btu/h and < 245,000 Btu/h	95°F db/75°F wb outdoor air	10.0 EER	
	< 65,000 BTU/h	95°F db/75°F wb outdoor air	10.0 EER	
SPVHP (cooling mode)	≥ 65,000 Btu/h and < 135,000 Btu/h	95°F db/75°F wb outdoor air	10.0 EER	
	≥ 135,000 Btu/h and < 245,000 Btu/h	95°F db/75°F wb outdoor air	10.0 EER	
	< 65,000 BTU/h	47°F db/43°F wb outdoor air	3.0 COP _H	
SPVHP (heating mode)	≥ 65,000 Btu/h and < 135,000 Btu/h	47°F db/43°F wb outdoor air	3.0 COP _H	
	≥ 135,000 Btu/h and < 245,000 Btu/h	47°F db/43°F wb outdoor air	3.0 COP _H	
SPVAC (cooling mode), nonweatherized space constrained	< 30,000 BTU/h	95°F db/75°F wb outdoor air	9.2 EER	
	≥ 30,000 Btu/h and < 36,000 Btu/h	95°F db/75°F wb outdoor air	9.0 EER	
SPVHP (cooling mode), nonweatherized space constrained	< 30,000 BTU/h	95°F db/75°F wb outdoor air	9.2 EER	AHRI 390
	≥ 30,000 Btu/h and < 36,000 Btu/h	95°F db/75°F wb outdoor air	9.0 EER	
SPVHP (heating mode), nonweatherized space constrained	< 30,000 BTU/h	47°F db/43°F wb outdoor air	3.0 COP _H	
	≥ 30,000 Btu/h and < 36,000 Btu/h	47°F db/43°F wb outdoor air	3.0 COP _H	
Room air	< 6,000 Btu/h	—	11.0 CEER	10 CFR Part

<u>Equipment Type</u>	<u>Size Category</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
<u>conditioners, with louvered sides</u>	$\geq 6,000$ Btu/h and $< 8,000$ Btu/h	_____	<u>11.0 CEER</u>	<u>430</u>
	$\geq 8,000$ Btu/h and $< 14,000$ Btu/h	_____	<u>10.9 CEER</u>	
	$\geq 14,000$ Btu/h and $< 20,000$ Btu/h	_____	<u>10.7 CEER</u>	
	$\geq 20,000$ Btu/h and $< 24,000$ Btu/h	_____	<u>9.4 CEER</u>	
	$\geq 25,000$ Btu/h	_____	<u>9.0 CEER</u>	
	$< 6,000$ Btu/h	_____	<u>10.0 CEER</u>	
<u>Room air conditioners, without louvered sides</u>	$\geq 6,000$ Btu/h and $< 8,000$ Btu/h	_____	<u>10.0 CEER</u>	<u>10 CFR Part 430</u>
	$\geq 8,000$ Btu/h and $< 11,000$ Btu/h	_____	<u>9.6 CEER</u>	
	$\geq 11,000$ Btu/h and $< 14,000$ Btu/h	_____	<u>9.5 CEER</u>	
	$\geq 14,000$ Btu/h and $< 20,000$ Btu/h	_____	<u>9.3 CEER</u>	
	$\geq 20,000$ Btu/h	_____	<u>9.4 CEER</u>	
<u>Room air</u>	$< 20,000$ Btu/h	_____	<u>9.8 CEER</u>	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
<u>conditioner heat pumps, with louvered sides</u>	$\geq 20,000$ Btu/h	_____	9.3 CEER	10 CFR Part 430
<u>Room air conditioner heat pumps, without louvered sides</u>	$< 14,000$ Btu/h	_____	9.3 CEER	
	$\geq 14,000$ Btu/h	_____	8.7 CEER	10 CFR Part 430
<u>Casement-only</u>	<u>All capacities</u>	_____	9.5 CEER	10 CFR Part 430
<u>Casement-slider</u>	<u>All capacities</u>	_____	10.4 CEER	

Table 6.8.1-9

Revise Table 6.8.1-9 to read as follows:

TABLE 6.8.1-9
ELECTRICALLY OPERATED VARIABLE-REFRIGERANT-FLOW AIR CONDITIONERS -
MINIMUM EFFICIENCY REQUIREMENTS

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
<u>VRF air conditioners, air cooled</u>	$< 65,000$ Btu/h	All	VRF multisplit system	13.0 SEER	
	$\geq 65,000$ Btu/h and $< 135,000$ Btu/h	Electric resistance (or none)	VRF multisplit system	11.2 SEER 13.1 IEER (before 1/1/2017) 15.5 IEER (as of 1/1/2017)	AHRI 1230

$\geq 135,000$ Btu/h and $< 240,000$ Btu/h	Electric resistance (or none)	VRF multisplit system	<u>11.0 EER</u> 12.9 IEER (before 1/1/2017) 14.9 (as of 1/1/2017)
$\geq 240,000$ Btu/h	Electric resistance (or none)	VRF multisplit system	<u>10.0 EER</u> 11.6 IEER (before 1/1/2017) 13.9 (as of 1/1/2017)

Table 6.8.1-10

Revise Table 6.8.1-10 to read as follows:

TABLE 6.8.1-10

ELECTRICALLY OPERATED VARIABLE-REFRIGERANT-FLOW AIR-TO-AIR AND APPLIED HEAT PUMPS—MINIMUM EFFICIENCY REQUIREMENTS

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
<u>VRF air cooled (cooling mode)</u>	$< 65,000$ Btu/h	All	VRF multisplit system	13.0 SEER	AHRI 1230
	$\geq 65,000$ Btu/h and $< 135,000$ Btu/h	Electric resistance (or none)	VRF multisplit system	<u>11.0 EER</u> 12.9 IEER(before 1/1/2017) 14.6 IEER (as of 1/1/2017)	
	$\geq 65,000$ Btu/h and $< 135,000$ Btu/h	Electric resistance (or none)	VRF multisplit system with heat recovery	<u>10.8 EER</u> 12.7 IEER (before 1/1/2017)	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
				14.4 IEER (as of 1/1/2017)	
	$\geq 135,000$ Btu/h and $< 240,000$ Btu/h	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	10.6 EER 12.3 IEER (before 1/1/2017) 13.9 IEER (as of 1/1/2017)	
	$\geq 135,000$ Btu/h and $< 240,000$ Btu/h	<u>Electric resistance (or none)</u>	<u>VRF multisplit system with heat recovery</u>	10.4 EER 12.1 IEER (before 1/1/2017) 13.7 IEER (as of 1/1/2017)	
	$\geq 240,000$ Btu/h	<u>Electric resistance (or none)</u>	<u>VRF multisplit system</u>	9.5 EER 11.0 IEER (before 1/1/2017) 12.7 (as of 1/1/2017)	
	$\geq 240,000$ Btu/h	<u>Electric resistance (or none)</u>	<u>VRF multisplit system with heat recovery</u>	9.3 EER 10.8 IEER (before 1/1/2017) 12.5 IEER (as of 1/1/2017)	
<u>VRF water source (cooling mode)</u>	$< 65,000$ Btu/h	<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>12.0 EER</u>	<u>AHRI 1230</u>
	$< 65,000$ Btu/h	<u>All</u>	<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>11.8 EER</u>	
	$\geq 65,000$ Btu/h and $< 135,000$	<u>All</u>	<u>VRF multisplit systems 86°F entering water</u>	<u>12.0 EER</u>	
	$\geq 65,000$ Btu/h and $< 135,000$	<u>All</u>	<u>VRF multisplit systems with heat recovery 86°F entering water</u>	<u>11.8 EER</u>	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
	$\geq 135,000$ Btu/h	All	<u>VRF multisplit systems</u> <u>86°F entering water</u>	<u>10.0 EER</u>	
	$\geq 135,000$ Btu/h	All	<u>VRF multisplit systems</u> <u>with heat recovery 86°F</u> <u>entering water</u>	<u>9.8 EER</u>	
	$< 135,000$ Btu/h	All	<u>VRF multisplit system</u> <u>59°F entering water</u>	<u>16.2 EER</u>	
<u>VRF groundwater source</u> <u>(cooling mode)</u>	$< 135,000$ Btu/h	All	<u>VRF multisplit system</u> <u>with heat recovery 59°F</u> <u>entering water</u>	<u>16.0 EER</u>	<u>AHRI 1230</u>
	$\geq 135,000$ Btu/h	All	<u>VRF multisplit system</u> <u>59°F entering water</u>	<u>13.8 EER</u>	
	$\geq 135,000$ Btu/h	All	<u>VRF multisplit system</u> <u>with heat recovery 59°F</u> <u>entering water</u>	<u>13.6 EER</u>	
	$< 135,000$ Btu/h	All	<u>VRF multisplit system</u> <u>77°F entering water</u>	<u>13.4 EER</u>	
<u>VRF groundwater source</u> <u>(cooling mode)</u>	$< 135,000$ Btu/h	All	<u>VRF multisplit system</u> <u>with heat recovery 77°F</u> <u>entering water</u>	<u>13.2 EER</u>	<u>AHRI 1230</u>
	$\geq 135,000$ Btu/h	All	<u>VRF multisplit system</u> <u>77°F entering water</u>	<u>11.0 EER</u>	
	$\geq 135,000$ Btu/h	All	<u>VRF multisplit system</u> <u>with heat recovery 77°F</u> <u>entering water</u>	<u>10.8 EER</u>	
	$< 65,000$ Btu/h <u>(cooling capacity)</u>	=	<u>VRF multisplit system</u>	<u>7.7 HSPF</u>	
<u>VRF air cooled</u> <u>(heating mode)</u>	$\geq 65,000$ Btu/h and $< 135,000$ Btu/h	=	<u>VRF multisplit system</u> <u>47°F db/43°F wb</u> <u>outdoor air</u>	<u>3.3 COP_H</u>	<u>AHRI 1230</u>
			<u>17°F db/15°F wb</u> <u>outdoor air</u>	<u>2.25 COP_H</u>	

<u>Equipment Type</u>	<u>Size Category</u>	<u>Heating Section Type</u>	<u>Subcategory or Rating Condition</u>	<u>Minimum Efficiency</u>	<u>Test Procedure</u>
	$\geq 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 47°F db/43°F wb outdoor air	3.2 COP _H	
			17°F db/15°F wb outdoor air	2.05 COP _H	
VRF water source (heating mode)	$< 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 68°F entering water	4.2 COP _H	AHRI 1230
	$\geq 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 68°F entering water	3.9 COP _H	
VRF groundwater source (heating mode)	$< 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 50°F entering water	3.6 COP _H	AHRI 1230
	$\geq 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 50°F entering water	3.3 COP _H	
VRF ground source (heating mode)	$< 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 32°F entering water	3.1 COP _H	AHRI 1230
	$\geq 135,000$ Btu/h (cooling capacity)	=	VRF multisplit system 32°F entering water	2.8 COP _H	

Section 8 - POWER

8.4.1 Voltage Drop.

Section 8.4.1 - Delete Section 8.4.1 in its entirety and replace with a new Section 8.4.1 as follows:

8.4.1 Voltage Drop. The conductors for feeders and branch circuits combined shall be sized for a maximum of 5% voltage drop total.

Exception: Feeder conductors and branch circuits that are dedicated to emergency services.

8.4.5 Measurement of electrical consumption of tenant spaces in covered buildings.

Section 8.4.5 - Add a new Section 8.4.5 to read as follows:

8.4.5 Measurement of electrical consumption of tenant spaces in covered buildings. The terms meter, submeter, covered building, tenant space and covered tenant space shall be as defined in Section 28-311.2 of the Administrative Code of the city of New York. Each covered tenant space in a new building shall be equipped with a separate meter or sub-meter to measure the electrical consumption of such space when let or sublet. Where the covered tenant space is a floor with multiple tenancies, each tenancy with an area less than that as defined in Section 28-311.2 of the Administrative Code of the city of New York shall (i) be equipped with a separate meter or sub-meter, (ii) share a meter or sub-meter with other tenant spaces on the floor, or (iii) share a meter or sub-meter covering the entire floor. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section.

Exception: Covered tenant space for which the electrical consumption within such space is measured by a meter dedicated exclusively to that space.

Section 9 - LIGHTING

9.1.1 Scope.

Section 9.1.1 - Delete Item 2 under Exceptions and replace with a new Item 2 under Exceptions to read as follows:

2. dwelling units within commercial buildings shall not be required to comply with this section provided that not less than 75 percent of the permanently installed fixtures, other than low-voltage lighting, shall be fitted for, and contain only, high efficacy lamps.

9.1.2 Lighting Alterations.

Section 9.1.2 - Delete Section 9.1.2 in its entirety and replace with a new Section 9.1.2 as follows:

9.1.2 Lighting Alterations. For the alteration of any lighting system in an interior space, that space shall comply with the lighting power density (LPD) requirements of Section 9.2.2.3 and the control requirements of Sections 9.4.1.1, as applicable to that space.

For the alteration of any lighting system in an exterior building application, that lighting system shall comply with the lighting power density (LPD) requirements of Section 9 applicable to the area illuminated by that lighting system and the applicable control requirements of Sections 9.4.2 and 9.4.1.4.

Exception(s):

1. Alterations that involve 20% or less of the connected lighting load in a space or area need not comply with these requirements, provided that such alterations do not increase the installed LPD.
2. Routine maintenance or repair situations.

9.4.1.1 (h.) Automatic Full OFF

Section 9.4.1.1 (h.) - Revise Item 1 under Exceptions to read as follows:

1. General lighting and task lighting in shop, laboratory, and preschool classrooms.

9.4.1.1 (h.) Automatic Full OFF

Section 9.4.1.1 (h.) - Add a new Item 4 under Exceptions to read as follows:

4. Lighting in offices smaller than 200 square feet (18.5m²) in area equipped with lighting controls activated by photosensor.

9.4.3 Functional Testing.

Section 9.4.3 - Renumber Section 9.4.3, Functional Testing, as Section 9.4.4 .

9.4.3 Exit signs.

Section 9.4.3 – Add a new Section 9.4.3 to read as follows:

9.4.3 Exit signs. Internally illuminated exit signs shall not exceed 5 W per face.

Table 9.6.1

Revise Table 9.6.1 to read as follows:

TABLE 9.6.1 Lighting Power Density Allowances Using the Space-by-Space Method and Minimum Control Requirements Using Either Method

The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:

(1) All REQs shall be implemented.

(2) At least one ADD1 (when present) shall be implemented.

(3) At least one ADD2 (when present) shall be implemented.

Informative Note: This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

Common Space Types ¹	LPD W/ft ²	RCR Thresh old	Local	Restricted	Restricted	Bilevel	Automatic	Automatic	Automatic	Automatic	Scheduled
			Control (See Section 9.4.1.1(a))	to Manual ON (See Section 9.4.1.1(b))	to Partial Automatic ON (See Section 9.4.1.1(c))	Lighting Control (See Section 9.4.1.1(d))	Daylight Responsive Controls for Sidelighting (See Section 9.4.1.1(e) ⁶)	Daylight Responsive Controls for Toplighting (See Section 9.4.1.1(f) ⁶)	Partial OFF (See Section 9.4.1.1(g) (Full Off complies))	Full OFF (See Section 9.4.1.1(h))	Shutoff (See Section 9.4.1.1(i))
			a	b	c	d	e	f	g	H	i
Atrium											
...that is < 20 ft in height	0.03/ft total height	NA	REQ	ADD1	ADD1	=	REQ	REQ	=	ADD2	ADD2
...that is ≥ 20 ft and ≤ 40 ft in height	0.03/ft total height	NA	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2

The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:

(1) All REQs shall be implemented.

(2) At least one ADD1 (when present) shall be implemented.

(3) At least one ADD2 (when present) shall be implemented.

Informative Note: This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

<u>Local Control</u> (See Section <u>9.4.1.1(a)</u>)	<u>Restricted to Manual ON</u> (See Section <u>9.4.1.1(b)</u>)	<u>Restricted to Partial Automatic ON</u> (See Section <u>9.4.1.1(c)</u>)	<u>Bilevel Lighting Control</u> (See Section <u>9.4.1.1(d)</u>)	<u>Automatic Daylight Responsive Controls for Sidelighting</u> (See Section <u>9.4.1.1(e)</u> ⁶)	<u>Automatic Daylight Responsive Controls for Toplighting</u> (See Section <u>9.4.1.1(f)</u> ⁶)	<u>Automatic Partial OFF</u> (See Section <u>9.4.1.1(g)</u> (Full Off complies))	<u>Automatic Full OFF</u> (See Section <u>9.4.1.1(h)</u>)	<u>Scheduled Shutoff</u> (See Section <u>9.4.1.1(i)</u>)
--	---	--	---	---	--	---	---	--

<u>Common Space Types</u> ¹	<u>LPD W/ft²</u>	<u>RCR Thresh old</u>	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	<u>f</u>	<u>g</u>	<u>H</u>	<u>i</u>
<u>...that is > 40 ft in height</u>	<u>0.40 + 0.02/ft total height</u>	<u>NA</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>Audience Seating Area</u>											
<u>...in an auditorium</u>	<u>0.63</u>	<u>6</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>...in a convention center</u>	<u>0.82</u>	<u>4</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>...in a gymnasium</u>	<u>0.65</u>	<u>6</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>...in a motion picture theater</u>	<u>1.14</u>	<u>4</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>...in a penitentiary</u>	<u>0.28</u>	<u>4</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>=</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>...in a performing arts theater</u>	<u>2.43</u>	<u>8</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>...in a religious building</u>	<u>1.53</u>	<u>4</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>...in a sports arena</u>	<u>0.43</u>	<u>4</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>=</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>...all other audience seating areas</u>	<u>0.43</u>	<u>4</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>=</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>
<u>Banking Activity Area</u>	<u>1.01</u>	<u>6</u>	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>=</u>	<u>ADD2</u>	<u>ADD2</u>

Breakroom (See Lounge/Breakroom)

Classroom/Lecture hall/Training Room^{8,9}

The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:

(1) All REQs shall be implemented.

(2) At least one ADD1 (when present) shall be implemented.

(3) At least one ADD2 (when present) shall be implemented.

Informative Note: This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

<u>Local Control</u> (See Section <u>9.4.1.1(a)</u>)	<u>Restricted to Manual ON</u> (See Section <u>9.4.1.1(b)</u>)	<u>Restricted to Partial Automatic ON</u> (See Section <u>9.4.1.1(c)</u>)	<u>Bilevel Lighting Control</u> (See Section <u>9.4.1.1(d)</u>)	<u>Automatic Daylight Responsive Controls for Sidelighting</u> (See Section <u>9.4.1.1(e)</u> ⁶)	<u>Automatic Daylight Responsive Controls for Toplighting</u> (See Section <u>9.4.1.1(f)</u> ⁶)	<u>Automatic Partial OFF</u> (See Section <u>9.4.1.1(g)</u> (Full Off complies))	<u>Automatic Full OFF</u> (See Section <u>9.4.1.1(h)</u>)	<u>Scheduled Shutoff</u> (See Section <u>9.4.1.1(i)</u>)
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<u>Common Space Types</u> ¹	<u>LPD</u> <u>W/ft²</u>	<u>RCR</u> <u>Thresh</u> <u>old</u>	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	<u>f</u>	<u>g</u>	<u>H</u>	<u>i</u>
<u>...in a penitentiary</u>	0.96	6	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>...in a facility for the visually impaired and not used primarily by staff</u> ³	2.65	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>...in bar lounge or leisure dining</u>	1.07	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>...in cafeteria or fast food dining</u>	0.65	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>...in family dining</u>	0.89	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>...all other dining areas</u>	0.65	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>Electrical/Mechanical Room</u> ⁷	0.42	6	REQ	=	=	=	REQ	REQ	=	=	=
<u>Emergency Vehicle Garage</u>	0.56	4	REQ	ADD1	ADD1	=	REQ	REQ	=	ADD2	ADD2
<u>Food Preparation Area</u>	1.21	6	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>Guest Room</u>	0.91	6					<u>See Section 9.4.1.3b.</u>				
<u>Laboratory</u>											
<u>...in or as a classroom</u>	1.43	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2
<u>...all other laboratories</u>	1.81	6	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>Laundry/Washing Area</u>	0.60	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>Loading Dock, Interior</u>	0.47	6	REQ	ADD1	ADD1	=	REQ	REQ	=	ADD2	ADD2

The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:

(1) All REQs shall be implemented.

(2) At least one ADD1 (when present) shall be implemented.

(3) At least one ADD2 (when present) shall be implemented.

Informative Note: This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

<u>Local Control</u> (See Section 9.4.1.1(a))	<u>Restricted to Manual ON</u> (See Section 9.4.1.1(b))	<u>Restricted to Partial Automatic ON</u> (See Section 9.4.1.1(c))	<u>Bilevel Lighting Control</u> (See Section 9.4.1.1(d))	<u>Automatic Daylight Responsive Controls for Sidelighting</u> (See Section 9.4.1.1(e) ⁶)	<u>Automatic Daylight Responsive Controls for Toplighting</u> (See Section 9.4.1.1(f) ⁶)	<u>Automatic Partial OFF</u> (See Section 9.4.1.1(g) (Full Off complies))	<u>Automatic Full OFF</u> (See Section 9.4.1.1(h))	<u>Scheduled Shutoff</u> (See Section 9.4.1.1(i))
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<u>Common Space Types¹</u>	<u>LPD W/ft²</u>	<u>RCR Thresh old</u>	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	<u>f</u>	<u>g</u>	<u>H</u>	<u>i</u>
Lobby											
<u>...in a facility for the visually impaired and not used primarily by staff³</u>	1.80	4	REQ	=	=	=	REQ	REQ	REQ	ADD2	ADD2
<u>...for an elevator</u>	0.64	6	REQ	=	=	=	REQ	REQ	REQ	ADD2	ADD2
<u>...in a hotel</u>	1.06	4	REQ	=	=	=	REQ	REQ	REQ	ADD2	ADD2
<u>...in a motion picture theater</u>	0.59	4	REQ	=	=	=	REQ	REQ	REQ	ADD2	ADD2
<u>...in a performing arts theater</u>	2.00	6	REQ	=	=	=	REQ	REQ	REQ	ADD2	ADD2
<u>...all other lobbies</u>	0.90	4	REQ	=	=	=	REQ	REQ	REQ	ADD2	ADD2
Locker Room	0.75	6	REQ	ADD1	ADD1	REQ	REQ	REQ	=	REQ	=
Lounge/Breakroom^{8,9}											
<u>...in a healthcare facility</u>	0.92	6	REQ	REQ	ADD1	REQ	REQ	REQ	=	REQ	=
<u>...all other lounges/breakrooms</u>	0.73	4	REQ	REQ	ADD1	REQ	REQ	REQ	=	REQ	=
Office											
<u>...enclosed and ≤ 250 ft^{2(8,9)}</u>	1.0	8	REQ	REQ	ADD1	REQ	REQ	REQ	=	REQ	=
<u>...enclosed and > 250 ft²</u>	1.0	8	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2

The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:

(1) All REQs shall be implemented.

(2) At least one ADD1 (when present) shall be implemented.

(3) At least one ADD2 (when present) shall be implemented.

Informative Note: This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

<u>Local Control</u> (See Section 9.4.1.1(a))	<u>Restricted to Manual ON</u> (See Section 9.4.1.1(b))	<u>Restricted to Partial Automatic ON</u> (See Section 9.4.1.1(c))	<u>Bilevel Lighting Control</u> (See Section 9.4.1.1(d))	<u>Automatic Daylight Responsive Controls for Sidelighting</u> (See Section 9.4.1.1(e) ⁶)	<u>Automatic Daylight Responsive Controls for Toplighting</u> (See Section 9.4.1.1(f) ⁶)	<u>Automatic Partial OFF</u> (See Section 9.4.1.1(g) (Full Off complies))	<u>Automatic Full OFF</u> (See Section 9.4.1.1(h))	<u>Scheduled Shutoff</u> (See Section 9.4.1.1(i))
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<u>Common Space Types¹</u>	<u>LPD W/ft²</u>	<u>RCR Thresh old</u>	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	<u>f</u>	<u>g</u>	<u>H</u>	<u>i</u>
<u>...open plan</u>	0.90	4	REQ	=	REQ	REQ	REQ	REQ	=	ADD1	ADD1
<u>Parking Area, Interior</u>	0.19	4	See Section 9.4.1.2								
<u>Pharmacy Area</u>	1.68	6	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>Restroom</u>											
<u>...in a facility for the visually impaired</u>	1.21	8	REQ	=	=	=	=	=	=	REQ	=
<u>...all other restrooms</u>	0.98	8	REQ	=	=	=	=	=	=	REQ	=
<u>Sales Area⁴</u>	1.30	6	REQ	=	=	=	=	=	=	ADD2	ADD2
<u>Seating Area, General</u>	0.54	4	REQ	=	=	=	=	=	=	ADD2	ADD2
<u>Stairway</u> The space containing the stairway shall determine the LPD and control requirements for the stairway.											
<u>Stairwell</u>	0.69	10	REQ	=	=	=	=	=	=	ADD2	ADD2
<u>Storage Room</u>											
<u>...< 50 ft²</u>	1.24	6	REQ	=	=	=	=	=	=	ADD2	ADD2
<u>...≥ 50 ft² and ≤1000 ft²</u>	0.63	6	REQ	ADD1	ADD1	=	REQ	REQ	=	REQ	=
<u>...all other storage rooms</u>	0.63	6	REQ	ADD1	ADD1	=	REQ	REQ	REQ	ADD2	ADD2
<u>Vehicular Maintenance Area</u>	0.67	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
<u>Workshop</u>	1.59	6	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2

TABLE 9.6.1 Lighting Power Density Allowances Using the Space-by-Space Method and Minimum Control Requirements Using Either Method (Continued)

The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type:

(1) All REQs shall be implemented.

(2) At least one ADD1 (when present) shall be implemented.

(3) At least one ADD2 (when present) shall be implemented.

Informative Note: This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

Local Control (See Section 9.4.1.1(a))	Restricted to Manual ON (See Section 9.4.1.1(b))	Restricted to Partial Automatic ON (See Section 9.4.1.1(c))	Bilevel Lighting Control (See Section 9.4.1.1(d))	Automatic Daylight Responsive Controls for Sidelighting (See Section 9.4.1.1(e) ⁶)	Automatic Daylight Responsive Controls for Toplighting (See Section 9.4.1.1(f) ⁶)	Automatic Partial OFF (See Section 9.4.1.1(g) (Full Off complies))	Automatic Full OFF (See Section 9.4.1.1(h))	Scheduled Shutoff (See Section 9.4.1.1(i))
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Building Type Specific/Space Types ¹	LPD W/ft ²	RCR Threshold	a	b	c	d	e	f	g	H	i
---	-----------------------	---------------	---	---	---	---	---	---	---	---	---

Facility for the Visually Impaired³

...in a chapel (used primarily by residents)	2.21	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
...in a recreation room/common living room (and not used primarily by staff)	2.41	6	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2

Automotive (See "Vehicular Maintenance Area")

Convention Center-Exhibit Space	1.45	4	REQ	ADD1	ADD1	REQ	REQ	REQ	=	ADD2	ADD2
Dormitory-Living Quarters Fire Station-Sleeping Quarters	0.38	8	REQ	=	=	=	=	=	=	=	=

Facility for the Visually Impaired³

...in a recreation room/common living room (and not used primarily by staff)	2.41	6	=	=	=	=	=	=	=	=	=
--	------	---	---	---	---	---	---	---	---	---	---

Gymnasium/Fitness Center

<u>...in an exercise area</u>	<u>0.72</u>	4	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in a playing area</u>	<u>1.20</u>	4	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
Healthcare Facility											
<u>...in an exam/treatment room</u>	<u>1.66</u>	8	<u>REQ</u>	=	=	=	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in an imaging room</u>	<u>1.51</u>	6	<u>REQ</u>	=	=	=	<u>REQ</u>	=	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in a medical supply room</u>	<u>0.74</u>	6	<u>(See "Storage Room" under "Common Space Types" for control requirements)</u>								
<u>...in a nursery</u>	<u>0.88</u>	6	<u>REQ</u>	=	=	=	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in a nurse's station</u>	<u>0.71</u>	6	<u>REQ</u>	=	=	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in an operating room</u>	<u>2.48</u>	6	<u>REQ</u>	=	=	<u>REQ</u>	=	=	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in a patient room</u>	<u>0.62</u>	6	<u>REQ</u>	=	=	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in a physical therapy room</u>	<u>0.91</u>	6	<u>REQ</u>	=	=	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in a recovery room</u>	<u>1.15</u>	6	<u>REQ</u>	=	=	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
Library											
<u>...in a reading area</u>	<u>1.06</u>	4	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in the stacks</u>	<u>1.71</u>	4	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	<u>ADD2</u>	<u>ADD2</u>
Manufacturing Facility											
<u>...in a detailed manufacturing area</u>	<u>1.29</u>	4	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in an equipment room</u>	<u>0.74</u>	6	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in an extra high bay area (> 50 ft floor-to-ceiling height)</u>	<u>1.05</u>	4	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in a high bay area (25-50 ft floor-to-ceiling height)</u>	<u>1.23</u>	4	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>
<u>...in a low bay area (< 25 ft floor-to-ceiling height)</u>	<u>1.19</u>	4	<u>REQ</u>	<u>ADD1</u>	<u>ADD1</u>	<u>REQ</u>	<u>REQ</u>	<u>REQ</u>	=	<u>ADD2</u>	<u>ADD2</u>

Museum

...for medium to bulky, palletized items	0.58	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2
...for smaller, hand-carried items ⁵	0.95	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2

-
1. In cases where both a common space type and a building area specific space type are listed, the building area specific space type shall apply.
 2. In corridors, the extra lighting power density allowance is permitted when the width of the corridor is less than 8 ft and is not based on the RCR.
 3. A "Facility for the Visually Impaired" is a facility that can be documented as being designed to comply with the light levels in ANSI/IES RP-28 and is licensed or will be licensed by local/state authorities for either senior long-term care, adult daycare, senior support and/or people with special visual needs.
 4. For accent lighting, see Section 9.6.2(b).
 5. Sometimes referred to as a "Picking Area."
 6. Automatic daylight responsive controls are mandatory only if the requirements of the specified sections are present.
 7. An additional 0.53w/ft² shall be allowed, provided that the additional lighting is controlled separately from the base allowance of 0.42 W/ft². The additional 0.53 w/ft² allowance shall not be used for any other purpose.
 8. Occupant sensor shall not have an override switch that converts from manual-on to automatic-on functionality.
 9. The occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.

Section 10.4.4.1 Regenerative drive.

Section 10.4.4 - Add a new Section 10.4.4.1 to read as follows:

10.4.4.1 REGENERATIVE DRIVE. An escalator designed either for one-way down operation only or for reversible operation shall have a variable frequency regenerative drive that supplies electrical energy to the building electrical system when the escalator is loaded with passengers whose combined weight exceeds 750 pounds (340 kg).

Table 11.5.1 #5 Column A

Revise Item 1 under Exceptions in Table 11.5.1 #5 Column A to read as follows:

3. Any envelope assembly that covers less than 5% of the total area of that assembly type (e.g., exterior walls) need not be separately described. If not separately described, the area of an envelope assembly must be added to the area of the adjacent assembly of that same type. When the total area of penetrations from through-

the-wall mechanical equipment or equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5.

Table G.3.1 #5 Column A

Revise Exception 1 under Table G.3.1 #5 Column A to read as follows:

1. All uninsulated assemblies (e.g., projecting balconies, perimeter edges of intermediate floor slabs, concrete floor beams over parking garages, roof parapet) shall be separately modeled using either of the following techniques:

a. Separate model of each of these assemblies within the energy simulation model.

b. Separate calculation of the U-factor for each of these assemblies. The U-factors of these assemblies are then averaged with larger adjacent surfaces using an area-weighted average method. This average U-factor is modeled within the energy simulation model.

Any other envelope assembly that covers less than 5% of the total area of that assembly type (e.g., exterior walls) need not be separately described, provided that it is similar to an assembly being modeled. If not separately described, the area of an envelope assembly shall be added to the area of an assembly of that same type with the same orientation and thermal properties. When the total area of penetrations from through-the-wall mechanical equipment or equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5.

§ 4. Section 28-1001.3 of the administrative code of the city of New York, as added by local law number 85 for the year 2009, is amended to read as follows:

§28-1001.3.1 Periodic update. The commissioner shall submit to the city council proposed amendments that he or she determines should be made to this code to bring it up to date with or exceed the latest edition of the energy conservation construction code of New York state. The commissioner shall, at a minimum, submit such proposed amendments (i) following any revision of the energy conservation construction code of New York state that establishes more stringent requirements than those imposed by this code and (ii) no later than the end of the third year after the effective date of this section and every third year thereafter. Prior to such submission, such proposed amendments shall be submitted to an advisory committee established by the commissioner pursuant to section [28-1003.2] 28-1001.3.2 for review and comment.

§ 5. This local law takes effect October 3, 2016, and applies to applications filed on and after such effective date except that the commissioner of buildings may promulgate rules or take other actions for the implementation of such provisions prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1170

By Council Members Williams, Eugene, Richards and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide information requiring school compliance with the americans with disabilities act.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York, is amended by adding a new chapter 9 to title 21-A to read as follows:

CHAPTER 9
SCHOOL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

§ 21-975 a. *Definitions. For the purposes of this section, the following terms have the following meanings:*

Accommodation request. The term “accommodation request” means any request for the removal or mitigation of a structural or non-structural barrier to accessibility, including, but not limited to, communication barriers.

ADA. The term “ADA” means chapter 126 of title 42 of the United States code and any applicable guidelines or regulations pursuant to such law.

ADA coordinator. The term “ADA coordinator” means the person designated to coordinate each school’s effort to comply with and carry out the ADA, including, but not limited to, any investigation of any complaint communicated to the school alleging noncompliance or alleging any actions that would be prohibited by the ADA.

Alteration. The term “alteration” means any construction, including, but not limited to, upgrades, that affects or could affect the accessibility of the school or part of the school or outdoor school facility.

Communication barrier. The term “communication barrier” means any barrier that impedes communication by people with disabilities including, but not limited to, structural elements that are an integral part of the physical structure of a facility or existing facility.

Compliance. The term “compliance” means complete conformity with the requirements of the ADA.

Facility. The term “facility” means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots or other real or personal property, including, but not limited to, the site where the building, property, structure or equipment is located.

Non-structural barrier. The term “non-structural barrier” means a barrier to accessibility that relates to access to services, programs or activities.

Outdoor school facility. The term “outdoor school facility” means any outdoor premises or grounds owned or lawfully operated by or on behalf of the department that contains any device, structure or implement, fixed or portable, used or intended to be used by students for recreational or athletic purposes including, but not limited to, play equipment. The term includes outdoor school facilities that are jointly owned or operated in conjunction with the department of parks and recreation.

School. The term “school” means a school of the city school district of the city of New York and includes a charter school.

Structural barrier. The term “structural barrier” means any physical element of a facility that impedes physical access or communication by persons with disabilities.

Student with disability. The term “student with disability” has the same meaning as set forth in section 4401 of the education law, except such term does not include a pre-kindergarten student or a preschool child.

Zoned School. The term “zoned school” means a school where eligibility to attend is based solely on residence within a defined geographical area within a district.

b. Every year on May 1, beginning with May 1, 2017, the department shall submit to the speaker of the council, post to its website and make available to students and parents, an annual report regarding its compliance with the ADA.

c. With regard to indoor facilities, the annual report shall include, but not be limited to, the following information:

- 1. The name, office address, email address and telephone number of the ADA coordinator for each school;*
- 2. The location where such information is posted conspicuously in the school;*
- 3. The process that students, parents and employees use to for an accommodation request, whether electronically, in person, in paper form or in a combination thereof;*
- 4. The number and percentage of schools that are in complete compliance with the ADA ;*
- 5. Any alterations that have been made and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;*
- 6. The number and percentage of schools that are currently undergoing alterations, or for which alterations are planned, and, of those, the number and percentage of those alterations planned to be in complete compliance with the ADA;*
- 7. The number and percentage of schools that underwent alterations on or after March 15, 2012, and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;*
- 8. The number of accommodation requests that have been made at each school and whether the accommodation request was made by a parent, an employee or a student, and whether the school is the student's zoned school;*
- 9. The nature of the accommodation request, including, but not limited to, whether it relates to structural, non-structural or communication barriers, and the action taken in response to the request;*
- 10. The number and percentage of students with disabilities who have to enroll in other schools because their zoned schools cannot accommodate their disabilities, a list of schools that have accommodated those students, and the number of students sent to each school;*
- 11. On average, the total travel time, at the beginning and at the end of each school day, a student with a disability has to travel to a school other than the student's zoned school;*
- 12. Information regarding the department's protocols to inform students, parents and employees about how to appeal an accommodation request that has been denied pursuant to the department's grievance procedure;*
- 13. Whether each school is in compliance with the ADA, including, but not limited to:*
 - (a) platform lifts;*
 - (b) ramps;*
 - (c) handrails; and*
 - (d) an accessible entrance;*
 - (e) Or, if each entrance is not in compliance with the ADA, signs that direct a person to the nearest entrance that is compliant with the ADA;*
- 14. Whether each school has an elevator in compliance with the ADA;*
- 15. Whether the accessible route in compliance with the ADA, to the maximum extent feasible, coincides with the route for the general public connecting buildings, facilities, spaces and elements;*
- 16. Whether each auditorium is in compliance with the ADA, including, but not limited to, having:*
 - (a) an assistive listening system;*
 - (b) signs indicating that an assistive listening system is available; and*
 - (c) spaces for wheelchairs;*
- 17. Whether each bathroom is in compliance with the ADA, including, but not limited to, having:*
 - (a) an accessible bathroom on each floor;*
 - (b) grab bars; and*
 - (c) common use sinks and faucets;*
- 18. Whether each cafeteria is in compliance with the ADA;*
- 19. Whether each drinking fountain is in compliance with the ADA;*
- 20. Whether common use offices and rooms are in compliance with the ADA, including, but not limited to:*
 - (a) classrooms;*
 - (b) occupational therapy rooms;*
 - (c) art rooms;*
 - (d) laboratories;*
 - (e) main offices;*

- (f) medical offices;*
- (g) libraries; and*
- (h) gymnasiums;*

21. *Whether each common use door is in compliance with the ADA;*

22. *Whether buildings with visual alarms have visual alarms in each common use room; and*

23. *Whether any interior or exterior signs identifying permanent rooms and spaces have accessible features in compliance with the ADA.*

d. With regard to outdoor school facilities, the department shall include, but is not limited to, the following information in its annual report:

1. The number and percentage of outdoor school facilities in complete compliance with the ADA;

2. The number and percentage of outdoor school facilities that are currently undergoing alterations or for which alterations are planned and whether those alterations are to be in complete compliance with the ADA;

3. The number and percentage of outdoor school facilities that underwent alterations on or after March 15, 2012, and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;

4. The number of accommodation requests that have been made by a student, parent or employee at the student's zoned school;

5. The nature of the accommodation request, including, but not limited to, information regarding the mitigation of communication, non-structural and structural barriers to accessibility at outdoor school facilities including, but not limited to, any renovations or programmatic changes necessitated by the request, with personally identifying information redacted as needed, and, if the accommodation request was not granted, the reason the request was denied;

6. Any alterations that have been made and, of those, the number and percentage of those alterations that were in complete compliance with the ADA; and

7. Whether each outdoor school facility is in compliance with the ADA, including, but not limited to:

(a) entrances and exits;

(b) play equipment;

(c) availability of transfer platforms;

(d) seating;

(e) changes in level that are sloped in compliance with the ADA; and

(f) water fountains.

e. All information required by this section shall be aggregated citywide, as well as disaggregated by borough, council district, community school district, and school.

f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

g. In addition to publication on the department's website, the department shall ensure that the information required by subdivisions c and d of this section is published on the city's website in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1171

By Council Members Williams, the Public Advocate (Ms. James), Richards, Torres, Chin and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to verification of occupancy for relocation services.

Be it enacted by the Council as follows:

Section 1. Section 26-301 of the administrative code of the city of New York is amended by adding a new subdivision 7 to read as follows:

7. a. *The commissioner of housing preservation and development may request that tenants or persons lawfully entitled to the occupancy of a dwelling provide verification of occupancy in order to receive the relocation services pursuant to subparagraph v of paragraph a of subdivision 1 of this section. Such commissioner shall accept a lease, sublease or license agreement or any two pieces of the following documentation from any of the following category or categories as sufficient to verify occupancy:*

(i) *government issued identification;*

(ii) *records from any government agency listing the premise as the tenant's address or showing that the tenant received benefits at such address;*

(iii) *records relating to medical treatment;*

(iv) *a statement from the property owner, provided however that a statement by such an owner stating that the tenant does not reside at the premises shall not be used to prevent the tenant from receiving relocation assistance;*

(v) *mail addressed to the tenant at the premise;*

(vi) *a written statement from a third-party, non-government service provider;*

(vii) *any other form of verification that the commissioner of housing preservation and development may deem appropriate.*

b. *The department of housing preservation and development shall secure the records described in subparagraph (ii) of paragraph a of this subdivision from the department of social services/human resources administration provided that the tenant signs any necessary release as determined by the department of housing preservation and development.*

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

Referred to the Committee on Housing and Buildings.

L.U. No. 357

By Council Member Greenfield:

Application No. 20165533 HAK submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approved real property tax exemption for property located in the Borough of Brooklyn, Community Board 3, Council District 16.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 358

By Council Member Greenfield:

Application No. C 050319 MMQ submitted by New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 of the New York City Administrative Code for an amendment to the City Map involving the establishment of Socrates Sculpture Park, Borough of Queens, Community Board 1, Council District 26. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

A N N O U N C E M E N T S

Thursday, April 21, 2016

[Committee on General Welfare](#)..... 9:30 a.m.
Oversight - An Examination of the Department of Homeless Services 90-day Review.
Council Chambers – City Hall Stephen Levin, Chairperson

★ *Deferred*

[Committee on Health](#)..... 10:00 a.m.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Corey Johnson, Chairperson

★ *Deferred*

[Committee on Recovery and Resiliency](#)..... 10:00 a.m.
Agenda to be announced
Council Chambers – City Hall Mark Treyger, Chairperson

[Committee on Higher Education](#)..... 10:00 a.m.
Oversight - Status of Nursing Programs at the City University of New York
Committee Room – 250 Broadway, 14th Floor Inez Barron, Chairperson

★ *Note Location Change*

[Committee on Economic Development](#) jointly with the
[Committee on Small Business](#) 1:00 p.m.
Oversight - Evaluating Opportunities for Women Entrepreneurs in New York City.
★ Committee Room – 250 Broadway, 14th Floor Daniel Garodnick, Chairperson
Robert Cornegy, Chairperson

★ *Deferred*

[Committee on Environmental Protection](#) jointly with the
[Committee on Public Housing](#) 1:00 p.m.
Oversight – Examining NYCHA’s Record in Removing Mold
~~**Proposed Int 978-A** – By Council Members Torres, Constantinides, Mendez, Richards, Treyger, Dromm, Gentile, King, Koo, Palma, Rose, Crowley, Miller, Rosenthal, Laneman, Dickens, Wills, Maisel, Lander and the Public Advocate (Ms. James) – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring licensure for mold abatement, assessment and remediation work and setting minimum standards for such work.~~
Committee Room – City Hall Costa Constantinides, Chairperson
Ritchie Torres, Chairperson

[Committee on Public Housing](#) 1:00 p.m.
Oversight – Examining Elevator Safety in NYCHA Housing Following the Death of Olegario Pabon at Boston Road Plaza
Committee Room – City Hall Ritchie Torres, Chairperson

★ *Deferred*

[Committee on Parks and Recreation](#) 1:00 p.m.
~~Int 1151 - By Council Member Levine - A Local Law to amend the administrative code of the city of New York, in relation to permits for large special events issued by the department of parks and recreation.~~
~~Committee Room - 250 Broadway, 14th Floor - Mark Levine, Chairperson~~

[Committee on Veterans](#) 1:00 p.m.
Proposed Res 579-A - By Council Members Ulrich, Gentile, Rose and Wills - **Resolution** calling upon the United States Congress to pass, and the President to sign into law, the Toxic Exposure Research Act
 Committee Room - 250 Broadway, 16th Floor Eric Ulrich, Chairperson

Monday, May 2, 2016

[Subcommittee on Zoning & Franchises](#)..... 9:30 a.m.
[See Land Use Calendar](#)
 Committee Room - 250 Broadway, 16th Floor Donovan Richards, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.
[See Land Use Calendar](#)
 Committee Room - 250 Broadway, 16th Floor Peter Koo, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.
[See Land Use Calendar](#)
 Committee Room - 250 Broadway, 16th Floor Inez Dickens, Chairperson

★ *Addition*

[Committee on Governmental Operations](#).....2:00 p.m.
Int 980 - By Council Members Cabrera, Lander, Rose and Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to realigning contribution limits to transition and inauguration entities with contribution limits to campaigns.
Proposed Int 985-A - By Council Members Kallos, Lander and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to eliminating public matching funds for contributions bundled by people doing business with the city.
Int 986 - By Council Members Kallos, Lancman, Lander and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to early public funds payments in local elections.
Int 987 - By Council Members Kallos, Dickens and Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing the minimum amount of money raised to participate in the first official campaign finance board debate for local offices.
Int 988 - By Council Members Kallos, Dickens, Lander, Wills and Rodriguez - **A Local Law** to amend the New York city charter, in relation to allowing for flexibility with respect to the voter guide.
Int 990 - By Council Members King and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting contributions from non-registered political committees to candidates who are not participating in the city’s public matching program.
Int 1001 - By Council Members Williams, Chin, Dickens, Lander, Cohen, Rodriguez and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring disclosure of entities that own entities that do business with the city.
Int 1002 - By Council Members Williams, Lander and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the conflicts of interest board to maintain records of compliance with the conflicts of interest law for participants in the city’s public matching program.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room - City Hall Ben Kallos, Chairperson

Tuesday, May 3, 2016

[Committee on Courts and Legal Services](#)10:00 a.m.

Agenda to be announced

Committee Room – City Hall

Rory Lancman, Chairperson

★ **Addition**

[Committee on Public Safety](#) jointly with the
[Committee on Oversight and Investigations](#)10:00 a.m.

Int 869 - By Council Members Cumbo, Mealy, Richards, Rose, Cabrera, Espinal, Johnson and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on sex offenses.

Int 927 - By Council Members Garodnick, Gibson, Torres, Williams, Chin, Koo, Rose, Rodriguez and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to maintain an early intervention system.

Int 1135 - By The Speaker (Council Member Mark-Viverito) and Council Members Chin and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to neighborhood support teams.

Int 1136 - By The Speaker (Council Member Mark-Viverito) and Council Members Chin and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to the collection and evaluation of civil actions and other complaints alleging misconduct by correction officers.

[Committee on Public Safety](#) jointly with the
[Committee on Oversight and Investigations](#) (Cont.)

Int 1147 - By Council Members Cumbo, The Speaker (Council Member Mark-Viverito), Gibson, Rose, Cohen and Koslowitz - **A Local Law** to amend the New York city charter, in relation to establishing an office of crime victim services.

Int 1150 - By Council Members Johnson, The Speaker (Council Member Mark-Viverito), Chin, Dromm, Cohen and Van Bramer - **A Local Law** to amend the New York city charter, in relation to creating a municipal division of transitional services.

Council Chambers – City Hall

Vanessa L. Gibson, Chairperson

Vincent J. Gentile, Chairperson

★ **Addition**

[Committee on Waterfronts](#)10:00 a.m.

Int 507 - By Council Members Kallos, Rose, Chin, Koo and Vallone - **A Local Law** to amend the New York city charter, in relation to expanding the role of the waterfront management advisory board.

Committee Room – 250 Broadway, 14th Floor

Deborah Rose, Chairperson

★ **Addition**

[Committee on Technology](#)1:00 p.m.

Int 564 - By Council Members Vacca, Chin, Eugene, Koo and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to online submission of city business permits, licenses and applications.

Committee Room – 250 Broadway, 14th Floor

James Vacca, Chairperson

Wednesday, May 4, 2016

★ **Addition**

[Committee on Fire and Criminal Justice Services](#) 10:00 a.m.

Int 1026 - By Council Members Crowley, Mealy, Mendez, Rodriguez and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of probation to evaluate the effectiveness of programs it utilizes.

Int 1142 - By Council Member Crowley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of probation to report on recidivism and related statistics.

Committee Room – 250 Broadway, 14th Floor Elizabeth Crowley, Chairperson

★ **Addition**

[Committee on Housing and Buildings](#)10:00 a.m.

Int 477 - By Council Members Barron, Dromm, Chin, Constantinides, Dickens, Gentile, Johnson, Koo, Levine, Mendez, Rodriguez and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to evictions of elderly tenants.

Int 688 - By Council Members Lancman, Mendez, Cohen, Rose and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include illegal conversions of dwelling units.

Int 755 - By Council Members Williams, Cumbo, Eugene, Gibson, Johnson, Palma and Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to evictions of disabled tenants.

Council Chambers – City Hall Jumaane D. Williams, Chairperson

[Committee on Land Use](#) 11:00 a.m.

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall David G. Greenfield, Chairperson

★ **Addition**

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#)1:00 p.m.

Off-site Hearing - Oversight – Art and Culture as a Catalyst for Political and Social Change.

★**Location:** Brooklyn Museum
Iris and B. Gerald Cantor Auditorium
Third Floor
200 Eastern Parkway
Brooklyn, NY 11238

Details attached..... James Van Bramer, Chairperson

★ **Addition**

[Committee on Consumer Affairs](#)1:00 p.m.

Proposed Int 467-A - By Council Members King, Gentile, Koo, Cohen, Lancman, Koslowitz, Maisel, Deutsch, Vallone, Wills, Espinal, Dickens, Mealy, Vacca, Crowley, Constantinides, Palma, Eugene, Miller, Ulrich and the Public Advocate (Ms. James) - **A Local Law** to amend the administrative code of the city of New York, in relation to the registration of costumed individuals engaged in solicitation

Council Chambers – City Hall Rafael L. Espinal, Chairperson

★ **Addition**

[Committee on Small Business](#) 1:00 p.m.

Int 891 - By Council Members Cornegy, Barron, Cabrera, Constantinides, Eugene, Gentile, Johnson, Koo, Koslowitz, Mealy, Mendez, Rose, Rosenthal and Ulrich - **A Local Law** to amend the administrative code of

the city of New York, in relation to notifying a business when the city has received a complaint about its operation
Committee Room – 250 Broadway, 16th Floor Robert Cornegy, Chairperson

Thursday, May 5, 2016

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*
.....*Agenda – 1:30 p.m.*

MEMORANDUM

WEDNESDAY, APRIL 13, 2016

TO: ALL COUNCIL MEMBERS

**RE: OFF-SITE HEARING BY THE COMMITTEE ON CULTURAL AFFAIRS,
LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**

Oversight - Art and Culture as a Catalyst for Political and Social Change

**Brooklyn Museum
Iris and B. Gerald Cantor Auditorium
Third Floor
200 Eastern Parkway
Brooklyn, NY 11238**

The off-site hearing will be held on **Wednesday, May 4, 2016 beginning at 1:00 p.m.** A van will be leaving City Hall at **11:30 a.m.**

Hon. James Van Bramer, Chairperson
Committee on Cultural Affairs, Libraries &
International Intergroup Relations

Hon. Melissa Mark-Viverito
Speaker of the Council

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Thursday, May 5, 2016.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 658-A, 704-A, 806-B, 807-A, 810-A, 812-A, 1080-A, 1092-A, 1095-A, 1096-A, and 1109-B, all adopted by the Council at the April 7, 2016 Stated Meeting, were signed by the Mayor on April 21, 2016 as, respectively, Local Laws Nos. 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 of 2016.

