

## THE COUNCIL

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*Minutes of the Proceedings for the*

### STATED MEETING

*of*

Thursday, May 5, 2016, 2:07 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

### Council Members

Melissa Mark-Viverito, *Speaker*

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

Medical Leave: Council Members Maisel, Williams, and Wills.

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

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

### INVOCATION

The Invocation was delivered by Rev. Juan Carlos Ruiz, St. Jacobi Evangelical Lutheran Church, 5406 4<sup>th</sup> Avenue, Brooklyn, N.Y. 11220.

Oaths, public oaths shape our lives;  
 I made one when I was crossing the Mexican border a few years back,  
 and the oath I made was not to forget my roots  
 and as we celebrate Cinco de Mayo,  
 I join many Mexican nationals that live in the Borough of Brooklyn  
 and throughout our city and first,  
 we commend you as a city for the many ways you have witnessed,  
 that you have risen and stand with us,  
 with our communities to protect the dignity of us all.  
 This morning I got a call from people from El Salvador  
 and two brothers had fled the violence and they were coming over the border,  
 and then I got a call from a woman from Honduras  
 who has been put on an electronic bracelet a  
 and the echoes of those calls shape my commitment, the oath,  
 the commitment that I have made to serve the public.  
 So I pray with you as we stand here, that God as the fountain of all mercies,  
 as a compassionate and just god, may continue to lead us on ways of peace;  
 on ways of understanding so that we may continue to stand with those  
 who call us back to our roots to who we are as a people; as a nation.  
 We pray for God's spirit to continue to shape our lives  
 so that we may be witnesses of God's love and compassion for all.  
 Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged that May 5, 2016 was Holocaust Remembrance Day. She emphasized that we must never forget the travesties of the Holocaust and we must continue to make sure that the memories of the survivors live on in perpetuity. The Speaker (Council Member Mark-Viverito) also asked that continued support be provided to those Holocaust survivors in need.

**ADOPTION OF MINUTES**

Council Member Cabrera moved that the Minutes of the Stated Meeting of April 7, 2016 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-395

**Communication from the Mayor – Submitting the name of Robert Farrell, Jr. to the City Council for advice and consent concerning his appointment to the New York City Tax Commission, pursuant to Sections 31 and 153 of the New York City Charter.**

April 29, 2016

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

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 153 of the New York City Charter, I am pleased to present the name of Robert Farrell, Jr. to the City Council for advice and consent concerning his appointment to the New York City Tax Commission. When appointed to the Commission, Mr. Farrell will serve for the remainder of a six-year term expiring on January 6, 2020.

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

Sincerely,  
Bill de Blasio  
Mayor

BDB:tf  
cc: Robert Farrell, Jr.  
Anthony Shorris, First Deputy Mayor  
Ellen Hoffman, President, New York City Tax Commission

Referred to the Committee on Rules, Privileges and Elections.

M-396

**Communication from the Mayor – Submitting the name of Nora Marino to the City Council for its advice and consent concerning her reappointment to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the New York City Charter.**

April 29, 2016

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

Pursuant to Sections 31 and 2301 of the New York City Charter, and following the recommendation of the Queens delegation of the City Council, I am pleased to present the name of Nora Marino to the City Council for advice and consent concerning her reappointment to the New York City Taxi and Limousine Commission. When reappointed to the Commission, Ms. Marino will serve for the remainder of a seven-year term expiring on January 31, 2022.

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

Sincerely,  
Bill de Blasio  
Mayor

BDB:tf  
cc: Nora Marino  
Anthony Shorris, First Deputy Mayor  
Meera Joshi, Commissioner, New York City Taxi and Limousine Commission

Referred to the Committee on Rules, Privileges and Elections.

M-397

**Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2017, pursuant to Section 249 of the New York City Charter.**

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

Referred to the Committee on Finance.

M-398

**Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2017, pursuant to Section 249 of the New York City Charter.**

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

Referred to the Committee on Finance.

M-399

**Communication from the Mayor - Submitting the Proposed City Fiscal Year 2017 Community Development Program, the Proposed CFY'17 Budget, the Proposed Reallocations-the CD XDLII Funds, Proposed CD XLIII Statement of Objectives and Budget, dated April 26, 2016.**

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

Referred to the Committee on Finance.

M-400

**Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2017 pursuant to Section 250 of the New York City Charter.**

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

Referred to the Committee on Finance.

M-401

**Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2017, Volumes I, II, III and IV, pursuant to Section 219(d) of the New York City Charter.**

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

Referred to the Committee on Finance.

M-402

**Communication from the Mayor - Submitting the Executive Budget -Geographic Reports for Expense Budget for Fiscal Year 2017.**

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

Referred to the Committee on Finance.

M-403

**Communication from the Mayor - Submitting the Executive Capital Budget Fiscal Year 2017, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated April 26, 2016 pursuant to the provisions of Sections 213 (4) & 219 (D) of the New York City Charter.**

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

Referred to the Committee on Finance.

M-404

**Communication from the Mayor - Submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2017, pursuant to Section 249 of the New York City Charter.**

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

Referred to the Committee on Finance.

M-405

**Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2017 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.**

THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

April 26, 2016

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller

Honorable Ruben Diaz, Jr., Bronx Borough President

Honorable Eric L. Adams, Brooklyn Borough President

Honorable Gale A. Brewer, Manhattan Borough President  
Honorable Melinda R. Katz, Queens Borough President  
Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2017 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2017	\$7,835	Million
2018	9,303	Million
2019	10,148	Million
2020	10,254	Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2017 — 2020:

2017	\$6,036	Million
2018	7,293	Million
2019	8,089	Million
2020	8,234	Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2017 — 2020:

2017	\$1,798	Million
2018	2,010	Million
2019	2,058	Million
2020	2,020	Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2017, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2017	\$11,441	Million
2018	10,295	Million
2019	10,009	Million
2020	9,573	Million

Sincerely,

Bill de Blasio  
Mayor

Received, Ordered, Printed and Filed.

### LAND USE CALL-UPS

M-406

By Council Member Levin:

**Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 114 Nassau Avenue, Borough of Brooklyn, Community Board No. 1, Application No. 20165363 TCK shall be subject to review by the Council.**

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, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

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

### REPORTS OF THE STANDING COMMITTEES

#### Report of the Committee on Consumer Affairs

Report for Int No. 1006-A

**Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to repeal section 24-423 of the administrative code of the city of New York, relating to the licensure of operators of motion-picture projecting machines.**

The Committee on Consumer Affairs, to which the annexed proposed amended local law was referred on November 24, 2015 (Minutes, page 4135), respectfully



## REPORTS:

### INTRODUCTION

On Wednesday, May 4, 2016, the Committee on Consumer Affairs, chaired by Council Member Rafael Espinal, will hold a vote on Proposed Introductory Bill Number 1006-A (“Proposed Int. No. 1006-A”), a Local Law to amend the administrative code of the city of New York, in relation to repealing licensure of operators of motion-picture projecting machines. The Committee held its first hearing on February 22, 2016. At that time the Committee heard testimony and received feedback from the Department of Consumer Affairs (DCA), representatives of the theater industry, and representatives of motion-picture projectionists. The bill has been amended subsequent to the hearing to make technical corrections only.

### BACKGROUND

In the early 20<sup>th</sup> century, film projection was a labor intensive, dangerous job. Movies were made on highly flammable nitrate film and motion-picture projectionists were required to take extensive safety precautions as they changed film by hand several times during the course of showing a movie.<sup>1</sup> Due to fire concerns, film was capped at only 2,000 feet, which allowed about 20 minutes of viewing time.<sup>2</sup> The carbon rod electrodes used in the carbon arc lighting, which illuminated the film, burned out every 30 minutes.<sup>3</sup> Projectionists used a changeover system to transition between two film projectors during a feature length film.<sup>4</sup> By the early 1950’s, manufacturers discontinued nitrate based film and replaced the flammable film with safer acetate film.<sup>5</sup> With time, acetate film was replaced by polyester, which was later replaced by celluloid.<sup>6</sup> Long lasting xenon bulbs replaced carbon arc bulbs in the 1960’s, eliminating the need for the changeover reel system.<sup>7</sup> Reels were spliced into a single reel, a “platter” containing the entire movie.<sup>8</sup> The movie theater industry’s use of status boards, allows a single projectionist to monitor and operate more than one machine.<sup>9</sup>

The advance of digital film cinema projection changed the industry entirely. Today, most movie productions use digital film exclusively.<sup>10</sup> Digital film is safer, requires less labor and gives theatre managers the flexibility and convenience of using a hard drive, satellite or a USB port to project movies.<sup>11</sup> According to the Motion Picture Association of America, as of 2014, 96% of all movie screens in the United States are digital.<sup>12</sup> In New York City, according to the National Association of Theater Owners (NATO), over 92% of the projectors are digital.<sup>13</sup>

City law, however, continues to reflect a past era. Under current local law, any person who operates “any motion-picture projecting apparatus” must first obtain a license from DCA.<sup>14</sup> Pursuant to long-standing DCA rules, in order to obtain such license, the applicant must pass an exam on safety measures when using 35mm film projectors, which may use highly flammable film. In the 1950s, there were as many as 3,000 licensed

<sup>1</sup>Storage and Handling of Processed Nitrate Film, Kodak, [http://motion.kodak.com/us/en/motion/support/technical\\_information/storage/storage\\_and\\_handling\\_of\\_processed\\_nitrate\\_film/default.htm#nbase](http://motion.kodak.com/us/en/motion/support/technical_information/storage/storage_and_handling_of_processed_nitrate_film/default.htm#nbase)

<sup>2</sup> Leo Enticknap, *Moving Image Technology: From Zoetrope to Digital*, pg. 151, Wallflower Press 2005

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

<sup>4</sup> Ariana Marini, *Inside a Projectionist’s Booth*, American Society of Mechanical Engineers, September 2013, available at <https://www.asme.org/engineering-topics/articles/history-of-mechanical-engineering/inside-a-projectionists-booth>

<sup>5</sup> *Supra*, note 1

<sup>6</sup> *Id.*

<sup>7</sup> *Supra*, note 4

<sup>8</sup> *Id.*

<sup>9</sup> Grady Hendrix Slate, *The End: Why projectionists will soon be no more*, Slate, Dec. 6, 2010, available at [http://www.slate.com/articles/arts/movies/2010/12/the\\_end.2.html](http://www.slate.com/articles/arts/movies/2010/12/the_end.2.html)

<sup>10</sup> Helen Alexander, *The Triumph of Digital Will be the Death of Many Movies*, The New Republic, Sept. 12, 2014. Available at: <http://www.newrepublic.com/article/119431/how-digital-cinema-took-over-35mm-film>

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

<sup>12</sup> *Theatrical Market Statistics 2014*, pg. 25, Motion Picture Association of America, available at <http://www.mpa.org/wp-content/uploads/2015/03/MPAA-Theatrical-Market-Statistics-2014.pdf>

<sup>13</sup> Conversation with NATO representative

<sup>14</sup> N.Y.C. Admin. Code §24-423

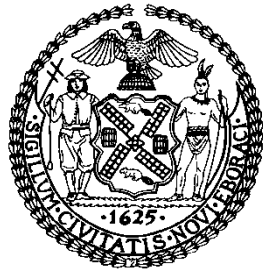
motion picture projectionists;<sup>15</sup> currently there are 237 projectionists.<sup>16</sup> At the previous Committee hearing on Int. No. 1006 DCA and the theater industry agreed that the number of theaters that continue to use traditional projection equipment is quite low. All parties acknowledged that technology has dramatically altered the nature of projection work. For those theaters that continue to project non-digital film, rules and regulations promulgated by the State Department of Labor impose requirements to ensure safety in the use, handling and storage of such non-digital film.<sup>17</sup>

### **ANALYSIS OF PROPOSED INT. NO. 1006-A**

Section one of the bill would repeal section 24-423 of chapter four of title 24 of the Administrative Code of the City of New York, which requires motion picture projectionists to obtain a license from the City. The current motion-picture projectionist license is administered by DCA but the law is contained in the environmental protection title of the Administrative Code.

Section two of the bill would provide that the law takes effect immediately upon enactment.

(The following is the text of the Fiscal Impact Statement for Int No. 1006-A:)



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

**PROPOSED INTRO. NO.: 1006-A  
COMMITTEE: Consumer Affairs**

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**TITLE:** A Local Law to repeal section 24-423 of the administrative code of the city of New York, relating to the licensure of operators of motion-picture projecting machines

**Sponsor:** By Council Members Espinal, Johnson, Koslowitz and Gentile

**SUMMARY OF LEGISLATION:** Proposed Intro. 1006-A would eliminate the requirement that a person must first secure a license from the Department of Consumer Affairs (DCA) before operating a motion picture projection machine.

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

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

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<sup>15</sup> Testimony of the Dept. of Consumer Affairs to the Consumer Affairs Committee Re: Int. No. 1006, February 22, 2016

<sup>16</sup> NYC Open Data, Legally Operating Businesses, Department of Consumer Affairs, Motion Picture Projectionist Licenses, available at <https://data.cityofnewyork.us/Business/Legally-Operating-Businesses/x4k7-pcqx> (Last viewed 2/17/2016)

<sup>17</sup> 12 NYCRR 36-2.10

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$(18,075)</b>	<b>\$(18,075)</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>De Minimus</b>	<b>De Minimus</b>
<b>Net</b>	<b>\$0</b>	<b>\$(18,075)</b>	<b>\$(18,075)</b>

**IMPACT ON REVENUES:** It is anticipated that this legislation would result in a loss of revenue because licensees would no longer pay fees to obtain or renew these licenses. DCA currently has 241 motion picture projection licensees, the majority of whom renew their licenses at the end of even years and pay \$75 to renew their licenses. The end of calendar year 2016 is in Fiscal 2017 and hence the revenue loss for DCA would be approximately \$18,075 in Fiscal 2017. Since majority of the licenses are renewed at the end of even years, the loss of revenue would occur only in odd fiscal years going forward, and there would be no impact on the revenue in even fiscal years.

**IMPACT ON EXPENDITURES:** It is anticipated that the impact on expenditures resulting from this legislation would be de minimus. As the number of licensees is rather small and the employees engaged in processing these licenses also process licenses for the 54 other categories of DCA licenses, it is not reasonable for the City to reduce staffing. As a result, the City will mostly reap the savings associated with this change not as a cost reduction, but rather as a greater efficiency by the DCA staff processing licenses.

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

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

**ESTIMATE PREPARED BY:** Aliya Ali, Senior Finance Analyst, New York City Council Finance Division

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director, New York City Council Finance Division  
Nathan Toth, Deputy Director, New York City Council Finance Division  
Rebecca Chasan, Assistant Counsel, New York City Council Finance Division  
Tanisha Edwards, Chief Counsel, New York City Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 1006 by the Council on November 24, 2015 and referred to the Committee on Consumer Affairs. A hearing was held by the Committee on February 22, 2016 and the legislation was laid over. Intro. 1006 was subsequently amended, and the amended version, Proposed Intro. No. 1006-A, will be considered by the Committee on Consumer Affairs on May 4, 2016. Upon a successful vote by the Committee, Proposed Intro. 1006-A will be submitted to the full Council for a vote on May 5, 2016.

**DATE PREPARED:** May 2, 2016

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

**(The following is the text of Int No. 1006-A:)**

## Int. No. 1006-A

By Council Members Espinal, Johnson, Koslowitz, Gentile, Cohen, Levin, Kallos and Greenfield.

**A Local Law to repeal section 24-423 of the administrative code of the city of New York, relating to the licensure of operators of motion-picture projecting machines.**

*Be it enacted by the Council as follows:*

Section 1. Section 24-423 of chapter 4 of title 24 of the administrative code of the city of New York is REPEALED.

§2. This local law takes effect immediately.

RAFAEL L. ESPINAL, Jr., Chairperson; VINCENT J. GENTILE, JULISSA FERRERAS-COPELAND, KAREN KOSLOWITZ, RORY I. LANCMAN; Committee on Consumer Affairs, May 4, 2016. *Other Council Members Attending: Council Member Other Council Members Attending: King.*

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 of the Committee on Finance**

Report for LU No. 359

**Report of the Committee on Finance in favor of approving 810 River Avenue, Block 2483, Lot 5; Bronx, Community District No. 4, Council District No. 8.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 5, 2016 and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

May 5, 2016

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

FROM: Rebecca Chasan, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of May 5, 2016 - Resolution approving an amendment to a previously approved tax exemption (Council District 8) and resolution approving a tax exemption for one Land Use item (Council District 28)

**Item 1: 810 River Avenue**

810 River Avenue is a new construction that will consist of 1 building with 133 units of rental housing for low-income households and 1 superintendent’s unit, for a total of 144 units. 810 River Ave. Housing Development Fund Corporation (“HDFC”) owns the property as legal and nominee owner and 810 River Partners LLC is the beneficial owner. The project is being constructed through the Department of Housing Preservation and Development’s (“HPD”) Mixed Income Program with construction loans and permanent financing from private institutional lenders and from public sources, including HPD, the New York City Housing Development Corporation, the State of New York, and the federal government.

On May 14, 2014, in order to facilitate the construction of the project, the Council approved Resolution 237 (the “Prior Resolution”) granting the property a full, 40-year exemption from real property taxes. In exchange, the HDFC agreed to enter into a regulatory agreement with HPD establishing that 20% of the units must be rented to households whose incomes do not exceed 90% of Area Median Income (“AMI”), 20% of the units must be rented to households whose incomes do not exceed 80% AMI, 43% of the units must be rented to households whose incomes do not exceed 60% of AMI, and 17% of the units must be rented to households whose incomes do not exceed 40% of AMI. In 2015, those AMI’s were as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
90%	\$77,670	\$69,930	\$62,190	\$54,450
80%	\$69,040	\$62,160	\$55,280	\$48,400
60%	\$51,780	\$46,620	\$41,460	\$36,300
40%	\$34,520	\$31,080	\$27,640	\$24,200

In granting the tax exemption, the Prior Resolution incorrectly referenced Section 577 of the Real Property Tax Law rather than Section 577 of the Private Housing Finance Law. HPD is now requesting that the Council make a technical correction to the Prior Resolution in order to reference the appropriate section of law.

**Summary:**

- Council District – 8
- Council Member – The Speaker (Council Member Mark-Viverito)
- Council Member approval – Yes
- Borough – Bronx
- Block/Lot – 2483/5
- Number of Buildings – 1
- Number of Units – 134
- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low-income households
- Sponsor/Developer – 810 River Ave. HDFC and 810 River Partners LLC
- Purpose – Make a technical amendment to the Prior Resolution in order to reference the appropriate section of law.
- Cost to the City – \$9.2 million
- Open violations or other known problems with the City – none
- Income Limitation – 20% of the units rented to households earning up to 90% of AMI, 20% of the units rented to households earning up to 80% of AMI, 43% of the units rented to households earning up to 60% of AMI, and 17% of the units rented to households earning up to 40% of AMI

**Item 2: Calvary Baptist Church Senior Housing**

John Paul II Apartments consists of 1 building with 100 units of rental housing for low-income senior citizen households. C.A.L.B.C. Housing Development Fund Company, Inc. (“HDFC”) developed the project under the Section 202 Supportive Housing Program for the Elderly, with financing and operating subsidies from the United States Department of Housing and Urban Development (“HUD”) and a tax exemption from the City. The HDFC now wishes to refinance its original HUD mortgage in order to fund needed repairs, decrease debt service, and meet other financial obligations. The HDFC will enter into a HUD Use Agreement which, among other things, requires that the project continue to provide rental housing for elderly persons of low income on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement, any Section 8 or other rental housing assistance contract, and applicable federal regulations. In addition, the HDFC and HPD will enter into a regulatory agreement establishing that 70 of the units must be rented to households whose incomes do not exceed 80% of the AMI and 30 of the units must be rented to households whose incomes do not exceed 50% of AMI. In 2015, 80% and 50% of AMI were as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
80%	\$69,040	\$62,160	\$55,280	\$48,400
50%	\$45,300	\$40,800	\$36,250	\$31,750

In order to facilitate the project, HPD is requesting that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, a full, 40-year property tax exemption that will be coterminous with the term of the regulatory agreement.

Summary:

- Council District – 28
- Council Member – Wills
- Council Member approval – Yes
- Borough – Queens
- Block/Lot – 12182/80
- Number of Buildings – 1
- Number of Units – 100
- Type of Exemption – Article XI, full, 40-year
- Population Served – Rentals for low-income senior citizens
- Sponsor/Developer – C.A.L.B.C. HDFC
- Cost to the City – \$6.5 million
- Open violations or other known problems with the City – none
- Income Limitation – 70 units for households earning up to 80% of AMI and 30 units for households earning up to 50% of AMI.

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

Res No. 1063

**Resolution approving an amendment to a previously approved exemption from real property taxes for property located at (Block 2483, Lot 5) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 359).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) requested that the Council amend a previously approved tax exemption for property located at (Block 2483, Lot 5) the Bronx (“Exemption Area”);

**WHEREAS**, HPD’s request for amendment is related to a previously approved Council Resolution adopted on May 14, 2014 (Res. 237) (the “Prior Resolution”) granting the Exemption Area an exemption from real property taxation pursuant to Section 577 of the Real Property Tax Law;

**WHEREAS**, the exemption from real property taxation granted by Prior Resolution was intended to be granted pursuant to Section 577 of the Private Housing Finance Law, but due to a technical error the Prior Resolution referenced the Real Property Tax Law;

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves the amendment to the Prior Resolution requested by HPD as follows:

- 1) The title of the Prior Resolution is deleted and replaced with the following title:

Resolution approving a full exemption from real property taxes for property located at (Block 2483, Lot 5) the Bronx, pursuant to Section 577 of the Private Housing Finance Law.

- 2) The first “Whereas” clause of the Prior Resolution is deleted and replaced with the following clause:

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 21, 2014 that the Council take the following action regarding a housing project to be located at (Block 2483, Lot 5), the Bronx (“Exemption Area”):

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

JULISSA FERRERAS-COPELAND, Chairperson; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 5, 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 LU No. 360

**Report of the Committee on Finance in favor of approving a Calvary Baptist Church Senior Housing, Block 12182, Lot 80; Queens, Community District No. 12, Council District No. 28.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 5, 2016 and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 359 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res No. 1064

**Resolution approving an exemption from real property taxes for property located at (Block 12182, Lot 80) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 360).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 12, 2016 that the Council take the following action regarding a housing project located at (Block 12182, Lot 80) Queens (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) “Effective Date” shall mean the date of repayment or refinancing of the HUD Mortgage.
  - (b) “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 12182, Lot 80 on the Tax Map of the City of New York.
  - (c) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.



- (d) "HDFC" shall mean C.A.L.B.C. Housing Development Fund Company, Inc.
  - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
  - (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
  - (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (i) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
  - (j) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate of the City of New York on March 22, 1990 (Cal. No. 285).
  - (k) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
  - (l) "Use Agreement" shall mean the use agreement by and between the Owner and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.
2. The Prior Exemption shall terminate upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Notwithstanding any provision hereof to the contrary:
    - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the

noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- (b) The New Exemption shall apply to all land in the Exemption area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - (c) Nothing herein shall entitle the Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, prior or simultaneous with repayment or refinancing of the HUD Mortgage, the Owner, for itself, its successors and assigns, shall (i) execute and record a Use Agreement, (ii) execute and record a Regulatory Agreement, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, Chairperson; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, May 5, 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 the Committee on Governmental Operations**

Report for Int No. 62-A

#### **Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring notice on former poll sites.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on November 24, 2015 (Minutes, page 4135), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On May 4, 2016, the Committee on Governmental Operations (the "Committee"), chaired by Council Member Benjamin Kallos, held a hearing to vote on Proposed Int. 62-A, Proposed Int. No. 463-A, Proposed Int. No. 659-A, Proposed Res. 553-A, Res. 848, and one preconsidered resolution<sup>1</sup>, which all relate to voting and elections. The Committee previously heard this legislation on March 3, 2015 (Prop. Int. 659-A); February 29, 2016 (Prop. Ints. 62-A, 463-A and Prop. Res. 553-A); October 1, 2015 (Res. 848); and May 2, 2016 (the preconsidered resolution). At those hearings, the Committee received testimony

<sup>1</sup> Preconsidered Res. No. 1061 (Kallos) Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2644, and the electors of the State of New York to approve and ratify the resulting constitutional amendment, to establish no-excuse absentee voting.

from the administration; representatives of the New York City Board of Elections (“BOE”) and the New York City Campaign Finance Board; good-government groups; and other interested members of the public. On May 4, 2016, the Committee passed Introductions 62-A, 463-A, 659-A and Resolution 553-A by a vote of seven in the affirmative, zero in the negative, with zero abstentions. The Committee also passed Resolution 848 and the preconsidered resolution by a vote of six in the affirmative, one in the negative, with zero abstentions.

## **BACKGROUND**

Voter engagement is essential to building and maintaining a strong democracy. Yet, across the country, recent elections have shown staggeringly low voter turnout rates. U.S. turnout in the 2012 presidential election was just 53.6% of the voting-age population<sup>2</sup>; in the 2014 midterm elections, that rate dropped to 36.4% of eligible voters: the lowest rate since 1942.<sup>3</sup> In New York State, 29% of those eligible actually voted in the 2014 midterm elections, making it 49<sup>th</sup> in the nation for voter participation.<sup>4</sup> In New York City, the turnout rate of eligible voters for the 2014 midterm elections hit an historic low of 20%.<sup>5</sup> The Council recognizes the need for action at the city level, and the proposed legislation seeks to ease the process for eligible voters so that they are encouraged to exercise their right to vote.

Efforts to improve voter participation nationwide have taken several forms, including easing the registration process, expanding the voting period, creating alternatives to in-person voting, streamlining election-day operations to improve the voter experience, increasing voter confidence by instilling accountability and transparency of the registration and voting processes, improving the provisional voting process when problems arise, and encouraging voting by specific groups with lower-than-average turnout rates. The Committee has held four hearings focused on improving voter participation since March of 2015<sup>6</sup>, at which the Committee considered several bills and resolutions that would promote voter participation. The bills and resolutions being voted on today seek to build upon those initiatives.

The Council has compiled a package of legislation that is intended to increase voter participation by improving voter access. The proposed legislation seeks to accomplish this by enhancing voters’ ability to access valuable information and improving operations on election days. The proposed bills pertain to utilizing technology to make information about voting and elections more widely available and easier to access and posting notices on poll sites that are no longer in use.

Voter participation can be encouraged by empowering eligible voters and ensuring that they have access to information that is thorough and instructive. This can be achieved by modernizing the manner in which information is distributed and ensuring that individuals who make the effort to vote on an election day have the most up-to-date information about their poll site location. The process can be modernized by utilizing technology in order to increase voter turnout. In today’s world, most voters are constantly connected to their email and text messages. Sending notifications to voters by email and text message will help ensure that important deadlines and up-to-date information is communicated to voters. Additionally, providing a voter information portal that users can access through a website and mobile application will make important Election Day information more readily accessible.

Although technology is powerful, improving more traditional means of providing information can also improve voter access. Providing notices on poll sites that are no longer in use on Election Day will benefit those who make the effort to vote but who travel to the incorrect polling location. Such notices would particularly benefit individuals who only vote in presidential or mayoral election years and who may not keep up-to-date with yearly changes in their polling location.

Finally, to encourage participation through measures that streamline the registration and voting processes, the Council recognizes the need for action at the city, state, and federal levels. Thus, the three resolutions being voted on today urge the State to pass legislation allowing for early voting, online and same-day voter registration, and no-excuse absentee voting, all of which would improve the voter registration process.

<sup>2</sup> Drew DeSilver, “U.S. voter turnout trails most developed countries,” PEW Research Center FactTank, May 6, 2015, *available at* <http://www.pewresearch.org/fact-tank/2015/05/06/u-s-voter-turnout-trails-most-developed-countries/>.

<sup>3</sup> Charlotte Alter, “Voter Turnout in Midterm Elections Hits 72-Year Low,” *TIME Magazine*, November 10, 2014.

<sup>4</sup> United States Elections Project, “2014 November General Election Turnout Rates,” last updated December 30, 2014, *available at* <http://www.electproject.org/2014g>.

<sup>5</sup> New York City Campaign Finance Board, “990,776 Reasons Why We Need Universal Registration,” June 29, 2015, *available at* <http://www.nycfcfb.info/media/blog/990776-reasons-why-we-need-universal-registration>.

<sup>6</sup> March 3, 2015; October 1, 2015; February 29, 2016; and May 2, 2016.

## **LEGISLATION**

### **Analysis of Int. No. 62-A**

To exercise their right to vote, individuals must be informed about the correct location of their polling place. Frequently, notwithstanding the annual notice sent by the BOE, voters will, out of habit or otherwise, mistakenly go to poll sites that are no longer in use. When individuals make the effort to get to the polls on an election day, it is imperative that they are not prevented from voting just because they have gone to the incorrect poll site. Int. No. 62-A would require the BOE to, on the day of any primary, special or general election, post a notice near the entrances of each building that was used as a poll site in any of the four calendar years prior to such election day. This is to ensure that voters who may only vote every four years, for example in a presidential election year, will know on Election Day if their site was changed since they last voted. Such notice would need to include (1) a statement that the building is not being used as a poll site, (2) the addresses of the poll sites that are being used for such election, with a list of the election districts being served at each such poll site, (3) the website address of the BOE's poll site locator, and (4) a phone number of the BOE that may be called for poll site information. This law would take effect January 1, 2017.

Since its initial hearing, the effective date of the bill was amended and the bill received additional technical edits.

### **Analysis of Int. No. 463-A**

Int. No. 463-A would require the BOE to send email and text message notifications to City voters who provide their email address or mobile phone number to the BOE and who do not opt out of such notifications. Such notifications would include: (1) notification, ten days prior to and on an election day, about dates and hours of primary, general, and special elections for which such voter is eligible to vote, including such voter's poll site location; (2) notification, on the first day of in-person absentee voting, about the dates, hours, locations, and eligibility requirements of in-person absentee voting; (3) notification, ten business days prior to the deadline for submission of a mailed absentee voting application, of such deadline; and (4) notification, within two days of an applicable sample ballot being posted online, of a link to such sample ballot by email. Such notifications would include links to the BOE's website and would be available in the language in which the BOE publishes its election notices that are sent to voters by mail. The BOE would also be required to provide opportunities for City residents to provide their email address or mobile phone number through its website, mailings, voter registration events, and other means as determined by the BOE. Email and text message recipients would also have the option to unsubscribe from receiving such notifications or to update their email address or mobile phone number. The BOE would not be allowed to remove any email addresses or mobile phone numbers from its database unless a recipient unsubscribes or provides updated information, or if such notifications are not successfully transmitted for a period of one year. The BOE would not be permitted to share, sell or otherwise disclose such email addresses or mobile phone numbers, unless otherwise required by law, without acquiring advance written permission from individuals or unless ordered by a court of law. This law would take effect January 1, 2017.

Since its initial hearing, the bill was amended to clarify that if otherwise required by law to make email and mobile phone numbers public, the BOE would not be in violation of the bill. The bill was also amended to clarify that the BOE may comply with the sample ballot requirement by providing links to sample ballots by email and that any additional information sent via email and text should be determined by the BOE. The effective date of the bill was amended, and the bill received additional technical edits.

### **Analysis of Int. No. 659-A**

Int. No. 659-A would require the BOE to provide a secure website and mobile application that would allow users to (1) track the status of their absentee application and ballot, including whether the BOE has received a voter's request for an absentee ballot, approved or rejected such request, mailed or delivered an absentee ballot to such voter, received such voter's completed absentee ballot, or determined that such voter's absentee ballot was invalid; (2) view their registration status, including whether such user is active, inactive or has been removed from the voter rolls, and if so, a brief explanation why; (3) view the party for which they are a registered member; (4) view the federal, state, and local election districts in which they reside; (5) know

whether they are required to bring any form of identification to vote; (6) view which elections held over the previous four calendar years for which they were registered to vote and whether they voted; (7) view the address at which they were previously registered to vote; (8) provide the option to receive alerts, including when there is a change in their registration status; (9) providing access to existing resources including (a) registering to vote, (b) updating registration information, (c) viewing sample ballots, (d) polling place locations, (e) voting hours, (f) signing up as a poll workers, and (g) viewing the voter guide. The website and mobile application may not require users to register to access its information, but would require users to verify that they are viewing their own information. This law would take effect January 1, 2017.

Since its initial hearing, the bill was amended to require a mobile application in addition to a website. The bill was also amended to require that the website and mobile application allow users to view additional information beyond tracking their absentee ballot and application, such as viewing their registration status, party affiliation, voting history, whether the voter is required to bring any form of identification to vote, and accessing existing resources related to elections. The bill was amended to clarify that the website and mobile application need only be updated daily when there are applicable changes. The effective date of the bill was also amended, and the bill received additional technical edits.

*Analysis of Res. No. 553-A*

A 2010 United States Census Bureau survey found that the most common reason cited by non-voters for not voting is a category defined as “No time off/too busy.” Early voting addresses this challenge by allowing voters more than a single day to vote. Thirty-three states and the District of Columbia offer voters the option of no-excuse, in-person voting before Election Day, while three states exclusively utilize vote-by-mail. New York, by contrast, only allows in-person voting on Election Day. To vote by absentee ballot prior to Election Day in New York, a voter must affirm he or she will be absent on Election Day due to one of several specified reasons. These restrictions limit voter turnout and political participation. Early voting would increase voter turnout, reduce congestion on election days, and improve voter experience.

Res. No. 553-A calls upon the New York State Legislature to pass, and the Governor to sign, A.8582-A and S.3813-B, which would allow early voting in New York State.

*Analysis of Res. No. 848*

Currently, voter registration forms have to be mailed to a county board of elections at least 25 days prior to the election at which the applicant may vote. Res. No. 848 advocates for three election reforms in New York State: (1) online voter registration for all eligible voters, (2) same-day voter registration, and (3) access to these two tools at every poll site. In order to implement an online voter registration system as an option for all eligible voters, an amendment to the New York State Constitution is necessary. The resolution calls for the passage of such an amendment, which would have to pass two consecutive sessions of the New York State Legislature and then subsequently be approved by voters in a referendum vote. Res No. 848 also calls upon the New York State Legislature to pass, and the Governor to sign, legislation amending the Election Law to allow same-day voter registration and to ensure access to both online and same-day voter registration at every poll site.

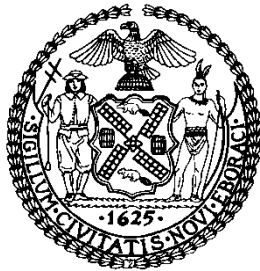
*Analysis of Preconsidered Res. 1061 Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2644, and the electors of the State of New York to approve and ratify the resulting constitutional amendment, to establish no-excuse absentee voting*

This resolution calls upon the New York State Legislature to pass, and the Governor to sign, A.2644, introduced by Assembly Member Brian Kavanaugh. A.2644 proposes an amendment to the New York State Constitution to remove certain restrictions on the legislature’s ability to permit voters to cast absentee ballots. The goal is to allow any registered voter to vote via absentee ballot without citing one of the currently accepted reasons, thereby removing a barrier for many voters who have difficulty appearing in person at a poll site on Election Day. Since constitutional amendments require approval and ratification by voters, the passage of a statewide voter referendum is required to implement no-excuse absentee voting.

**UPDATE**

On May 4, 2016, the Committee passed Introductions 62-A, 463-A, 659-A and Resolution 553-A by a vote of seven in the affirmative, zero in the negative, with zero abstentions. The Committee also passed Resolution 848 and the preconsidered resolution by a vote of six in the affirmative, one in the negative, with zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int No. 62-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INT. NO. 62-A  
COMMITTEE: Governmental Operations**

**TITLE:** A Local Law to amend the New York city charter, in relation to requiring notice on former poll sites.

**SPONSORS:** Council Members Garodnick, Dickens, King, Koo, Mendez, Palma, Rose, Rosenthal, Reynoso, Cornegy and Van Bramer

**SUMMARY OF LEGISLATION:** This bill would require the New York City Board of Elections (BOE) to post a notice on each building that was used as a poll site in any of the four calendar years prior to an election day if such poll site is no longer being used and previously covered one or more election districts in which an election is being held on such election day. Posted notices would include (1) notification that the building is not being used as a poll site, (2) the addresses of the poll sites being used for such election, (3) information about the website containing the poll site locator, and (4) contact information for the BOE.

**EFFECTIVE DATE:** This local law would take effect January 1, 2017.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective 18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that this bill would have no impact on revenues.

**IMPACT ON EXPENDITURES:** According to the New York City Office of Management and Budget it is

estimated that this bill would not have a significant fiscal impact. Existing resources would be used to implement this bill.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel  
Tanisha Edwards, Chief Counsel  
John Russell, Unit Head

**HISTORY:** This legislation was introduced to the full Council on February 26, 2014 as Intro. No. 62 and referred to the Committee on Governmental Operations. The Committee on Governmental Operations held a hearing on Intro. No. 62 on February 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No.62-A, will be considered by the Committee on Governmental Operations on May 4, 2016. Upon successful vote of the Committee, Proposed Intro. No. 62-A will be submitted to the full Council for a vote on May 5, 2016.

**DATE PREPARED:** May 3, 2016

*Accordingly, this Committee recommends the adoption of Int No. 62-A, 463-A, 659-A, and Res Nos. 553-A 848, and Preconsidered Res No. 1061.*

**(The following is the text of Int No. 62-A:)**

Int. No. 62-A

By Council Members Garodnick, Dickens, King, Koo, Mendez, Palma, Rose, Rosenthal, Reynoso, Cornegy, Van Bramer, Cohen, Levin, Vallone, Kallos and Greenfield.

**A Local Law to amend the New York city charter, in relation to requiring notice on former poll sites.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c, to read as follows:

*§ 1057-c Notice at former poll sites. On the day of any primary, special, or general election, prior to the opening of the polls, the board of elections in the city of New York shall post a notice on or near the main entrance or entrances of each building that was used as a poll site in any primary, special, or general election in any of the prior four calendar years, but which is not being used as a poll site for the election being held on such day, unless the owner of such building objects to such notice being posted. Such notice shall only be required at former poll sites that covered one or more election districts in which an election is being held on such day. Such notice shall include, but not be limited to: (i) a statement that the building is not in use as a poll site for such election, (ii) the address or addresses of the poll site or sites that are being used for such election, accompanied by a list of the election districts being served at each such poll site; (iii) the website for the official poll site locator of the board of elections in the city of New York; and (iv) a phone number of the board of elections in the city of New York that may be called for poll site information.*

§ 2. This local law takes effect January 1, 2017.

BEN KALLOS, Chairperson; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, May 4, 2016. *Other Council Members Attending: Council Member Kallos*

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. 463-A

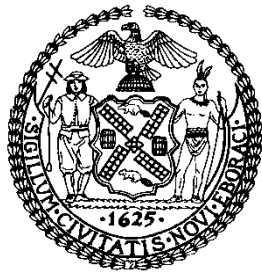
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to providing e-mail and text message notifications to New York city voters.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on August 21, 2014 (Minutes, page 3154), respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Governmental Operations for Int No. 62-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 463-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INT. NO. 463-A  
COMMITTEE: Governmental Operations**

**TITLE:** A Local Law to amend the New York city charter, in relation to providing e-mail and text message notifications to New York city voters.

**SPONSORS:** Council Members Vacca, Dickens, Barron, Johnson, Koo, Mealy, Mendez, Koslowitz, Rodriguez and Van Bramer



**SUMMARY OF LEGISLATION:** This bill would require the New York City Board of Elections (BOE) to send email and text message notifications regarding local, state, and federal elections to registered New York City voters who provide their email addresses or mobile phone numbers to the BOE for that purpose, including information regarding (1) the dates and hours of elections, (2) poll site locations, (3) absentee voting requirements and deadlines, (4) links to sample ballots (by email only), and (5) links to the BOE’s website. The bill would also require BOE to provide opportunities for New York City voters to provide their email addresses or phone numbers for this purpose, as well as provide the option for such voters to unsubscribe from the service. Lastly, the bill would prohibit the BOE from selling or otherwise disclosing the email addresses and mobile phone numbers it collects for purposes of this legislation without first acquiring advance written permission or court order, unless otherwise required by law.

**EFFECTIVE DATE:** This local law would take effect January 1, 2017.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective 18</b>	<b>Full Fiscal <i>Impact FY18</i></b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$250,000	\$500,000	\$500,000
<b>Net</b>	\$250,000	\$500,000	\$500,000

**IMPACT ON REVENUES:** It is estimated that this bill would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that this bill would have an impact on expenditures. Based on industry prices for text messaging and email, information from an industry vendor, and tech industry salaries, it is estimated that the full fiscal impact of the bill is \$500,000. Other than personnel services (OTPS) costs are anticipated, related to the setup and operations of the email and text system that notifies registered New York City voters who provide their email address or mobile phone number to the BOE regarding local, state, and federal elections estimated at \$400,000. In addition, personal services (PS) costs for data management and analysis would be incurred estimated at \$100,000.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel  
Tanisha Edwards, Chief Counsel  
John Russell, Unit Head

**HISTORY:** This legislation was introduced to the full Council on August 21, 2014 as Intro. No. 463 and referred to the Committee on Governmental Operations. The Committee on Governmental Operations held a hearing on Intro. No. 463 on February 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 463-A, will be considered by the Committee on Governmental Operations on May 4, 2016. Upon successful vote of the

Committee, Proposed Intro. No. 463-A will be submitted to the full Council for a vote on May 5, 2016.

**DATE PREPARED:** April 29, 2016

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

**(The following is the text of Int No. 463-A:)**

Int. No. 463-A

By Council Members Vacca, Dickens, Barron, Johnson, Koo, Mealy, Mendez, Koslowitz, Rodriguez, Van Bramer, Cohen, Levin, Vallone, Kallos, Greenfield and Borelli.

**A Local Law to amend the New York city charter, in relation to providing e-mail and text message notifications to New York city voters.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-d to read as follows:

*§1057-d Notifications to voters. a. The board of elections in the city of New York shall send e-mail and text message notifications related to voting for local, state, and federal elections to registered New York city voters who provide the board with an e-mail address or mobile phone number for this purpose. The board shall provide opportunities for city residents to provide an e-mail address or mobile phone number to the board for this purpose and shall maintain a database of all such e-mail addresses and mobile phone numbers. Such e-mail and text message notifications shall be sent for primary elections, general elections and special elections for which each such voter is eligible to vote, for the following purposes and at the following times:*

*(1) notification of the dates and hours of such election, as well as the applicable poll site location, and any changes thereto, for such voter, sent ten business days prior to such date, and on election day;*

*(2) notification of the dates, hours, locations, and eligibility requirements for casting an in-person absentee ballot sent on the first day of in-person absentee voting for such election;*

*(3) notification of the deadline for submission of a mailed absentee voting application for such election, sent ten business days prior to such deadline; and*

*(4) for e-mailed notifications only, distribution to such voter of an applicable sample ballot, or a link to such sample ballot, for such election, sent within two business days of such sample ballot being posted online.*

*b. E-mail and text message notifications sent pursuant to this section shall include links to the board's website to access relevant forms, materials and other additional information, as determined by the board, and shall be available in the languages in which the board publishes the election notices sent to such voter by mail.*

*c. The board shall provide opportunities for city residents to provide an e-mail address or mobile phone number through the following means:*

*(1) on voter registration forms;*

*(2) on the board's website;*

*(3) by collecting e-mail addresses at events promoting voter registration, voter participation, and any other events or meetings the board deems appropriate;*

*(4) in all mailings to registered voters by directing recipients of such mailings to the board's website; and*

*(5) by any other means that the board determines would facilitate the collection of e-mail addresses of registered or prospective New York city voters.*

*d. The board shall provide all e-mail and text message recipients under this section the option to unsubscribe from receiving such e-mail or text message notifications or to update an e-mail address or mobile phone number previously provided to the board. The board shall not remove any e-mail address or mobile phone number from its database unless an e-mail or text message recipient unsubscribes or provides an updated e-mail address or mobile phone number, or if e-mails or text messages sent to such e-mail address or mobile phone number are not successfully transmitted for a period of one year.*

*e. The board shall not share, sell or otherwise disclose e-mail addresses or mobile phone numbers collected pursuant to this section, except as otherwise required by law, without acquiring advance written permission from individuals providing such information, or unless ordered by a court of law.*

§2. This local law takes effect January 1, 2017.

BEN KALLOS, Chairperson; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, May 4, 2016. *Other Council Members Attending: Council Member Kallos.*

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. 659-A

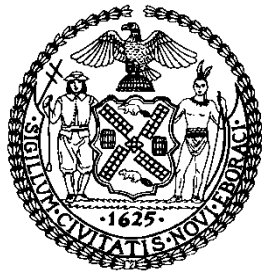
**Report for the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to creating an online voter information portal allowing absentee voters to track the status of their absentee application and ballot, allowing users to view their registration status and voting history and allowing users to access online resources related to voting.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on February 12, 2015 (Minutes, page 471), respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Governmental Operations for Int No. 62-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int No. 659-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INT. NO. 659-A  
COMMITTEE: Governmental Operations**

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**TITLE:** A Local Law to amend the New York city charter, in relation to creating an online voter information portal allowing absentee voters to track the status of their absentee application and ballot, allowing users to view their registration status and voting history and allowing users to access online resources related to voting

**SPONSORS:** Kallos, Cabrera, Eugene, Gentile, Gibson, King, Wills, Mendez, Rodriguez and Rosenthal

**SUMMARY OF LEGISLATION:** This bill would require the New York City Board of Elections to provide a secure website and mobile application that would allow users to (1) track the status of their absentee application and ballot; (2) view their registration status; (3) view the party for which they are a registered member; (4) view the federal, state, and local election districts in which they reside; (5) inform the voter whether they are required to bring any form of identification to vote; (6) view which elections held over the previous four calendar years for which they were registered to vote and whether they voted; (7) view the address at which they were previously registered to vote; (8) provide the option to receive alerts, including when there is a change in their registration status; (9) providing access to existing online resources including (a) registering to vote, (b) updating registration information, (c) viewing sample ballots, (d) polling place locations, (e) voting hours, (f) signing up as a poll workers, and (g) viewing the voter guide. The website would not require users to register to access information, but would require verification that users are viewing their own information.

**EFFECTIVE DATE:** This local law would take effect on January 1, 2017.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective 18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$300,000	\$240,000	\$240,000
<b>Net</b>	\$300,000	\$240,000	\$240,000

**IMPACT ON REVENUES:** It is estimated that this bill would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that this bill would have an impact on expenditures. Based on City contracts, tech industry salaries, information from industry vendors, and mobile and web application calculators, the Fiscal 2017 expenditure is an estimated amount of \$300,000, which includes partial year operation and startup costs. The full fiscal impact is estimated at \$240,000 beginning in Fiscal 2018.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** James Subudhi, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel  
Tanisha Edwards, Chief Counsel  
John Russell, Unit Head

**HISTORY:** This legislation was introduced to the full Council on February 12, 2015 as Intro. No. 659 and referred to the Committee on Governmental Operations. The Committee on Governmental Operations held a hearing on Intro. No. 659 on March 3, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 659-A, will be considered by the Committee on Governmental Operations on May 4, 2016. Upon successful vote of the Committee, Proposed Intro. No. 659-A will be submitted to the full Council for a vote on May 5, 2016.

**DATE PREPARED:** May 3, 2016

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

**(The following is the text of Int No. 659-A:)**

Int. No. 659-A

By Council Members Kallos, Cabrera, Eugene, Gentile, Gibson, King, Wills, Mendez, Rodriguez, Rosenthal, Cohen, Vallone and Borelli.

**A Local Law to amend the New York city charter, in relation to creating an online voter information portal allowing absentee voters to track the status of their absentee application and ballot, allowing users to view their registration status and voting history and allowing users to access online resources related to voting.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-e to read as follows:

*§ 1057-e Voter information portal.*

*The board of elections in the city of New York shall provide a secure website and mobile application that shall not require the user to create an account, but shall, through methods determined by the board, require verification that the user is accessing his or her own record. The information presented in such website and mobile application shall be updated with any applicable changes no less frequently than daily. Such website and mobile application shall include, but not be limited to, the following functionality:*

*a. allowing any registered voter who has submitted an application for an absentee ballot, or who otherwise has a right to receive an absentee ballot, for an upcoming election pursuant to the election law to view the current status of their absentee application and absentee ballot. Such website and mobile application shall indicate for each such voter whether the board of elections in the city of New York has:*

*(1) received such voter's request for an absentee ballot, if applicable;*

*(2) approved or rejected such request, if applicable, and, if rejected, a brief statement of the reason for rejection;*

*(3) mailed or delivered an absentee ballot to such voter for such upcoming election, and shall include the ability for such voter to see the status of a mailed absentee ballot by United States postal service intelligent mail barcode or successor technology;*

*(4) received such voter's completed absentee ballot for such upcoming election; and*

*(5) determined that such voter's completed absentee ballot was invalid, and, if such a finding was made, a brief statement of the reason.*

*b. allowing the user to view his or her registration status, including but not limited to:*

*(1) active status, with the inclusion of the date on which the user's status became active;*

*(2) inactive status, with a brief explanation of what this status means and why the user is categorized as such; and*

*(3) purged, with a brief explanation of what this status means and why the user is categorized as such.*

*c. allowing any registered voter to view the party for which they are a registered member, if any.*

*d. allowing the user to view the federal, state, and local election districts in which such user resides.*

*e. informing any registered voter whether they are required to bring any form of identification to vote and, if so, which form of identification.*

*f. allowing the user to view which elections held over, at a minimum, the previous four calendar years for which the records of the board of elections in the city of New York indicate:*

*(1) that such user was registered to vote; and*

*(2) for such elections, whether such user voted and whether such user did not vote.*

*g. allowing the user to view, if applicable, the address at which the user was previously registered to vote.*

*h. through such communication methods as determined by the board of elections in the city of New York, providing any registered voter with the option to receive alerts including, but not limited to, a change in their registration status.*

*i. allowing the user to access existing online resources including, but not limited to, resources allowing such user to:*

*(1) register to vote;*

*(2) update registration information;*

*(3) view sample ballots;*

*(4) look up polling place locations;*

*(5) look up voting hours;*

*(6) sign up as a poll worker; and*

*(7) view the voter guide.*

§ 2. This local law takes effect January 1, 2017.

BEN KALLOS, Chairperson; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, May 4, 2016. *Other Council Members Attending: Council Member Kallos.*

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

### **Report of the Committee on Land Use**

Report for L.U. No. 358

**Report of the Committee on Land Use approving 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 20, 2016 (Minutes, page 1221) and which same item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**QUEENS - CB 1**

**C 050319 MMQ**

City Planning Commission decision approving an application submitted by the 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 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the establishment of Socrates Sculpture Park within an area generally bounded by 33<sup>rd</sup> Road, Vernon Boulevard, 30<sup>th</sup> Road and the U.S. Pierhead and Bulkhead Line; and
- the establishment of a Public Place west of Vernon Boulevard and the intersection of Broadway; and
- the elimination, discontinuance and closing of 31<sup>st</sup> Avenue and Broadway west of Vernon Boulevard; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 4983 dated November 19, 2015 and signed by the Borough President, Community District 1, Borough of Queens.

**INTENT**

This amendment would allow the official establishment of Socrates Sculpture Park on the City Map.

**PUBLIC HEARING**

**DATE:** May 2, 2016

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 2, 2016

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

**In Favor:**

Dickens, Mealy, Rodriguez, Cohen, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 4, 2016

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res No. 1065

**Resolution approving the decision of the City Planning Commission on ULURP No. C 050319 MMQ, an amendment to the City Map (L.U. No. 358).**

By Council Members Greenfield and Dickens.

**WHEREAS**, the City Planning Commission filed with the Council on April 15, 2016 its decision dated April 13, 2016 (the "Decision"), on the application submitted by the 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 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the establishment of Socrates Sculpture Park within an area generally bounded by 33<sup>rd</sup> Road, Vernon Boulevard, 30<sup>th</sup> Road and the U.S. Pierhead and Bulkhead Line; and
- the establishment of a Public Place west of Vernon Boulevard and the intersection of Broadway; and
- the elimination, discontinuance and closing of 31<sup>st</sup> Avenue and Broadway west of Vernon Boulevard; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 4983 dated November 19, 2015 and signed by the Borough President, (ULURP No. C 150319 MMQ), Community District 1, Borough of Queens (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 May 2, 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, including the negative declaration (CEQR No. 05DPR003Q) issued on February 15, 2007, and the Technical Memorandum issued by DPR on March 20, 2016 updating the 2007 negative declaration, (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 and the Technical Memorandum.

Pursuant to Sections 197-d and 199 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 050319 MMQ, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map involving:

- the establishment of Socrates Sculpture Park within an area generally bounded by 33<sup>rd</sup> Road, Vernon Boulevard, 30<sup>th</sup> Road and the U.S. Pierhead and Bulkhead Line; and
- the establishment of a Public Place west of Vernon Boulevard and the intersection of Broadway; and
- the elimination, discontinuance and closing of 31<sup>st</sup> Avenue and Broadway west of Vernon Boulevard; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 1, Borough of Queens, in accordance with Map No. 4983 dated November 19, 2015 and signed by the Borough President as more particularly described as follows:

Pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein.

Pursuant to Section 5-432 of the New York City Administrative Code, the Council determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”.

Pursuant to Section 5-433 of the New York City Administrative Code, the Council adopts the legally required number of counterparts of Map No. 4983 dated November 19, 2015 providing for the discontinuance and closing of Broadway and 31<sup>st</sup> Avenue west of Vernon Boulevard being more particularly described as follows:

**ELIMINATION, DISCONTINUANCE AND CLOSING OF BROADWAY  
WEST OF VERNON BOULEVARD**

Beginning at a point on the northwesterly line of Vernon Boulevard, said point being distant 677.71 feet from the corner formed by the intersection of the northwesterly line of Vernon Boulevard and the northerly line of 33rd Road, as said streets are shown on the Alteration Map No. 4983 dated November 19, 2015;

No. 1. Running thence northeasterly along the northwesterly line of Vernon Boulevard, for 85.41 feet to the former northerly line of Broadway, discontinued and closed;

No. 2 Thence westerly along the former northerly line of Broadway, discontinued and closed, forming an interior angle of 61 degrees 25 minutes 12.7 seconds with the last mentioned course, for 615.85 feet to the U.S. Pierhead and Bulkhead Line;

No. 3 Thence southwesterly along the U.S. Pierhead and Bulkhead Line, forming an interior angle of 112 degrees 59 minutes 44.1 seconds with the last mentioned course, for 81.47 feet to the former southerly line of Broadway, discontinued and closed;

No. 4 Thence easterly along the former southerly line of Broadway, discontinued and closed, forming an interior angle of 67 degrees 00 minutes 15.9 seconds with the last mentioned course, for 606.82 feet to the northwesterly line of Vernon Boulevard, the point or place of beginning.

The area above described contains 45,850 square feet or 1.05 acres.

**ELIMINATION, DISCONTINUANCE AND CLOSING OF 31ST AVENUE  
WEST OF VERNON BOULEVARD**

Beginning at a point on the westerly line of Vernon Boulevard and the prolongation of the southerly line of 31st Avenue, as said streets are shown on the Alteration Map No. 4983 dated November 19, 2015;

No. 1 Running thence northerly along the westerly line of Vernon Boulevard, for 82.46 feet to the former northerly line of 31st Avenue, discontinued and closed;

No. 2 Thence westerly along the former northerly line of 31st Avenue, discontinued and closed, forming an interior angle of 75 degrees 57 minutes 50 seconds with the last mentioned course, for 50.00 feet to the former westerly terminus line of 31st Avenue, discontinued and closed;

No. 3 Thence southerly along the former westerly terminus line of 31st Avenue, discontinued and closed, forming an interior angle of 104 degrees 02 minutes 10 seconds with the last mentioned course, for 82.46 feet to the former southerly line of 31st Avenue, discontinued and closed;

No. 4 Thence easterly along the former southerly line of 31st Avenue, discontinued and closed, forming an interior angle of 75 degrees 57 minutes 50 seconds with the last mentioned course, for 50.00 feet to the westerly line of Vernon Boulevard, the point or place of beginning.

The area above described contains 4,000 square feet or 0.09 acres.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4983 dated November 19, 2015 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

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

INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, May 4, 2016. *Other Council Members Attending: Council Member 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 Recovery and Resiliency**

Report for Int No. 448-A

#### **Report of the Committee on Recovery and Resiliency 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 civil and criminal penalties for building code violations resulting from certain work done in response to a natural or man-made disaster.**

The Committee on Recovery and Resiliency, to which the annexed proposed amended local law was referred on August 21, 2014 (Minutes, page 3132), respectfully

#### **REPORTS:**

##### **Introduction**

On May 4, 2016, the Committee on Recovery and Resiliency, chaired by Council Member Mark Treyger, will hold a hearing and vote on Proposed Int. No. 448-A, sponsored by Council Member Alan Maisel, in relation to civil and criminal penalties for building code violations resulting from certain work done in response to a natural or man-made disaster and Proposed Int. No. 1037-A, sponsored by Council Member Mark Treyger, in relation to violations received after a disaster. A prior hearing was held for both bills on January 21, 2016.

##### **Background**

On October 29, 2012, Superstorm Sandy approached New York City from the southeast, causing high winds and a nearly 14 foot storm surge. The storm caused unprecedented devastation: 44 New Yorkers lost their lives; \$19 billion in damages and lost economic activity were caused within the city; 88,700 buildings were flooded; 23,400 businesses were impacted; by the end of that year 70,000 housing units were registered with the United States Federal Emergency Management Agency (FEMA) and found to have suffered some amount of damage.<sup>1</sup>

On November 9, 2012, then-Mayor Michael Bloomberg announced the start of the Rapid Repairs Program, to assist homeowners utilizing FEMA grants to fund basic repairs to restore heat, power and hot water so that residents could shelter in their homes while awaiting complete repairs or rebuilding. Over the next five months, the program restored those services to almost 12,000 homes representing over 20,000 residential units.<sup>2</sup>

To effectuate permanent repairs and rebuilding, on June 13, 2013, the city announced the Build It Back (BIB) program, which is overseen by the NYC Housing Recovery Office, to help both multifamily and single family homes, using funds from the United States Department of Housing and Urban Development's Community Development Block Grant Disaster Recovery program. The BIB program offers multiple pathways to those affected by the storm: damaged homes may be repaired, repaired and elevated, or rebuilt; already repaired homes may have qualifying repair work reimbursed; and severely damaged homes may be

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<sup>1</sup> New York City Special Initiative for Rebuilding and Resiliency, chapter on "Sandy and Its Impacts," available at [http://www.nyc.gov/html/sirr/downloads/pdf/final\\_report/Ch\\_1\\_SandyImpacts\\_FINAL\\_singles.pdf](http://www.nyc.gov/html/sirr/downloads/pdf/final_report/Ch_1_SandyImpacts_FINAL_singles.pdf)

<sup>2</sup> NYC Recovery: Rapid Repairs, found at: <http://www.nyc.gov/html/recovery/html/resources/rapid.shtml>.

made an acquisition offer. There have been 20,738 applications to the BIB program from single family (20,006 applications) and multifamily (732 applications) homes.<sup>3</sup>

As of January 3, 2016, on single family homes, there had been 1,914 BIB construction starts and 1,396 construction completions. As of December 31, 2015, for multifamily homes, there had been 174 BIB construction starts and 0 construction completions.<sup>4</sup> In October 2015, Mayor Bill de Blasio announced that the BIB program will ramp up construction significantly over coming months and that the BIB single family home program will be completed by the end of 2016.<sup>5</sup>

Since the city began implementing its Superstorm Sandy home repair and rebuilding programs, there have been reports that some homeowners have been dissatisfied with the work and that some work has been problematic. In January 2013, residents in Manhattan Beach, Brooklyn complained that contractors from the Rapid Repairs program performed shoddy work that created potentially dangerous situations<sup>6</sup> and in May 2013, homeowners in Rockaway, Queens complained over “shoddy or inadequate” boilers installed by contractors associated with the Rapid Repairs program.<sup>7</sup> In March 2013, a licensed plumbing inspector working for the Rapid Repairs program claimed he was fired by the program after confronting his superiors about substandard and potentially dangerous work performed by city-hired contractors.<sup>8</sup> In May 2013, it was reported that homeowners in Staten Island were dissatisfied with the Rapid Repairs program, that some of the work done through the program by contractors was faulty, and that a Department of Buildings (DOB) inspector informally pointed out about 15 violations that resulted from program-work to a homeowner in Ocean Breeze.<sup>9</sup> A news report from February 2013 said the Mayor’s Office claimed receiving only 200 complaints about the Rapid Repairs program.<sup>10</sup> Yet, that same report also gave multiple examples of problematic work, including the home of one Bell Harbor, Queens resident who claimed her house “nearly burned down” because “the work was so shoddy” and, the news report explained, a “city-hired inspector signed off on hazardous electrical work that was in violation of city safety code.”<sup>11</sup> The New York City Rapid Repairs website provides information for electricians, plumbers and homeowners who might have received a Notice of Violation or Notice of Deficiency from DOB, stating “[i]f the violation or deficiency was issued to the homeowner, it is the homeowner’s responsibility to resolve it.”<sup>12</sup>

There have also been reports of the city issuing violations to homeowners whose homes were damaged by Superstorm Sandy and were awaiting government assistance. In November 2012, three dozen violations were issued by DOB to the owners of condemned homes in Breezy Point, Queens as they waited for the Federal Emergency Management Agency to remove their destroyed homes.<sup>13</sup> In November 2012, immediately after the storm, residents in Queens were issued “failure to maintain” violations because city trees had fallen on their properties. A DOB spokesman at the time said these violations were issued as a means to assess damage.<sup>14</sup>

More recently, in October, 2014, a Brooklyn resident received a violation for failure to repair his Sandy-damaged property, despite, as he later testified in an administrative hearing, the NYC Build It Back Program

<sup>3</sup> New York City’s “Sandy Tracker” website, data available at <http://www1.nyc.gov/sandytracker/#1986138320>

<sup>4</sup> Id.

<sup>5</sup> Office of New York City Mayor Bill de Blasio, press release, Marking Sandy Anniversary, Mayor de Blasio Announces that Build It Back Program will be Complete by End of 2016,” <http://www1.nyc.gov/office-of-the-mayor/news/769-15/marking-sandy-anniversary-mayor-de-blasio-that-build-it-back-program-will-be-complete-by#0>

<sup>6</sup> Tara Palmeri, New York Post, “Homeowners blast shoddy repairs by contractors through FEMA’s Rapid Repairs program,” available at <http://nypost.com/2013/01/28/homeowners-blast-shoddy-repairs-by-contractors-through-femas-rapid-repairs-program/>

<sup>7</sup> Irving DeJohn, New York Daily News, “Some Rockaway residents irate with Rapid Repairs’ work, including malfunctioning boilers,” available at <http://www.nydailynews.com/new-york/queens/rockaway-residents-irate-rapid-repairs-article-1.1274178>

<sup>8</sup> Abclocal.go.com, “Plumber calls into question safety of Rapid Repairs,” article at <http://abclocal.go.com/story?section=news/investigators&id=9028136>

<sup>9</sup> Marc Santia, nbcnewyork.com, “Violations Found in Sandy-Damaged Homes Repaired Through City Program,” available at <http://www.nbcnewyork.com/news/local/Staten-Island-Residents-Allege-Shoddy-Rapid-Repairs-From-New-York-City-Program-for-Sandy-Damaged-Homes-207646261.html>

<sup>10</sup> <sup>10</sup> Jim Hoffer, Eyewitness news, abc7news.com, “Rapid Repair Leaves Some in Disrepair,” available at <http://abc7news.com/archive/8993305/>

<sup>11</sup> Id.

<sup>12</sup> NYC.gov, Rapid Repairs webpage, <http://www.nyc.gov/html/recovery/html/resources/rapid.shtml>

<sup>13</sup> Murray Weiss, DNAINfo.com, “Breezy Point Homeowners Hit With Buildings Violations For Sandy Damage,” available at <http://www.dnainfo.com/new-york/2012/11/17/breezy-point/breezy-point-homeowners-hit-with-buildings-violations-for-sandy-damage>

<sup>14</sup> Phil Corso, Times Ledger, “Residents cited for fallen trees owned by city,” [http://www.timesledger.com/stories/2012/47/fallentrees\\_ne\\_2012\\_11\\_22\\_q.html](http://www.timesledger.com/stories/2012/47/fallentrees_ne_2012_11_22_q.html)

having “investigated the damage” and that he “was waiting for promised financial relief and advised not to make any repairs until he received it.”<sup>15</sup> The Environmental Control Board nevertheless upheld the violation and assessed a \$500 penalty.<sup>16</sup> It is not clear, based on publicly available information, how extensively such violations may have been issued.

However, the Committee has heard testimony at multiple hearings, including the hearings of January 21, 2016 and March 30, 2016, on homeowners receiving violations from the Department of Sanitation, and other agencies, while they had been relocated from their homes by the Build It Back program and a contractor was in effective control of the property.

#### **Summary of Proposed Int. No. 448-A**

Proposed Int. No. 448-A would amend the Administrative Code to require that owners or occupants of buildings not be subject to a civil or criminal penalty for certain violations resulting from work done by a city employee, or party under contract with the city, in response to a natural or man-made disaster, provided that such condition was cured either by the recipient or the city. Any penalties or fines already paid for any such violations issued since Hurricane Sandy may be waived or refunded.

#### **Changes to Proposed Int. No. 448-A**

In addition to technical amendments, Proposed Int. No. 448-A has been amended in the following manner:

- The bill exempts immediately hazardous and aggravated violations.
- A specific cure process for such violations is now provided.
- Relevant notices of violation shall now state that the violation is subject to this exception and explain how to avoid incurring a penalty.
  - The Commissioner of Buildings may refund or waive any penalties or fines paid or imposed since October 29, 2012 and before the effective date of this bill, if the underlying violation would have been subject to the exceptions therein.
  - The enactment date is now 90 days after it becomes law.

#### **Summary of Proposed Int. No. 1037-A**

Proposed Int. No. 1037-A would amend the Administrative Code to require that owners or occupants of buildings affected by disasters not be subject to civil or criminal penalties for building code violations immediately after such disaster or while enrolled in a disaster recovery program. It also creates an affirmative defense to certain Sanitation violations received immediately after a disaster or when the owner of a 1-3 family home is displaced and the building is undergoing or scheduled for work by a recovery program. Any penalties or fines already paid for any such violations issued since Hurricane Sandy may be waived or refunded.

#### **Changes to Proposed Int. No. 1037-A**

In addition to technical amendments, Proposed Int. No. 1037-A has been amended in the following manner:

- The bill provides for an extended cure period for any violations issued after a disaster and a further extended cure period for major disasters.
- The bill exempts immediately hazardous and aggravated violations in certain circumstances.
- Relevant notices of violation shall now state that the violation is subject to this exception and explain how to avoid incurring a penalty.
  - The bill now provides for an affirmative defense to Sanitation violations for failure to maintain a property, when issued immediately after a disaster, and for failure to maintain a property or failure to remove snow, when the owner or occupant is displaced and the property is undergoing or scheduled for work in a recovery program. It also provides for the Commissioner of Sanitation to establish affirmative defenses to additional violations in the latter circumstance.
  - The Commissioner of Buildings and the Commissioner of Sanitation, as appropriate, may refund or waive any penalties or fines paid or imposed since October 29, 2012 and before the effective date of this bill, if the underlying violation would have been subject to the exceptions therein.

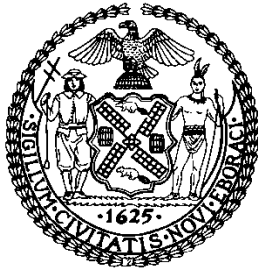
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<sup>15</sup> ECB Violation No. 351 115 55N, Appeal No. 1500034

<sup>16</sup> Id.

- The enactment date is now 90 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int No. 448-A:)



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO. 448-A**  
**COMMITTEE: RECOVERY AND RESILIENCY**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to civil and criminal penalties for building code violations resulting from certain work done in response to a natural or man-made disaster

**SPONSORS:** Council Members Maisel, Treyger, Constantinides, Gentile, Rodriguez, Dickens, Deutsch, Koslowitz, Richards and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 448-A would ensure that an owner or occupant of a building is not subjected to civil or criminal violation of the Building Code issued by the Department of Buildings (DOB) as a result of work performed by a City employee or a contractor working on behalf of the City in relation to a natural or man-made disaster, provided that such condition is corrected either by the recipient or the City within 60 days of the issuance of the violation. This exception would not apply to immediately hazardous or aggravated violations. Furthermore, any fine or penalty of this type issued since Hurricane Sandy may be waived or refunded by the Commissioner of DOB.

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

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

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** \*At the time of this writing, it is unknown how many outstanding refunds DSNY or DOB would issue or waive pursuant to this legislation. However, it is anticipated that it would have de minimis impact on revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures as a result of this legislation because the agencies would use existing resources to implement the legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
 Mayor’s Office of Legislative Affairs

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

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel, Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division  
Cirilhen Francisco, Unit Head, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 448 on August 21, 2014 and referred to the Committee on Housing and Buildings. The legislation was re-referred to the Committee on Recovery and Resiliency on January 8, 2016. The Committee on Recovery and Resiliency considered the legislation at a hearing on January 21, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 448-A, will be considered by the Committee on Recovery and Resiliency on May 4, 2016. Upon a successful vote by the Committee, Proposed Intro. No. 448-A will be submitted to the full Council for a vote on May 5, 2016.

**DATE PREPARED:** May 2, 2016

**(For text of Int No. 448-A and its Fiscal Impact Statement, please see the Report of the Committee on Recovery and Resiliency for Int No. 1037-A printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of Int Nos. 448-A and 1037-A.*

**(The following is the text of Int No. 448-A:)**

Int. No. 448-A

By Council Members Maisel, Treyger, Constantinides, Gentile, Rodriguez, Dickens, Deutsch, Koslowitz, Richards, Cohen, Levin, Vallone, Kallos and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to civil and criminal penalties for building code violations resulting from certain work done in response to a natural or man-made disaster.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-202.1 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2016, in relation to violations received after a disaster, as proposed in introduction number 1037-A, is amended by adding a new exception to read as follows:

*3. The owner, lessee, occupant, manager or operator of a building shall not be subject to a civil penalty for a violation resulting from work done by a city employee, or by a third party under contract with the city, in response to a natural or man-made disaster, provided that such violation is corrected on or before 60 days after the issuance of such violation, or such greater amount of time as determined by the commissioner for such violation. If such owner, lessee, occupant, manager or operator of a building can demonstrate to the satisfaction of the department that a city employee or third party under contract with the city has committed to correcting such violation then such violation shall be rescinded, without penalty. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.*

§ 2. Section 28-203.1 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2016, in relation to violations received after a disaster, as proposed in introduction number 1037-A, is amended by adding a new exception to read as follows:

*3. The owner, lessee, manager or operator of a building shall not be subject to criminal fines or imprisonment for a violation resulting from work done by a city employee or third party under contract with the city, in response to a natural or man-made disaster. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.*

§ 3. The commissioner of buildings may refund or waive any penalties or fines paid or imposed after October 29, 2012 and before the effective date of this local law for any violation that would have been subject to exception 3 of section 28-202.1 of the administrative code of the city of New York or exception 3 of section 28-203.1 of such code, as added by section one and section two of this local law, if such exceptions had been in effect during such period.

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

MARK TREYGER, *Chairperson*, ROSIE MENDEZ, MARGARET S, CHIN, CARLOS MENCHACA, STEVEN MATTEO; Committee on Recovery and Resiliency, May 4, 2016. *Other Council Members Attending: Council Member Maisel.*

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. 1037-A

**Report of the Committee on Recovery and Resiliency 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 violations received after a disaster.**

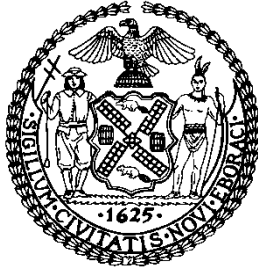
The Committee on Recovery and Resiliency, to which the annexed proposed amended local law was referred on December 16 2015 (Minutes, page 4564), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Recovery and Resiliency for Int No. 448-A)

*The following is the text of the Fiscal Impact Statement for Int No. 1037-A:*





**THE COUNCIL OF THE  
CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO. 1037-A  
COMMITTEE: RECOVERY AND  
RESILIENCY**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to violations received after a disaster

**SPONSORS:** Council Members Treyger, Gentile, Koo, Mealy, Mendez, Rodriguez, Rose, Deutsch, Dickens, Koslowitz, Reynoso, Richards and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1037-A would ensure that owners or occupants of buildings affected by disasters are not issued a civil or criminal penalty by the Department of Buildings (DOB) for Building Code violations immediately after such disaster or while enrolled in a disaster recovery program. Furthermore, the legislation would create an affirmative defense to violations issued by the Department of Sanitation (DSNY) immediately after a disaster for failure to maintain a one-to-three family residential property. It would also create an affirmative defense for these homeowners to DSNY violations for failure to maintain the property or failure to remove snow when the owner is displaced and the building is undergoing or scheduled for work by a recover program. Lastly, this bill would authorize the Commissioners of DOB or DSNY to waive or refund any penalty or fine paid for these types of violations issued since Hurricane Sandy.

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

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

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** \*At the time of this writing, it is unknown how many outstanding refunds DSNY or DOB would issue or waive pursuant to this legislation. However, it is anticipated that it would have de minimis impact on revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures as a result of this legislation because the agencies would use existing resources to implement the legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor’s Office of Legislative Affairs

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

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel, Finance Division  
 Tanisha Edwards, Chief Counsel, Finance Division  
 Crilhien Francisco, Unit Head, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1037 on December 16, 2015 and referred to the Committee on Recovery and Resiliency. The Committee considered the legislation at a hearing on January 21, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1037-A, will be considered by the Committee on May 4, 2016. Upon a successful vote by the Committee, Proposed Intro. No. 1038-A will be submitted to the full Council for a vote on May 5, 2016.

**DATE PREPARED:** May 2, 2016

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

**(The following is the text of Int No. 1037-A:)**

Int. No. 1037-A

By Council Members Treyger, Gentile, Koo, Mealy, Mendez, Rodriguez, Rose, Deutsch, Dickens, Koslowitz, Reynoso, Richards, Cohen, Levin, Vallone, Kallos, Greenfield and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to violations received after a disaster.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-202.1 of the administrative code of the city of New York is amended by adding new exceptions to read as follows:

***Exceptions:***

1. *The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a civil penalty for a violation involving such building if (i) notice of such violation is issued by the department during the 90-day period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster, and (ii) such violation is corrected on or before 40 days after such disaster period or such greater amount of time as determined by the commissioner for such violation. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster, as determined by the department.*
2. *The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a civil penalty for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is undergoing, or scheduled or under evaluation for, work or acquisition through a city-operated disaster recovery program responding to such disaster.*

§ 2. Section 28-203.1 of the administrative code of the city of New York is amended by adding new

*exceptions to read as follows:*

***Exceptions:***

1. *The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a criminal fine or imprisonment if notice of such violation was issued during the 90-day-period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster. This exception shall not apply to immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster.*
2. *The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a criminal fine or imprisonment for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is undergoing, or scheduled or under evaluation for, work or acquisition through a city operated disaster recovery program responding to such disaster.*

§ 3. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-142 to read as follows:

§ 16-142 *Violations received after a disaster. a. For the purposes of this section, the term “covered person” means any owner, lessee, tenant or occupant of a one-, two- or three-family residential building or of a premises or lot that contained such a building immediately preceding a natural or man-made disaster.*

*b. It shall be an affirmative defense to a violation of subdivision two of section 16-118 for any covered person that:*

*1. A natural or man-made disaster, as determined by the commissioner, occurred within the prior 30 days preceding issuance of such violation and such building or premises is within the area affected by such disaster; or*

*2. The covered person was displaced by such disaster and such building or premises was undergoing or scheduled for work or acquisition through a city-operated disaster recovery program responding to such disaster.*

*c. It shall be an affirmative defense to a violation of subdivisions a or b of section 16-123 for any covered person who is displaced by a natural or man-made disaster, as determined by the commissioner, that such building or lot was undergoing or scheduled for work or acquisition by a city-operated disaster recovery program responding to such disaster.*

*d. The commissioner may establish by rule an affirmative defense, in addition to those enumerated in subdivisions b and c of this section, to any requirement of this chapter for any covered person that in the commissioner’s determination cannot reasonably comply with such requirement due to (i) the direct effects of a natural or man-made disaster or (ii) a displacement caused by such disaster or the recovery therefrom.*

§ 4. The commissioner of buildings may refund or waive any penalties or fines paid or imposed after October 29, 2012 and before the effective date of this local law for any violation that would have been subject to exception 1 or 2 of section 28-202.1 of the administrative code of the city of New York or exception 1 or 2 of section 28-203.1 of such code, as added by section one and section two of this local law, if such exceptions had been in effect during such period.

§ 5. The commissioner of sanitation may refund or waive any penalties or fines, paid or imposed, after October 29, 2012 and before the effective date of this local law for any violation that would have been subject to subdivision b or c of section 16-142 of the administrative code of the city of New York, as added by section three of this local law, if such section had been in effect during such period.

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

MARK TREYGER, *Chairperson*, ROSIE MENDEZ, MARGARET S, CHIN, CARLOS MENCHACA, STEVEN MATTEO; Committee on Recovery and Resiliency, May 4, 2016. *Other Council Members*

*Attending: Council Member Maisel.*

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 Sanitation and Solid Waste Management**

Report for Int No. 209-A

### **Report of the Committee on Sanitation and Solid Waste Management 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 reducing the use of carryout bags.**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on March 26, 2014 (Minutes, page 849), respectfully

#### **REPORTS:**

#### **I. Introduction**

On Wednesday May 4, 2016, the Committee on Sanitation and Solid Waste Management, chaired by Council Member Antonio Reynoso, voted on Proposed Intro. 209-A, a Local Law to amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.

#### **II. Background**

##### **A. The Problem of Plastic Bags**

Plastic bags are among the more problematic types of trash and litter. When properly disposed of, they take between 500-1,000 years to decompose in a landfill; even then, they do not biodegrade but rather break apart into ever smaller pieces that cannot be absorbed by the soil as nutrients or eaten by animals.<sup>1</sup> When not properly disposed of, plastic bags can clog sewers and storm drains, exacerbating the flooding that threatens New York's low-lying neighborhoods, and accumulate in the oceans, where they become a threat to marine life.<sup>2</sup>

According to the New York City Department of Sanitation (DSNY), in 2013 plastic bags accounted for approximately 2% of New York City's municipal waste stream.<sup>3</sup> Ron Gonen, the former Deputy Commissioner of Sanitation for Recycling and Waste Reduction, estimated that this translated to around 100,000 tons of plastic bags per year, costing the City roughly \$10 million per year in sanitation costs.<sup>4</sup>

Sims Municipal Recycling, the City's metal, glass, and plastic recycling partner, noted in a letter to the Chair of this Committee that, "While large plastic bags are an acceptable and useful method for placing recyclables curbside for collection, there is a seemingly endless stream of small (carry-out) plastic bags that we

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<sup>1</sup> Juliet Lapidus, "Will My Plastic Bag Still Be Here in 2507?" Slate, June 27, 2007, available at [http://www.slate.com/articles/news\\_and\\_politics/explainer/2007/06/will\\_my\\_plastic\\_bag\\_still\\_be\\_here\\_in\\_2507.html](http://www.slate.com/articles/news_and_politics/explainer/2007/06/will_my_plastic_bag_still_be_here_in_2507.html).

<sup>2</sup> Justin Berton, "Continent-size toxic stew of plastic trash fouling swath of Pacific Ocean," *SFGate*, October 18, 2007, available at <http://www.sfgate.com/green/article/Continent-size-toxic-stew-of-plastic-trash-2518237.php>.

<sup>3</sup> From the forthcoming 2013 Waste Characterization Study, a preview of which is available at <http://www.nyc.gov/html/nycwasteless/html/resources/wcs.shtml>.

<sup>4</sup> *The New York Times*, "Is It Time to Bag the Plastic?" May 18, 2013, available at <http://www.nytimes.com/2013/05/19/sunday-review/should-america-bag-the-plastic-bag.html?pagewanted=all&r=1&>.

receive mixed in with the recyclables.”<sup>5</sup> These bags clog recycling machines, can contaminate recyclable materials if they are soiled, and still go to landfills because Sims lacks the capacity to recycle film plastic. Boulder County, Colorado’s recycling provider has called plastic bags the worst contaminant in the curbside recycling stream, while the city of Phoenix, Arizona has complained that contamination in the recycling stream, primarily from plastic bags, cost the city \$722,000 in 2009.<sup>6</sup> Given that New York’s population is more than five times larger than Phoenix’s, it is reasonable to assume that cost to the City related to plastic bag contamination are much higher.

### **B. Local Law 1 of 2008**

Plastic bags have been recyclable in New York city since the enactment of Local Law 1 of 2008, the New York City Plastic Carryout Bag Recycling Law. Local Law 1 required stores over 5,000 sq. ft. or that are part of a chain of at least 5 stores operating in the city to provide a bin for film plastic recycling, ensure that collected film plastic is properly recycled, offer reusable bags to customers, and report annually to DSNY on the amount of film plastic recycled by weight. Local Law 1 was preempted by the 2008 New York State Plastic Bag Reduction, Reuse, and Recycling Act.<sup>7</sup> The state law requires stores that have over 10,000 square feet of retail space or are part of a chain that has more than five locations of over 5,000 square feet to accept plastic bags for recycling. Covered stores are required to maintain records for at least three years describing the collection, transport, and recycling of bags by weight.

Pursuant to the state law, covered stores are required to make these records available to the State Department of Environmental Conservation (DEC) upon request, but they are not available to the public and, since DEC has not released the results of any inspections it may have carried out since the law took effect, neither the State nor the city plastic bag recycling rate can be accurately estimated. However, based on estimates from elsewhere, it is unlikely that the city’s recycling rate is very high. The Environmental Protection Agency (EPA) has estimated that in 2012 Americans generated 3,810,000 tons of plastic bags, sacks, and wraps<sup>8</sup> and that 440,000 tons of this (approximately 8 percent) was recovered.<sup>9</sup> In the same year, the American Chemistry Council (ACC) estimated that 70,500 tons of plastic bags, sacks, and wraps were returned by consumers for recycling and that plastic bags accounted for less than half of this number.<sup>10</sup>

### **C. Plastic Bag Recycling**

Among New Yorkers who attempt to recycle their plastic bags, it is unclear how many are aware that bags must be returned in person to stores covered by the state’s Plastic Bag Reduction, Reuse, and Recycling Act and cannot be mixed with the curbside recycling stream. It is also unclear that the market for recycled film plastic is large enough to absorb the amount of plastic waste that New York generates.

A 2008 *Newsweek* story reported that 70% of the recycled plastic bags in the United States are purchased by one company for making composite lumber for outdoor decking,<sup>11</sup> potentially indicating a weak and non-diverse market for recycled plastic bags. A report issued by the ACC, states that by 2012 the composite lumber industry no longer dominated demand for “mixed film” recycled plastic.<sup>12</sup> However, the same ACC report notes several other issues that may indicate a weak market for recycled film plastic. Among these issues

<sup>5</sup> Letter from Thomas Outerbridge, General Manager of Sims Municipal Recycling, to Sanitation Committee Chair Antonio Reynoso, September 3, 2014.

<sup>6</sup> Eco-Cycle, “Dirty Dozen Contaminants,” available at <http://www.ecocycle.org/dirtydozen>.

Keep Phoenix Beautiful, “What is Contamination?” available at <http://www.recyclecleanphoenix.org/whats-contamination/index.html>.

<sup>7</sup> Local Law 1 is available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=447734&GUID=278A8B54-A806-4E00-BF33-78318A919543&Options=&Search=>. The Plastic Bag Reduction, Reuse, and Recycling Act is available at <http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=@SLENOVA27T27+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=24602131+&TARGET=VIEW>.

<sup>8</sup> Bags, sacks, and wraps are a category that includes other materials such as agricultural film plastic. Plastic bags are often not separated out from this category.

<sup>9</sup> EPA, Municipal Solid Waste Generation, Recycling, and Disposal in the United States, February 2014 (Tables 19 & 20)

<sup>10</sup> 2012 National Postconsumer Plastic Bag & Film Recycling Report, available at <http://plastics.americanchemistry.com/Education-Resources/Publications/2012-NationalPostconsumer-Plastic-Bag-Film-Recycling-Report.pdf>.

<sup>11</sup> *Newsweek*, “Plastics Industry Battles Grocery Bag Bans,” March 12, 2008, updated March 13, 2010. Available at <http://www.newsweek.com/plastics-industry-battles-grocery-bag-bans-83563>.

<sup>12</sup> 2012 National Postconsumer Plastic Bag & Film Recycling Report, available at <http://plastics.americanchemistry.com/Education-Resources/Publications/2012-NationalPostconsumer-Plastic-Bag-Film-Recycling-Report.pdf>

are the “Chinese Green Fence,” a policy instituted by China in February 2013, which tightened standards for imported scrap and has significantly reduced the acceptance of mixed film that contains plastic bags in what had been one of the largest foreign markets for recyclable materials from the U.S. The ACC also reported lower overall demand for recycled film plastic in 2012, noting that only around half of the estimated 412,000 tons of capacity for film plastic reclamation was utilized.<sup>13</sup>

### III. Plastic Bag Fees and Taxes in Other Jurisdictions

Several municipalities in North America have successfully reduced plastic bag use through fees and taxes. Toronto, Canada introduced a five-cent per bag fee in 2009 and realized a 53% reduction in plastic bag use; when the fee was rescinded in 2012, bag use increased by 26%.<sup>14</sup> In the mid-Atlantic region, Washington, D.C. and Montgomery County, Maryland, both introduced five-cent per bag taxes, reducing bag use by between 50 and 67% in Washington and between 25 and 70% in Montgomery County.<sup>15</sup> Boulder, Colorado introduced a ten-cent per bag fee in 2013 and realized a 68% reduction within six months.<sup>16</sup>

Several local governments in California, including San Jose, Santa Monica, and Los Angeles County, have banned plastic bags outright<sup>17</sup> and instituted fees for paper bags.<sup>18</sup> Although the goal of plastic bag regulations is to reduce waste, they can also guide consumers towards increased use of paper bags, which are actually worse for the environment over their lifetimes than plastic bags. One analysis suggested that a fee on plastic bags alone would shift 21% of current plastic bag uses to paper, 37% to reusable, and reduce overall bag use by 7%, while a fee on both plastic and paper would shift 0% of current plastic use to paper, 52% to reusable, and reduce overall bag use by 13%.<sup>19</sup>

In Europe, one of the most oft-cited successes is the country of Ireland, which enacted a 15-euro cent per bag tax in 2002 and subsequently reduced plastic bag use by 90%, or from approximately 328 bags per resident per year to just 18.<sup>20</sup> The tax increased to 22-cents per bag in 2007. Since then, Northern Ireland and Wales have adopted 5-pence per bag fees, with reductions in use of 80% and 75%, respectively, while a 5-pence fee will take effect in Scotland in October 2014 and in England in 2015.<sup>21</sup> Other European countries that have a fee or tax in place include Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Latvia,

<sup>13</sup> *Id.*

<sup>14</sup> Natalie Alcoba, “City Hall puts ‘final nail in the coffin’ of five-cent plastic bag fee: Mayor Ford,” *National Post*, June 19, 2013.

Available at <http://news.nationalpost.com/2013/06/19/city-hall-puts-final-nail-in-the-coffin-of-five-cent-plastic-bag-fee-mayor-ford/>.

<sup>15</sup> Nick Iannelli, “Study: D.C. bag tax is working,” *WTOP*, January 8, 2014. Available at <http://www.wtop.com/41/3538028/Study-DC-bag-tax-is-working>.

*The Beacon Hill Institute*, “Two Years of the Washington, D.C. Bag Tax: An Analysis.” Available at [http://s3.amazonaws.com/atfiles/files/files/BHI\\_Report.pdf](http://s3.amazonaws.com/atfiles/files/files/BHI_Report.pdf).

Bill Turque, “Montgomery County bag tax not changing public behavior dramatically,” *The Washington Post*, January 31, 2013.

Available at [http://www.washingtonpost.com/local/md-politics/montgomery-county-bag-tax-not-changing-public-behavior-dramatically/2013/01/30/4c5cec36-60b3-11e2-b05a-605528f6b712\\_story.html?hpid=z4](http://www.washingtonpost.com/local/md-politics/montgomery-county-bag-tax-not-changing-public-behavior-dramatically/2013/01/30/4c5cec36-60b3-11e2-b05a-605528f6b712_story.html?hpid=z4).

*Trash Free Maryland Alliance*, “Montgomery County underestimated plastic bag use,” February 4, 2013. Available at <http://www.trashfreemaryland.org/2013/02/montgomery-county-underestimated.html>.

<sup>16</sup> Erica Meltzer, “Boulder: Disposable bag use down 68 percent in wake of 10-cent fee,” *Daily Camera*, March 8, 2014. Available at [http://www.dailycamera.com/news/boulder/ci\\_25299673/boulder-disposable-bag-fee](http://www.dailycamera.com/news/boulder/ci_25299673/boulder-disposable-bag-fee).

<sup>17</sup> California AB 2449 prohibits municipalities from levying fees on plastic bags. As a result, bans are the only enforceable policy tool that municipalities have to reduce plastic bag use.

<sup>18</sup> Equinox Center, “Plastic Bag Bans: Analysis of Economic and Environmental Impacts,” October 2013. Available at <http://www.equinoxcenter.org/assets/files/Plastic%20Bag%20Ban%20Web%20Version%202010-22-13%20CK.pdf>.

<sup>19</sup> Green Cities California, “Master Environmental Assessment on Single-Use and Reusable Bags,” March 2010. Available at [http://www.stopwaste.org/docs/mea\\_final\\_document.pdf](http://www.stopwaste.org/docs/mea_final_document.pdf).

<sup>20</sup> Buckley, Dan, “Plastic bag levy nets €166m in 10 years,” *Irish Examiner*, March 1, 2012. Available at <http://www.irishexaminer.com/ireland/plastic-bag-levy-nets-166m-in-10-years-185605.html>.

<sup>21</sup> *BBC News*, “Big fall in plastic bag use in Northern Ireland,” August 22, 2013. Available at <http://www.bbc.com/news/uk-northern-ireland-23794647>.

*BBC News*, “Plastic bag charge to be introduced in England,” September 14, 2013. Available at <http://www.bbc.com/news/uk-politics-24088523>.

*BBC News*, “Scottish parliament backs plastic bag charge,” May 28, 2014. Available at <http://www.bbc.com/news/uk-scotland-27612897>.

Luxembourg, Macedonia, and Romania.<sup>22</sup> Germany and Sweden have extended producer responsibility laws for plastic bag producers, the costs of which are typically passed on to consumers in the form of fees. In April 2014, the European Union Parliament adopted new rules that will require member states to reduce their plastic bag use by 50% by 2017 and by 80% by 2019.<sup>23</sup> Although the method for reaching these targets is up to the individual member states, it is likely that some portion of EU members that do not currently regulate plastic bags will adopt fees or taxes in the next 3-5 years.

Several Asian countries also have plastic bag fees or taxes. South Korea became one of the first Asian countries to regulate plastic bags when it introduced a 100-won (10-cent) per bag fee in 1999, reducing bag use by 60%.<sup>24</sup> Taiwan followed in 2002, banning bags of less than 0.06 millimeters and requiring retailers to charge between NT\$1 and NT\$2 (3-6 cents) for all other plastic bags. Since then, bag use has declined by 59%.<sup>25</sup> Starting in 2008, China banned bags of less than 0.024 millimeter thickness and required retailers to charge a fee for all other plastic bags.<sup>26</sup> Although the ban on ultra-thin bags has been ineffective, the fee reduced use by 67 billion bags compared to business as usual projections. Hong Kong set its own policy in 2009, requiring retailers to charge HK\$50 cents per bag; retailers were initially required to forward proceeds from the fee to the government but are now allowed to keep the fee.<sup>27</sup> Plastic bag use has declined by 90% since the fee's introduction.

In Africa, South Africa enacted a 42 rand-cent (4 cents) per bag fee in 2003, with 3 rand cents per bag going towards recycling efforts.<sup>28</sup> Bag use fell by 58%, although it began increasing soon afterwards when the government reduced the fee in response to pressure from the plastics industry. In 2007, Botswana introduced a plastic bag tax that varied between 20-35 thebe (2-4 cents) depending on the retailer.<sup>29</sup> Within 18 months, plastic bag use fell by 50%.

### III. **Proposed Int. No. 209-A**

Proposed Int. 209-A, if enacted, would require covered stores to charge a fee of at least five cents for each carryout bag provided to a customer. The bill defines carryout bags as defined as a single-use or reusable bag provided by a "covered store," and include both paper and plastic bags. Covered stores include general vendors, green carts or retail or wholesale establishments that sell personal, consumer, or household items, such as drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, or foodmarts.

Food service establishments, liquor stores, and emergency food providers are exempt from the provisions of the bill, as are carryout bags used to carry produce, meat, non-prepackaged food items, and prescription drugs. Garment bags are also exempt from the provisions of the bill.

Covered stores are prohibited from charging a carryout bag fee for bags of any kind provided by a customer in lieu of a carryout bag, and no covered store can prevent a person from using a bag of any kind that they have brought with them for the purpose of carrying goods from the store.

Covered stores are required to post signs notifying customers of the provisions of Proposed Int. 209-A, although no fine will be imposed for failing to do this.

Customers making a full or partial purchase with Supplemental Nutritional Assistance Program (SNAP) or supplemental nutrition program for women, infants, and children (WIC) are exempt from the fee.

<sup>22</sup> Earth Policy Institute, "Plastic Bag Regulations Worldwide," updated May 1, 2014. Available at [http://www.earth-policy.org/data\\_center/C26](http://www.earth-policy.org/data_center/C26).

<sup>23</sup> European Parliament/News – Press release, "MEPs clamp down on wasteful use of plastic carrier bags," April 16, 2014. Available at <http://www.europarl.europa.eu/news/en/news-room/content/20140411IPR43461/html/MEPs-clamp-down-on-wasteful-use-of-plastic-carrier-bags>.

<sup>24</sup> Michelle Leung, "Shenzhen mulls measures to curb plastic bag use," *China Daily*, August 30, 2007. Available at [http://www.chinadaily.com.cn/hkedition/2007-08/30/content\\_6066659.htm](http://www.chinadaily.com.cn/hkedition/2007-08/30/content_6066659.htm).

<sup>25</sup> *Taiwan Today*, "EPA mulls retail plastic bag policy," September 23, 2013. Available at <http://taiwantoday.tw/ct.asp?xItem=209816&ctNode=445>.

<sup>26</sup> *China News Service*, "Plastic ban fails with ultra-thin bags," May 31, 2013, available at <http://www.ecns.cn/2013/05-31/66254.shtml>.

<sup>27</sup> Cheung Chi-fair, "Government eyes extension of plastic bag levy," *South China Morning Post*, May 1, 2013, available at <http://www.scmp.com/news/hong-kong/article/1227047/government-eyes-extension-plastic-bag-levy>.

<sup>28</sup> Dikgang, Leiman, and Visser, "Analysis of the Plastic-Bag Levy in South Africa," *University of Cape Town*, Policy Paper Number 18, available at [http://www.econrsa.org/papers/p\\_papers/pp18.pdf](http://www.econrsa.org/papers/p_papers/pp18.pdf).

<sup>29</sup> Johane Dikgang and Martine Visser, "Behavioral Response to Plastic Bag Legislation in Botswana," *Environment for Development Discussion Paper Series*, May 2010, available at <http://www.rff.org/rff/documents/EfD-DP-10-13.pdf>.

DSNY is required to establish a campaign to educate the public on reducing single-use carryout bags and increasing the use of reusable carryout bags and, to the extent practicable, shall seek the assistance of private entities and nonprofit organizations to distribute reusable carryout bags to covered stores, and shall prioritize such outreach to residents in households with annual income below two hundred percent of the federal poverty line, and residents within certain areas of the city.

Covered stores may provide their customers reusable carryout bags free of charge for a two-week period beginning six months after the date the local law and for a two-week period in subsequent years.

Fines include a penalty of \$250 for a first violation and \$500 for any subsequent violation in an 18-month period. No penalties will be levied until six months after the bill's effective date. Violations will be returnable to the Environmental Control Board (ECB).

By 2019, DSNY is required to issue a study on the effect of the law on residents, including whether the law has reduced the number of single-use plastic or paper carryout bags used by residents, residents' attitudes toward the law, and whether residents are substituting other types of plastic bags for single-use carryout bags. The study must also include an assessment on whether a ban on plastic bags would reduce the amount of carryout bags in the waste stream.

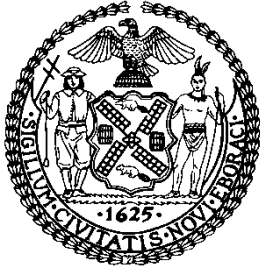
DSNY must report on the progress of carryout bag reduction as part of its annual recycling report.

#### **IV. Amendments to Proposed Intro. 209-A**

- The carryout bag fee was reduced from ten cents to five cents.
- Garment bags were added to the list of items that are not carryout bags.
- The definition of "reusable carryout bag" excludes bags made of film plastic.
- Covered stores can provide their customers with reusable carryout bags free of charge for a two-week period from October 1, 2016, to October 14, 2016 and for a two-week period each year from April 17 to April 30.
- DSNY must report on the progress of carryout bag reduction as part of its annual recycling report.
- By 2019, DSNY is required to issue a study on the effect of the law on residents, including whether the law has reduced the number of single-use plastic or paper carryout bags used by residents, residents' attitudes toward the law, and whether residents are substituting other types of plastic bags for single-use carryout bags. The study must also include an assessment on whether a ban on plastic bags would reduce the amount of carryout bags in the waste stream.
- Fines include a penalty of \$250 for a first violation and \$500 for any subsequent violation in an 18 month period. No penalties will be levied until six months after the bill's effective date.
- Technical changes were made to clarify text.



(The following is the text of the Fiscal Impact Statement for Int No. 209-A:)



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO. 209-A**  
**COMMITTEE: SANITATION AND SOLID**  
**WASTE MANAGEMENT**

**TITLE:** A Local Law amend the administrative code of the city of New York, in relation to reducing the use of carryout bags

**SPONSORS:** Council Members Lander, Chin, the Public Advocate (Ms. James), Richards, Koo, Levin, Crowley, Dromm, Levine, Johnson, Van Bramer, Cohen, Constantinides, Rosenthal, Menchaca, Kallos, Rodriguez, Cumbo, Miller, Torres, Reynoso, Mendez, Cabrera, Cornegy, Ferreras-Copeland, King, and Williams

**SUMMARY OF LEGISLATION:** Proposed Int. No. 209-A would require drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, and green carts to charge a fee of at least five cents for each carryout bag provided to a customer. This bill would exempt 1) food service establishments, liquor stores, and emergency food providers; 2) carryout bags used to carry produce, meat, non-prepackaged food items, and prescription drugs; and 3) customers paying with Supplemental Nutrition Assistance Program (“SNAP”) and Women, Infants, Children (“WIC”). Stores subject to this bill would be required to post a sign notifying customers of the provisions of this legislation. In addition, the legislation would authorize stores to offer their customers reusable carryout bags free of charge for a two-week period beginning six months after the date the local law and for a two-week period in subsequent years.

This legislation would also require the Department of Sanitation (“DSNY”) to establish a campaign to educate the public on reducing single-use carryout bags, partner with local organizations to distribute reusable carryout bags to covered stores, and prioritize outreach to residents in households with annual incomes below 200 percent of the federal poverty line. In addition, this legislation would impose a civil penalty of \$250 for a first violation and \$500 for any subsequent violation in an 18 month period to any store that is covered by this bill that does not charge the required fee of at least five cents for each carryout paper and plastic bag. Penalties would not be levied until six months after the bill’s effective date.

In conjunction with the Department of Environmental Protection (“DEP”) and the Department of Consumer Affairs (“DCA”), the DSNY would also be required to report on the progress of carryout bag reduction as part of its annual recycling report.

**EFFECTIVE DATE:** This local law would take effect October 1, 2016, except that the provisions related to the outreach and educational programs would take effect immediately and before such effective date, the commissioners of DSNY and DCA may take all actions necessary, including the promulgation of rules, to implement this local law on such effective date.

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

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

**IMPACT ON REVENUES:** Even though civil penalties could be imposed under this legislation, it is anticipated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the local law is anticipated.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DSNY and DCA would use existing resources to implement this legislation as it relates to outreach, enforcement and reporting, while the DEP's involvement is solely reporting and would use existing resources to implement this legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of City Legislative Affairs  
Department of Sanitation

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

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel, Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division  
Cirilhen Francisco, Unit Head, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 209 on March 26, 2014 and referred to the Committee on Sanitation and Solid Waste Management. The Committee considered the legislation at a hearing on November 19, 2014 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 209-A, will be considered by the Committee on May 4, 2016 Upon a successful vote by the Committee, Proposed Intro. No. 209-A will be submitted to the full Council for a vote on May 5, 2016.

**DATE PREPARED:** May 2, 2016

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

**(The following is the text of Int No. 209-A:)**

Int. No. 209-A

By Council Members Lander, Chin, the Public Advocate (Ms. James), Richards, Koo, Levin, Crowley, Dromm, Levine, Johnson, Van Bramer, Cohen, Constantinides, Rosenthal, Menchaca, Kallos, Rodriguez, Cumbo, Miller, Torres, Reynoso, Mendez, Cabrera, Ferreras-Copeland, King, Williams and Garodnick

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-F to read as follows:

*CHAPTER 4-F: CARRYOUT BAG REDUCTION*

*16-490 Definitions*

*16-491 Carryout bag fee*

*16-492 Additional obligations for covered stores*

*16-493 Exemptions*

*16-494 Reporting*

*16-495 Outreach and education*

*16-496 Enforcement*

*§ 16-490 Definitions. As used in this chapter:*

*Carryout bag.* The term “carryout bag” means any bag that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store, provided, however, that such term shall not include any of the following: (i) a bag without handles used to carry produce, meats, poultry, fish, dairy, dry goods or other non-prepackaged food items to the point of sale within a covered store or to prevent such food items from coming into direct contact with other purchased items; (ii) a bag provided by a pharmacy to carry prescription drugs; (iii) a garment bag; or (iv) any other bag exempted from the provisions of this chapter by rule of the commissioner.

*Covered store.* The term “covered store” means a general vendor, green cart or a retail or wholesale establishment engaged in the sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, apparel stores, home center and hardware stores, stationery and office supply stores, and food service establishments located within grocery stores, supermarkets, convenience stores or foodmarts that provide carryout bags to customers in which to place purchased items. Such term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores, or foodmarts, including emergency food providers, mobile food vendors that are not green carts, or stores licensed pursuant to section 63 of the state alcoholic beverage control law to sell liquor at retail for consumption off the premises.

*Emergency food provider.* The term “emergency food provider” means any facility, including soup kitchens and food pantries, operated by a not-for-profit corporation or by a federal, state, or local government agency that provides food to needy individuals at no charge.

*Food service establishment.* The term “food service establishment” has the same meaning as in section 81.03 of the health code of the city of New York or any successor provision.

*General vendor.* The term “general vendor” has the same meaning as in subdivision b of section 20-452.

*Green cart.* The term “green cart” means a green cart as in subdivision s of section 17-306 or any other non-processing mobile food vending unit in or on which non-potentially hazardous uncut fruits and vegetables are sold or held for sale or service, regardless of geographic restrictions on operation of such green cart or mobile food vending unit.

*Reusable carryout bag.* The term “reusable carryout bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable material, but not film plastic, or (ii) defined as a reusable carryout bag by rule of the commissioner. Reusable carryout bags provided to customers pursuant to this chapter shall be conspicuously labeled as reusable.

*§ 16-491 Carryout bag fee.* a. Except as provided in section 16-493 or subdivision e of section 16-492, covered stores shall charge a fee of not less than five cents for each carryout bag provided to any customer. All fees collected by a covered store under this chapter shall be retained by the store. Covered stores shall separately itemize the fee charged pursuant to this subdivision on the standard receipt provided to customers.

*b. No covered store shall charge a fee for, or prevent a customer from using, a carryout bag brought by the customer to such store to carry purchased goods from such store.*

*§ 16-492 Additional obligations for covered stores. a. All covered stores shall post signs at or near the point of sale to notify customers of the provisions of this chapter. Such signs shall measure at least five inches by seven inches and shall read as follows: "Pursuant to New York City law, all carryout bags provided by this store to a customer, with limited exceptions, shall be subject to a fee of not less than five cents per bag. Carryout bags brought by customers into this store to carry purchased goods from this store shall not be subject to a fee."*

*b. No covered store shall provide a credit to any customer specifically for the purpose of reducing or eliminating the carryout bag fee required by subdivision a of section 16-491.*

*c. Paper carryout bags provided by covered stores to customers shall contain a minimum of forty percent post-consumer recycled content and be conspicuously labeled with the amount of post-consumer recycled content.*

*d. Plastic carryout bags provided by covered stores to customers labeled as "compostable" must be certified as compliant with the ASTM D6400-12 standard specification for labeling of plastics designed to be aerobically composted in municipal or industrial facilities or other standard determined by rule of the commissioner. Plastic carryout bags provided by covered stores to customers shall not be labeled as "biodegradable," "degradable," or "decomposable."*

*e. Covered stores may provide their customers with reusable carryout bags free of charge for a two-week period from October 1, 2016, to October 14, 2016. In addition, covered stores may provide their customers with reusable carryout bags free of charge for a two-week period each year from April 17 to April 30.*

*§ 16-493 Exemptions. All covered stores that provide carryout bags to customers shall provide carryout bags free of charge for items purchased at such covered store by any customer using the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs, as full or partial payment toward the items purchased in such covered store.*

*§ 16-494 Reporting. No later than March 1, 2018, and annually thereafter, the commissioner, in collaboration with the commissioners of environmental protection and consumer affairs, and the head of any other department or office designated by the mayor, shall include in the department's annual recycling report pursuant to subdivision k of section 16-305, information on the progress of single-use carryout bag reduction including, but not limited to: (i) the general effectiveness of this chapter in reducing the use of single-use carryout bags in the city and increasing the use of reusable carryout bags; (ii) the waste- and litter-reduction benefits of this chapter, including, where practicable, the amount of single-use plastic bags in the waste stream; (iii) the number of notices of violation issued pursuant to this chapter; and (iv) any cost savings for the city attributable to single-use carryout bag reduction such as reduced contamination of the residential recycling stream or reduction in flooding or combined sewer overflows.*

*§ 16-495 Outreach and education. a. The commissioner shall establish an outreach and education program aimed at educating residents and covered stores on reducing the use of single-use carryout bags and increasing the use of reusable carryout bags. This outreach and education program shall include, but not be limited to, a multilingual public education program, including advertisements about the program in newspapers of general circulation, radio, and public venues such as subways and buses.*

*b. To the extent practicable, the commissioner shall seek the assistance of for-profit and not-for-profit corporations in providing and distributing reusable carryout bags to residents and in providing and distributing signs pursuant to subdivision a of section 16-492 to covered stores.*

*c. In conducting outreach and distributing reusable carryout bags to residents pursuant to this section, the commissioner shall prioritize such outreach and reusable carryout bag distribution to residents in households with annual income below two hundred percent of the federal poverty line and covered stores and residents within the police precincts identified in subparagraph b of paragraph four of subdivision b of section 17-307.*

*d. No later than three months following the date the local law that added this subdivision became law, the commissioner shall distribute a multilingual letter to all covered stores informing them of their obligations to comply with the provisions of this chapter and any rules promulgated pursuant thereto. Failure to receive a letter pursuant to this subdivision shall not eliminate or otherwise affect the obligations of a covered store pursuant to this chapter and any rules promulgated pursuant thereto.*

*e. On or before January 1, 2019, the commissioner shall issue a study on the effect of the law on residents, which shall include, but need not be limited to, determining the percentage reduction in single-use plastic or paper carryout bags usage by residents; residents' attitudes toward the law, disaggregated by race and income; and whether residents are substituting other types of plastic bags for single-use carryout bags. The commissioner shall also include an assessment on the potential effectiveness of coupling a ban on single-use plastic carryout bags with the carryout bag fee in reducing the amount of carryout bags in the waste stream.*

*§ 16-496 Enforcement. a. Any notice of violation issued pursuant to this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided in this chapter.*

*b. The department and the department of consumer affairs shall have the authority to enforce the provisions of this chapter.*

*c. Any covered store that violates section 16-491 or subdivision b, c or d of section 16-492 or any rules promulgated pursuant thereto shall be liable for a civil penalty of \$250 for a first violation and \$500 for any subsequent violation of the same section or subdivision of this chapter or rule promulgated pursuant thereto within an eighteen-month period, except that the department and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning for any violation that occurs during the six-month period from October 1, 2016, to March 31, 2017. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.*

*d. It shall not be a violation of this chapter for a general vendor or green cart to fail to provide a receipt to a customer that separately itemizes the carryout bag fee.*

*e. No covered store that fails to post signs in accordance with subdivision a of section 16-492 shall be liable for a civil penalty.*

§2. This local law takes effect October 1, 2016, except that section 16-495 of the administrative code of the city of New York, as added by section one of this local law, takes effect immediately, and except that the commissioner of sanitation and the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ANTONIO REYNOSO, *Chairperson*; ANDY L. KING, COSTA G. CONSTANTINIDES; Committee on Sanitation and Solid Waste Management, May 5, 2016. *Other Council Members Attending: Chin and Lander.*

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 Women's Issues

Report for Int No. 1137-A

### Report of the Committee on Women's Issues in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to creating a commission on gender equity.

The Committee on Recovery and Resiliency, to which the annexed proposed amended local law was referred on April 7, 2016 (Minutes, page 889), respectfully

#### REPORTS:

#### I. INTRODUCTION

On Tuesday May 3, 2016, the Committee on Women's Issues, chaired by Council Member Laurie Cumbo will hold a hearing to consider Proposed Int. No. 1137-A, sponsored by Speaker Mark-Viverito and Council Member Cumbo, a local law to amend the New York city charter, in relation to creating a commission on gender equity. On April 12, 2016, there was a hearing on an earlier version of this legislation. Witnesses invited to present testimony at the hearing included Azadeh Khalili, Executive Director of the NYC Commission on Gender Equity, service providers and women's advocacy groups. The legislation was amended to address the testimony presented as well as concerns from the Administration.

#### II. BACKGROUND

On June 24, 2015, Mayor Bill de Blasio issued Executive Order No. 10 which established the Commission on Gender Equity<sup>1</sup> The Commission was established to ensure that the women of New York City live with dignity and equity and be free from violence and discrimination based on gender.<sup>2</sup> The Commission on Gender Equity can trace its origins to the Commission on the Status of Women created in 1975 by Executive Order No. 28 of then Mayor Abraham Beame, changing into the Commission on Women's Issues under the Bloomberg Administration, and now, under the de Blasio Administration, is the Commission on Gender Equity. The Commission was established to ensure that the women of New York City live with dignity and equity and be free from violence and discrimination based on gender.<sup>3</sup>

Executive Order No. 10 states that the Commission on Gender Equity will serve as an advocate entity as well as an advisory group to the Mayor on initiatives and methods to achieve the goals of the Mayor's platform to reduce inequity, with a focus on gender-based inequality.<sup>4</sup> The Executive Order also tasks the Commission with studying the nature and extent of discrimination, both intentional and unintentional, that women of NYC face and their impact on the economic, civic and social well-being of women.<sup>5</sup> The Commission on Gender Equity would advocate for women and support the programs that have been created to remove barriers to full participation in all areas of women's personal and work lives; make recommendations to the Mayor regarding legislation or executive action to improve the lives of women; educate the public; and support and work collaboratively with a network of organizations in the public and private sectors working to expand opportunities for women.<sup>6</sup>

According to the New York City Mayor's Office website, Mayor de Blasio established the Commission on Gender Equity to achieve economic mobility and social inclusion of all New Yorkers, particularly women and

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<sup>1</sup> *Executive Order No. 10*, Office of the Mayor of New York City, June 24, 2015, available at [http://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2015/eo\\_10.pdf](http://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2015/eo_10.pdf).

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

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

<sup>4</sup> *Id.*

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

<sup>6</sup> *Id.*

girls, and ensure their public safety.<sup>7</sup> The language in the Mayor’s press release goes further than what is stated in the Executive Order. The press release states that Mayor de Blasio is committed to leveraging every power of the city government to expand and increase opportunities for all New Yorkers – regardless of sex, gender, or sexual orientation – and build a city that is safe and free of discrimination.<sup>8</sup> The press release also states that the Commission will play an integral role in achieving these goals, supporting City agency initiatives and working to use a gender lens which will include women, transgender and intersex individuals, and men to achieve greater gender fairness in the city.<sup>9</sup>

The Commission’s goals have been described as intentionally vague due to Mayor de Blasio’s recognition that society’s gender problem is deeply entrenched and not easily solved.<sup>10</sup> Further, First Lady Chirlane McCray, who was named the honorary Chair of the Commission, wrote on her webpage that the Commission’s name was changed to include the LGBTQ community.<sup>11</sup> She wrote that the Commission recognizes that “gender, like sexual orientation, is not binary” and that “gender functions on a spectrum.”<sup>12</sup> She also wrote that the Commission will work to ease access to housing for all families and institute more family-friendly employment policies in the workplace.<sup>13</sup> The Mayor’s press release states that the Commission will be comprised of a diverse group of leaders drawn from the public and private sector, non-profit organizations and academia.<sup>14</sup> On March 1, 2016, Mayor DeBlasio named Azadeh Khalili as the first Executive Director of the Commission on Gender Equity.<sup>15</sup>

### III. PROPOSED INT. NO. 1137-A

Proposed Int. No. 1137-A would create a commission on gender equity to study the nature and extent of inequities facing women and girls in the city, and to study their impact on the economic, civic, and social well-being of women and girls. The commission would also advise on ways to analyze the function and composition of city agencies with a gender-based lens and ways to develop equitable recruitment strategies, and make recommendations to the mayor and the council for the reduction of gender-based inequality.

The bill would provide that the commission shall consist of 26 members appointed by the Mayor, 5 members appointed by the Speaker of the Council, and the Chair of the Commission on Human Rights, who shall serve as an ex officio member. The bill would further provide that the commission shall be representative of the New York city population and shall have experience in advocating for issues important to women and girls.

The bill would indicate that one member of the commission shall be designated as chair of the commission by the Mayor and that the Mayor may also designate a member to serve as co-chair. The bill would indicate that members shall serve at the pleasure of the appointing authority. The bill would further indicate that, in the event of the death or resignation of any member, his or her successor shall be appointed by the official who appointed such member. The bill would provide that the Mayor shall appoint an executive director for the commission.

The bill would provide that the commission shall have the power and duty to hold at least one meeting every four months, including at least one annual meeting open to the public; keep a record of its activities; determine its own rules of procedure; and perform such advisory duties and functions as may be necessary to achieve these purposes as determined by such board.

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<sup>7</sup> *Mayor de Blasio Establishes Commission on Gender Equity*, The Official Website of the City of New York, June 24, 2015, available at <http://www1.nyc.gov/office-of-the-mayor/news/438-15/mayor-de-blasio-establishes-commission-gender-equity> .

<sup>8</sup> *Id.*

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

<sup>10</sup> *Id.*

<sup>11</sup> Chirlane McCray, *Introducing: The NYC Commission on Gender Equity*, FloNYC, June 24, 2015, available at <http://flo.nyc/post/122348995064/introducing-the-nyc-commission-on-gender-equity>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Mayor de Blasio Establishes Commission* at <http://www1.nyc.gov/office-of-the-mayor/news/438-15/mayor-de-blasio-establishes-commission-gender-equity>.

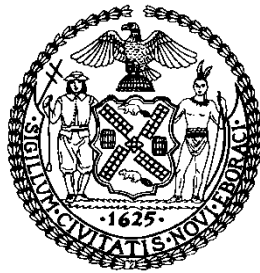
<sup>15</sup> <http://www1.nyc.gov/office-of-the-mayor/news/210-16/mayor-de-blasio-appoints-azadeh-khalili-first-executive-director-commission-gender-equity>

The bill would indicate that the commission may request information from any city agency or office it deems necessary to enable the commission to properly carry out its functions. The bill would also indicate that the commission may also request from any private organization providing services to women and girls in the city, pursuant to a contract with a city agency or office, information necessary to enable the commission to properly carry out its functions.

The bill would provide that, no later than December 1, 2017 and annually by December 1 thereafter, the commission shall submit to the Mayor and the Speaker of the Council a report concerning its activities during the previous twelve months, the goals for the following year, and recommendations pursuant to subdivision a of new section 20-b of the Charter.

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

**(The following is the text of the Fiscal Impact Statement for Int No. 1137-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 1137-A  
COMMITTEE: Committee on Women’s  
Issues**

**TITLE:** A local law to amend the New York city charter, in relation to creating a commission on gender equity.

**SPONSOR(S):** The Speaker (Council Member Mark-Viverito) and Council Members Cumbo, Chin, Dromm, Rose, Cohen, Kallos and Crowley

**SUMMARY OF LEGISLATION:** Proposed Intro. 1137-A would establish a Commission on Gender Equity and require the Mayor to appoint an executive director of such Commission. The Commission would be tasked with studying the scope and impact of inequities faced by women and girls in the City, as well as developing recommendations for the Mayor and the Council to address any identified inequities. The Commission would be comprised of 26 members appointed by the Mayor, five members appointed by the Speaker, and the Chair of the Commission on Human Rights, who would serve as an ex officio member, all of whom would serve without compensation. The Commission would hold at least one meeting every three months, including at least one annual public meeting. Proposed Intro. No. 1137-A would require the Commission to submit a report detailing its recommendations, activities for the previous 12 months, and goals for the following year to the Mayor and Speaker by December 1, 2017 and annually thereafter.

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

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

**FISCAL IMPACT STATEMENT:**

	Effective FY 17	FY Succeeding Effective FY 18	Full Fiscal Impact FY 17
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0



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

**IMPACT ON EXPENDITURES:** Because the Mayor has already hired an executive director whose salary is incorporated into the financial plan, it is anticipated that this legislation would have no impact on expenditures. In addition, existing resources of various agencies would be used to implement the administrative requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Brittany Morrissey, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director, NYC Council Finance Division  
Dohini Sompura, 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 April 7, 2016 as Intro. 1137 and was referred to the Committee on Women's Issues. The Committee held a hearing on April 12, 2016 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1137-A, will be considered by the Committee at a hearing on May 3, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1137-A will be submitted to the full Council for a vote on May 5, 2016.

**DATE PREPARED:** May 3, 2016

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

**(The following is the text of Int No. 1137-A:)**

Int. No. 1137-A

By The Speaker (Council Member Mark-Viverito) and Council Members Cumbo, Chin, Dromm, Rose, Cohen, Kallos, Crowley, Koslowitz, Levin and Rosenthal.

**A Local Law to amend the New York city charter, in relation to creating a commission on gender equity.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-b to read as follows:

*§20-b. Commission on gender equity. a. There shall be a commission on gender equity to study the nature and extent of inequities facing women and girls in the city; to study their impact on the economic, civic, and social well-being of women and girls; to advise on ways to analyze the function and composition of city agencies through a gender-based lens and ways to develop equitable recruitment strategies; and to make recommendations to the mayor and the council for the reduction of gender-based inequality. Such commission shall consist of 26 members appointed by the mayor; 5 members appointed by the speaker of the council; and the chair of the commission on human rights, who shall serve as an ex officio member. Members of the commission shall be representative of the New York city population and shall have experience in advocating for issues important to women and girls. The mayor shall designate one member to serve as chair of the commission, and may also*

*designate a member to serve as co-chair. Members shall serve at the pleasure of the appointing authority. In the event of the death or resignation of any member, his or her successor shall be appointed by the official who appointed such member. The mayor shall appoint an executive director for the commission.*

*b. The commission shall have the power and duty to:*

*1. hold at least one meeting every four months, including at least one annual meeting open to the public;*

*2. keep a record of its activities;*

*3. determine its own rules of procedure; and*

*4. perform such advisory duties and functions as may be necessary to achieve its purposes as described in subdivision a of this section.*

*c. The commission may request information from any city agency or office it deems necessary to enable the commission to properly carry out its functions. The commission may also request from any private organization providing services to women and girls in the city pursuant to a contract with a city agency or office, information necessary to enable the commission to properly carry out its functions.*

*d. No later than December 1, 2017 and annually by December 1 thereafter, the commission shall submit to the mayor and the speaker of the council a report concerning its activities during the previous twelve months, the goals for the following year, and recommendations pursuant to subdivision a of this section.*

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

LAURIE A. CUMBO, Chairperson; ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, BEN KALLOS; Committee on Women’s Issues, May 3, 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**

**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>
Stephanie Marsh	1540 Unionport Road #3H Bronx, N.Y. 10462	18
Dekeisha George-Jituboh	153-30 89th Avenue #321 Queens, N.Y. 11432	24
Suzanne Valentine	8000 Shorefront Parkway #12D Rockaway Beach, N.Y. 11693	32
Richard Monroe	1219 Dean Street Brooklyn, N.Y. 11216	36

Donald Batchelor	517 Ralph Avenue #3 Brooklyn, N.Y. 11233	41
Davone Ratliff	1351 Eastern Parkway #2D Brooklyn, N.Y. 11233	41
Delores S. Smith-Johnson	967 Putnam Avenue #4L Brooklyn, N.Y. 11221	41
Sylvia Williams	629 Kingsboro 6th Walk #1F Brooklyn, N.Y. 11233	41
Tamar Kenkadze	1750 78th Street Brooklyn, N.Y. 11214	41
Gina Marie Greenwald	2656 East 13th Street Brooklyn, N.Y. 11235	48
Ian Kay	91 Petrus Avenue Staten Island, N.Y. 10312	51

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
John L. Rivera	16 Monroe Street #11A New York, N.Y. 10002	1
Gabriel Colon	140 Columbia Street #11E New York, N.Y. 10011	2
Renee Horowitz	354 West 25th Street #10C New York, N.Y. 10001	3
Richard Knelling	306 East 83rd Street New York, N.Y. 10028	5
Melanie J. Wright	875 Amsterdam Avenue #8F New York, N.Y. 10025	7
Cynthia Davis	1015 Anderson Avenue #1C Bronx, N.Y. 10452	8
Mary R. Frazier	700 Lenox Avenue #8G New York, N.Y. 10039	9
Lisa Ebron	5240 Broadway #5F Bronx, N.Y. 10464	10
Freddy Sepulveda	2922 Grand Concourse #1F Bronx, N.Y. 10458	11
Marie M. Beaudouin	140 Alcott Place #20 Bronx, N.Y. 10475	12
Linda Brown	4024 Bruner Avenue Bronx, N.Y. 10466	12
Milagros Cruz-Javier	825 East 233rd Street Bronx, N.Y. 10466	12
Karyl Miller	2400 Hunter Avenue #10C Bronx, N.Y. 10475	12

Laura Castellanos-Arroyo	2919 Scott Place Bronx, N.Y. 10465	13
Ronald Wilcox	1971 Webster Avenue #3H Bronx, N.Y. 10457	15
Evelyn Bruno	590 East 166th Street #5M Bronx, N.Y. 10456	16
Anna Roberts	1445 Nelson Avenue #4B Bronx, N.Y. 10452	16
Andre Horton	880 Boynton Avenue #16J Bronx, N.Y. 10473	17
Pamela E. Byass	1595 Metropolitan Avenue Bronx, N.Y. 10462	18
Albert Camacho	199 Surf Drive Bronx, N.Y. 10473	18
Giuliana Garcia	13-08 123rd Street Queens, N.Y. 11356	19
Iqbal M. Shaikh	88-73 193rd Street #6F Hollis, N.Y. 11423	23
Luz Gonzalez	111-11 153rd Street Jamaica, N.Y. 11433	28
William Montero	310 Seaside Avenue Rockaway Park, N.Y. 11694	32
Patricia Leonardelli	30 Third Avenue #845 Brooklyn, N.Y. 11209	33
Eric P. Payne	215 Hoyt Street #2D Brooklyn, N.Y. 11217	33
Rosa G. Felipe	199 Meserole Street #3RR Brooklyn, N.Y. 11206	34
Lisa D. Leshore	827 St. Johns Place #1R Brooklyn, N.Y. 11216	35
Sharon Joseph	1287 Park Place Brooklyn, N.Y. 11213	36
Blanche Marie Riddick	210 East 96th Street #2F Brooklyn, N.Y. 11212	41
Tamishia Flowers	1420 Freeport Loop #2D Brooklyn, N.Y. 11239	42
Monica D. Haile	1240 Sutter Avenue #1E Brooklyn, N.Y. 11208	42
Gwendolyn Hernandez	744 Pennsylvania Avenue #B6 Brooklyn, N.Y. 11207	42
Paula Lubin	712 East 27th Street #5H Brooklyn, N.Y. 11210	42
Yakov King	1232 East 31st Street Brooklyn, N.Y. 11210	45
Taniqua S. Mathis	120 Kenilworth Place #4B Brooklyn, N.Y. 11210	45
Shirell Davis	1357 East 104th Street Brooklyn, N.Y. 11236	46

Adam J. D'Amico	1615 East 38th Street Brooklyn, N.Y. 11234	46
Sofiya Lumelski	1580 East 18th Street #5F Brooklyn, N.Y. 11230	48
Inessa Segal	2909 Ocean Avenue #2D Brooklyn, N.Y. 11235	48
Barry L. Greerie	8063 Henderson Avenue #2E Staten Island, N.Y. 10301	49
Thomas Mazzella	559 Britton Avenue Staten Island, N.Y. 10304	50

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)  | <b>Int 62-A -</b>   | Requiring notice on former poll sites.   |
| (2)  | <b>Int 209-A -</b>  | Reducing the use of carryout bags.   |
| (3)  | <b>Int 448-A -</b>  | Civil and criminal penalties for building code violations.   |
| (4)  | <b>Int 463-A -</b>  | Providing e-mail and text message notifications to New York city voters.                           |
| (5)  | <b>Int 659-A -</b>  | Online voter information portal.   |
| (6)  | <b>Int 1006-A -</b>   | Licensure of operators of motion-picture projecting machines.                                      |
| (7)  | <b>Int 1037-A -</b>   | Violations received after a disaster.  |
| (8)  | <b>Int 1137-A -</b>   | Creating a commission on gender equity.  |
| (9)  | <b>L.U. 358 &amp; Res 1065 -</b>                                    | Socrates Sculpture Park, Queens, Community Board 1, Council District 26.                           |
| (10) | <b>L.U. 359 &amp; Res 1063 -</b>                                    | 810 River Avenue, Bronx, Community District No. 4, Council District No. 8.                         |
| (11) | <b>L.U. 360 &amp; Res 1064 -</b>                                    | Calvary Baptist Church Senior Housing, Queens, Community District No. 12, Council District No. 28. |
| (12) | <b>Resolution approving various persons Commissioners of Deeds.</b> |  |

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

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Mealy, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 209-A**:

**Affirmative** – Cabrera, Chin, Cohen, Constantinides, Crowley, Cumbo, Dromm, Espinal, Ferreras-Copeland, Garodnick, Johnson, Kallos, King, Koo, Lander, Levin, Levine, Menchaca, Mendez, Miller, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Vallone, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **28**.

**Negative** – Lancman, Barron, Borelli, Cornegy, Deutsch, Dickens, Eugene, Gentile, Gibson, Greenfield, Grodenchik, Koslowitz, Mealy, Palma, Rose, Salamanca, Treyger, Ulrich, Vacca and Matteo – **20**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 62-A, 209-A, 448-A, 463-A, 659-A, 1006-A, 1037-A, and 1137-A.*

## **RESOLUTIONS**

*Presented for voice-vote*

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

Report for voice-vote item Res No. 553-A

**Report of the Committee of Governmental Operations in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.8582-A and S.3813-B, which would allow early voting in New York State.**

The Committee on Governmental Operations, to which the annexed amended resolution was referred on January 22, 2016 (Minutes, page 360), respectfully

### **REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 62-A)**

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

**(The following is the text of Res No. 553-A:)**

Res. No. 553-A

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.8582-A and S.3813-B, which would allow early voting in New York State.**

By Council Members Cabrera, Chin, Constantinides, Johnson, Kallos, Koo, Richards, Rose, Williams, Rodriguez, Rosenthal, Van Bramer, Levin and Vallone.

**Whereas**, Only 28.8% of eligible voters cast a ballot in the 2014 New York State General Election, near the bottom of the turnout rate for all states; and

**Whereas**, Some have attributed New York's low voter turnout to the State's lack of an early voting option; and

**Whereas**, Thirty-three states and the District of Columbia offer voters the option of no-excuse, in-person voting before Election Day, while three states exclusively utilize vote-by-mail; and

**Whereas**, Only 14 states allow only in-person voting on Election Day or voting by absentee ballot with a required excuse; and

**Whereas**, New York is one of these 14 states, as a voter in New York must visit his or her assigned polling location between 6:00 A.M. and 9:00 P.M. on Election Day in order to cast a vote; and

**Whereas**, A voter may only vote prior to Election Day in New York by absentee ballot and, even then, only if such voter affirms that he or she has an acceptable reason for being unable to physically visit at his or her assigned polling site on Election Day; and

**Whereas**, In the 2012 General Election, between 30% and 40% of voters nationwide cast their ballot before Election Day; and

**Whereas**, A 2010 United States Census Bureau survey found that the most common reason cited by non-voters for not voting is a category defined as “No time off/too busy”; and

**Whereas**, Allowing voters more than a single day to vote would accommodate those who are physically unable to vote on Election Day; and

**Whereas**, The 15-hour window of opportunity to vote in New York potentially results in disenfranchisement due to unintended delays in opening poll sites, as occasionally happens locally, given the large number of poll sites in New York City; and

**Whereas**, Evidence suggests that, when combined with same-day registration, early voting has a positive effect on voter turnout; and

**Whereas**, If enacted, A.8582-A by New York State Assembly Member Brian Kavanagh, and companion bill S.3813-B by State Senate Minority Leader Andrea Stewart-Cousins, would address the need for early voting by enabling registered voters to vote in person during a designated period before Election Day; and

**Whereas**, These bills would bring New York State in line with two-thirds of the states and contribute to more representative elections in the future; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.8582-A and S.3813-B, which would allow early voting in New York State.

BEN KALLOS, Chairperson; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, May XX, 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 Council Member formally noted his opposition to the passage of this item:  
Council Member Matteo.

The following Council Member formally noted his abstention on this item:  
Council Member Cohen.

Adopted by the Council by voice-vote.

Report for voice-vote item Res No. 848

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon the New York State Legislature and the People of the State of New York to amend the State Constitution, and the New York State Legislature to pass and the Governor to sign legislation amending the Election Law to establish same-day and online voter registration.**

The Committee on Governmental Operations, to which the annexed resolution was referred on September 17, 2015 (Minutes, page 3396), respectfully

**REPORTS:**



**(For text of the report, please see the Report of the Committee on Governmental Operations for Int No. 62-A printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 848:)**

Res. No. 848

**Resolution calling upon the New York State Legislature and the People of the State of New York to amend the State Constitution, and the New York State Legislature to pass and the Governor to sign legislation amending the Election Law to establish same-day and online voter registration.**

By Council Members Kallos, Cabrera, Barron, Chin, Gentile, Gibson, Lander, Menchaca, Levin and Vallone,

**Whereas**, According to analysis conducted by the United States Elections Project (USEP), only 36.4% of eligible voters nationally cast ballots in the 2014 midterm elections, setting the lowest number since 1942, when the country was engaged in World War II; and

**Whereas**, In the same elections, only 29% of eligible voters voted in New York State, making it 49<sup>th</sup> in the nation in terms of voter participation, according to USEP data; and

**Whereas**, New York City's voter turnout rate for the 2014 midterm elections was even more alarming, with only about 20% of eligible voters casting ballots, hitting a historic low, according to the New York City Campaign Finance Board; and

**Whereas**, Most of the states with the highest voter turnout rates have implemented various electoral reforms to increase voter participation, including same-day registration; and

**Whereas**, Fifteen states and the District of Columbia have enacted reform to offer same-day registration, according to the public policy group Demos; and

**Whereas**, Using 2012 presidential election data, Demos found that four of the top five states for voter turnout had implemented same-day registration; and

**Whereas**, Furthermore, Demos' analysis of presidential elections' turnout rates from 1980 to 2012 revealed that the average turnout rate in states with same-day registration was 10.3% higher than the average in states without the reform; and

**Whereas**, Some states have more than 15% of their voters using same-day registration, including Minnesota at 17.89% and Idaho at 17.69%, according to Demos; and

**Whereas**, Currently in New York State, registration forms must be postmarked at least 25 days before an upcoming election, causing many potential voters to miss their chance because they fail to meet the deadline; and

**Whereas**, Another voter-friendly reform supported by many voter participation advocates is online registration; and

**Whereas**, The Presidential Commission on Election Administration (PCEA), in its 2014 report to President Obama, listed as its top recommendation the implementation of online registration as an option for all voters; and

**Whereas**, An online registration system typically requires the potential voter to have some form of state-issued identification card, such as a driver's license, because a signature is needed to complete an application, and a signature on file at a state's motor vehicles agency can be transferred electronically to election officials; and

**Whereas**, As of July of 2015, 21 states, including New York, offer online registration to applicants with an existing signature in the motor vehicles agency's database, and an additional six states have passed legislation to offer it, according to the National Conference of State Legislatures; and

**Whereas**, Several of these 21 states have gone further and offer online registration to applicants without a state-issued identification card, including Minnesota, Delaware, and Missouri, according to the Brennan Center for Justice; and

**Whereas**, PCEA’s 2014 report found that Arizona, which was the first in the nation to introduce this practice in 2002, saw an increase in registration rates from 29% to 53% among young voters after the state created an online system; and

**Whereas**, PCEA’s 2014 report also showed that in Arizona in 2008, 94% of online registrants voted, compared to 85% of registrants by paper; and

**Whereas**, In addition to increasing registration rate and turnout rate, PCEA also credits online registration systems with increasing the accuracy of voter rolls, which in turn reduces delays and congestion at poll sites; and

**Whereas**, Furthermore, PCEA states that jurisdictions reap significant cost savings from using online registration, citing a county in Arizona that has saved 80 cents in labor cost for each online registration; and

**Whereas**, Since same-day and online registration have both proven to be successful in increasing voter participation, New York State should enact same-day registration and expand online registration to include applicants without a state-issued identification card; and

**Whereas**, To maximize potential voters’ use of these two effective tools, every poll site in New York State on election day should have electronic devices with access to online registration so that potential voters can register and then immediately vote at the site; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature and the People of the State of New York to amend the State Constitution, and the New York State Legislature to pass and the Governor to sign legislation amending the Election Law to establish same-day and online voter registration.

BEN KALLOS, Chairperson; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES; Committee on Governmental Operations, May 4, 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 4 Council Members formally noted their opposition to the passage of this item:  
Council Members Deutsch, Borelli, Koslowitz and Matteo.

The following 2 Council Members formally noted their abstention on this item:  
Council Members Cohen and Grodenchik.

Adopted by the Council by voice-vote.

Report for voice-vote item Res No. 853

**Report of the Committee on Public Safety in favor of approving a Resolution calling on Congress to pass, and the President to sign, H.R. 1217, also known as the Public Safety and Second Amendment Rights Protection Act of 2015, which closes loopholes in the current gun background check system.**

The Committee on Public Safety, to which the annexed resolution was referred on September 17, 2015 (Minutes, page 3411), respectfully

## **REPORTS:**

### **I. INTRODUCTION**

On May 3, 2016, the Committee on Public Safety (the “Committee”), chaired by Council Member Vanessa L. Gibson, held a hearing to vote on Resolution No. 853, calling on Congress to pass, and the President to sign, H.R. 1217, also known as the Public Safety and Second Amendment Rights Protection Act of 2015, which closes loopholes in the current gun background check system; Proposed Resolution No. 979-A, calling upon the New

York State Legislature to pass, and the Governor to sign, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations; and Resolution No. 1024, calling on Congress and the President to oppose H.R.923/S.498, known as the “Constitutional Concealed Carry Reciprocity Act of 2015,” and related bill H.R.402, known as the “National Right-to-Carry Reciprocity Act of 2015,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state. All three resolutions passed the Committee on May 3, 2016. These resolutions were previously heard on April 6, 2016. The Brooklyn Borough President’s Office, New Yorkers Against Gun Violence, and the Innocence Project offered testimony on these resolutions.

## **II. BACKGROUND**

### **Preventing Gun Violence**

According to the Centers for Disease Control and Prevention, 33,599 Americans died from gun violence in 2014, including 10,945 murders, 21,334 suicides, and 586 accidents.<sup>1</sup> Data from the U.S. Department of Justice show that at least 466,000 violent incidents involving firearms occurred in 2014.<sup>2</sup>

New York State has some of the strictest gun laws in the country, including oversight of gun dealers, regulated private sales, handgun registries, and discretionary permit-to-purchase licensing.<sup>3</sup> However, weaker laws in other states have resulted in an alarming flow of illegal guns into the Empire State. Of the 4,585 guns recovered in New York State in 2014 whose source states were identified, 70% were from out of state.<sup>4</sup>

Gun laws of New York City are even stricter than those of New York State.<sup>5</sup> In New York City, to own and carry a rifle, shotgun, or handgun, an individual is required to obtain a permit to purchase, registration certificate, license, and permit to carry. In contrast, New York State imposes those requirements for handguns only.<sup>6</sup> New York State gun licenses are generally not recognized in New York City, unless the New York City Police Commissioner has issued a special permit to the licensee.<sup>7</sup>

Despite strict guns laws in New York City, guns from outside the city’s borders continue to pour in and are responsible for the vast majority of gun crimes: 90% of the guns recovered at crime scenes in New York City come from out of state.<sup>8</sup> Speaking in October 2015, after the indictment of a gun-trafficking ring that brought more than 100 illegal guns into New York City over the course of a year, New York City Police Department (“NYPD”) Chief of Department James O’Neill said, “Year after year, illegal guns continue to flow into our city from states that don’t have proper safeguards in place.”<sup>9</sup>

Many of these out-of-state firearms are brought into New York City via the so-called Iron Pipeline, made up of Virginia, Georgia, Florida, and other states linked by Interstate 95. These three states alone were the source states for 1,073 recovered firearms in New York State in 2014.<sup>10</sup> “It doesn’t make any sense that . . . there is no federal law to stop someone from loading his truck with guns in Georgia, driving up I-95 and selling them in a parking lot in the Bronx,” U.S. Senator from New York, Kirsten Gillibrand, said in July 2015, after three NYPD officers had been killed in two separate incidents in prior months, all with illegal guns from Georgia.<sup>11</sup>

<sup>1</sup> Centers for Disease Control and Prevention, “Fatal Injury Report 2014,” available at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_us.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_us.html)

<sup>2</sup> U.S. Department of Justice, Bureau of Justice Statistics, “Number of Violent Victimization by Weapon Category 2014.” Generated using the NCVS Victimization Analysis Tool at [www.bjs.gov](http://www.bjs.gov). April 4, 2016.

<sup>3</sup> Webster, D. W., et al., ed. *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. John Hopkins University Press, 2013.

<sup>4</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “Firearms Trace Data: New York, January 1, 2014-December 31, 2014,” available at <https://www.atf.gov/about/docs/report/new-york-firearms-trace-data-%E2%80%93-2014/download>

<sup>5</sup> Brooklyn Borough President Eric L. Adams, “Gun Safety in New York: Deploying Common Sense Technology,” February, 2015, available at <http://brooklyn-usa.org/wp-content/uploads/2015/02/Gun-Safety-Report.pdf>

<sup>6</sup> National Rifle Association—Institute for Legislative Action, “Gun Laws: New York State Profile,” January 11, 2016, available at <https://www.nraila.org/gun-laws/state-gun-laws/new-york/>

<sup>7</sup> *Id.*

<sup>8</sup> MacMillan, T., “Gun Ring Brought Weapons to NYC by Bus, D.A. Says,” *Wall Street Journal*, October 14, 2015.

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

<sup>10</sup> *Supra* note 4.

<sup>11</sup> Rosenberg, E., “Sen. Kirsten Gillibrand Wants to Make Interstate Gun Trafficking a Federal Crime,” *New York Daily News*, July 13, 2015.

To stem the influx of illegal guns into New York City and to reduce the violence they inflict, lawmakers and advocates are calling for stricter gun laws on the State and Federal levels. “Without strong federal gun laws, New York will remain vulnerable to the incessant flow of illegal guns that end up killing and maiming our citizens,” said Leah Gunn Barrett, Executive Director of New Yorkers Against Gun Violence.

### **Preventing Wrongful Convictions**

Three hundred and thirty-seven wrongfully convicted individuals in the United States have been exonerated by DNA evidence since 1989, including 29 in New York State and 11 in New York City.<sup>12</sup> The top contributing factor of wrongful convictions is eyewitness misidentification, which is implicated in more than 70% of overturned convictions by DNA testing.<sup>13</sup> Other major contributors to wrongful convictions include false confessions, improper forensic science, government misconduct such as fraud and negligence, untrustworthy informants, and inadequate defense.<sup>14</sup>

To improve the accuracy of eyewitness identification, at least seven states, including Texas and Georgia, have implemented the “double-blind” procedure—a lineup in which neither the law enforcement official administering the lineup nor the eyewitness knows who the suspect is.<sup>15</sup> This process prevents the lineup administrator from intentionally or unintentionally influencing the decision of the witness. Additional best practices include instructing the witness that the lineup may or may not include the suspect, asking the witness to sign a confidence statement describing his or her level of confidence regarding the identification, and allowing photo identifications to be admissible at trial.

To prevent false confessions, 19 states currently mandate recording of interrogations.<sup>16</sup> Recording interrogations in their entirety discourages coercive interrogation tactics and give an objective account of whether the suspect wrongfully confessed due to coercion, extreme stress and exhaustion, substance use, mental health issues, or other reasons.

These reforms reduce wrongful convictions and increase accuracy in convicting the real perpetrators. They also help rebuild public confidence in the criminal justice system.

## **III. RESOLUTIONS**

### **Resolution No. 853**

Resolution No. 853 calls upon the United States Congress to pass, and the President to sign, H.R.1217, also known as the Public Safety and Second Amendment Rights Protection Act of 2015, which would close loopholes in the current gun background check system.

Since the federal Brady Handgun Violence Prevention Act took effect in 1994, all federally licensed gun dealers have been required to verify that potential buyers are not prohibited from buying these weapons because they meet any of 11 criteria, including being convicted of a domestic violence crime or any crime punishable by more than a year in prison, or having been adjudicated to have certain mental conditions. In states requiring background checks for private handgun sales, 38% fewer women are shot and killed by intimate partners than in states without background checks.<sup>17</sup> The same study revealed that in states requiring checks on private sales, there are 49% fewer firearm suicides, even though the rates of suicide by other means are virtually identical in the comparison states.<sup>18</sup> However, buyers of 40% of all guns are not required by current law to go through background checks, because those transactions take place privately at gun shows, over the internet, or through

<sup>12</sup> Innocence Project, “The Cases: DNA Exoneree Profiles,” available at [http://www.innocenceproject.org/cases-false-imprisonment/front-page#c10=published&b\\_start=0&c4=Exonerated+by+DNA&c5=NY](http://www.innocenceproject.org/cases-false-imprisonment/front-page#c10=published&b_start=0&c4=Exonerated+by+DNA&c5=NY), last accessed April 4, 2016.

<sup>13</sup> Innocence Project, “The Causes of Wrongful Conviction,” available at <http://www.innocenceproject.org/causes-wrongful-conviction>, last accessed April 4, 2016.

<sup>14</sup> *Id.*

<sup>15</sup> Innocence Project, “Eyewitness Identification Reform,” posted June 10, 2015, available at <http://www.innocenceproject.org/free-innocent/improve-the-law/fact-sheets/eyewitness-identification-reform>

<sup>16</sup> Innocence Project, “Innocence Project, Wrongfully Convicted Floyd Bledsoe and Others Testify in Support of Kansas Bill that Would Require the Recording of Interrogations,” posted February 17, 2016, available at <http://www.innocenceproject.org/news-events-exonerations/2016/innocence-project-wrongfully-convicted-floyd-bledsoe-and-others-testify-in-support-of-kansas-bill-that-would-require-the-recording-of-interrogations-1>

<sup>17</sup> Mayors Against Illegal Guns, “Felon Seeks Firearm, No Strings Attached,” September 2013, available at [http://www.nyc.gov/html/om/pdf/2013/felon\\_seeks\\_firearm.pdf](http://www.nyc.gov/html/om/pdf/2013/felon_seeks_firearm.pdf)

<sup>18</sup> *Id.*

classified ads.<sup>19</sup> This loophole allows anyone who would be prohibited based on information discovered in a background check to bypass the system and purchase firearms.

H.R. 1217 would expand the current law to cover all commercial sales, thus requiring background checks for all sales at gun shows, over the internet, and through classified ads, and would also strengthen the National Instant Criminal Background Check System by providing states incentives to improve record-sharing systems, ensuring accuracy of records regarding criminal convictions and mental health status. In addition, the legislation would establish the National Commission on Mass Violence to study the availability and nature of firearms and mental health issues. Expanded background checks would save lives and have the support of 91% of Americans, as well as the same percentage of gun-owning households.<sup>20</sup>

#### **Resolution No. 979-A**

Resolution No. 979-A calls upon the New York State Legislature to pass, and the Governor to sign, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations.

Two of the leading contributing factors to wrongful convictions are eyewitness misidentification and false confessions.<sup>21</sup> To help reduce wrongful convictions, advocates have long supported implementing evidence-based identification procedures to reduce witness misidentification, and recordings of custodial interrogations to prevent false confessions.

In June 2015, an agreement was reached among the New York State Bar Association, the District Attorneys Association of the State of New York, and the Innocence Project to require the recording of entire custodial interrogations in certain serious crimes, to mandate blind or double-blind identification procedures when a witness identifies a suspect, and to allow photo identifications to be admissible at trial. The procedures agreed upon in the agreement were incorporated into legislation and introduced by New York State Assembly Member Joseph Lentol and New York State Senator Michael Nozzolio as A.8157-A and S.5875-A, respectively.

After Resolution 979 was heard on April 6, it was revised to call on the State Legislature to support the concepts embodied in A.8157-A and S.5875-A. Proposed Resolution 979-A passed the Committee on May 3, 2016.

#### **Resolution 1027**

Resolution 1027 calls upon the United States Congress and the President to oppose H.R.923/S.498, known as the “Constitutional Concealed Carry Reciprocity Act of 2015”; and related bill H.R. 402, known as the “National Right-to-Carry Reciprocity Act of 2015” (the “Reciprocity Act”), which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.

A permit to carry a concealed handgun allows an individual to carry his or her handgun outside of his or her home or place of business. Both New York State and New York City have instituted stringent procedures governing whether citizens can lawfully possess and carry a handgun. In New York State, in order to purchase a handgun, an individual must first obtain a license to carry or possess a handgun.<sup>22</sup> The application process entails meeting strict eligibility requirements and a finding of there being no good cause to deny the license, including: (i) good moral character, (ii) older than 21 years old, (iii) never convicted of a felony, or serious offense, (iv) not a fugitive from justice, (v) not an unlawful or addicted user of any controlled substance, (vi) not an undocumented immigrant or admitted under a nonimmigrant visa, (vii) has not been dishonorably discharged from the Armed Forces, (viii) has not renounced his or her United States citizenship, (ix) stating if he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness, and (x) having had a license revoked, suspended, or declared ineligible under state law, (xi) had a legal guardian appointed due to mental incapacity or lacks the mental capacity to manage his or her own affairs.<sup>23</sup>

<sup>19</sup> National Institute of Justice, “Guns in America: National Survey on Private Ownership and Use of Firearms,” May 1997, available at <https://www.ncjrs.gov/pdffiles/165476.pdf>

<sup>20</sup> Clement, S., “90 Percent of Americans Want Expanded Background Checks on Guns. Why Isn’t This a Political Slam Dunk?” *Washington Post*, April 3, 2013.

<sup>21</sup> National Registry of Exonerations, “Basic Patterns,” available at <http://www.law.umich.edu/special/exoneration/Pages/Basic-Patterns.aspx>

<sup>22</sup> New York Penal Law §400.00

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

New York State has given the New York City Police Commissioner the authority to grant and issue licenses to carry firearms in New York City. The Licensing Division of the NYPD rigorously screens each applicant prior to granting a license. New York City does not recognize out-of-city permits.<sup>24</sup> A New York State permit is valid throughout the State except in New York City where such individual needs to obtain a special permit to validate such permit from the NYPD.<sup>25</sup> Although New York State and City possess these safeguards, there are pending bills in Congress that would undermine New York's efforts.

H.R.923/S.498 and H.R.402 would amend the United States Code to authorize an individual who is not prohibited from possessing, transporting, shipping, or receiving a firearm under federal law, who is entitled and not prohibited from carrying a concealed firearm in his or her state of residence or who is carrying a valid state license or permit to carry a concealed weapon, and who is carrying a government-issued photographic identification document, to carry a concealed handgun in any state in accordance with the restrictions of that state. In addition, the legislation would permit an individual to carry and conceal a handgun in New York State even if the license he or she holds is from another state with less stringent licensing standards.

These lax licensing requirements would undermine the strict New York State and City licensing standards and create a loophole for those seeking to carry and conceal handguns. Under this proposed bill, individuals would be allowed to carry handguns from outside New York State and City to freely carry their loaded handguns in crowded tourist destinations and bustling business areas. It would allow states with the weakest gun laws to dictate who may carry a handgun in New York State and City. Furthermore, if enacted, it would create serious and potentially life-threatening situations for law enforcement officers and make it difficult for an officer to verify the validity of such permits and distinguish legal from illegal handgun possession. Each state and local municipality should be able to determine for itself who may carry a concealed handgun within its borders.

*Accordingly, this Committee recommends the adoption of Res Nos. 853, 979-A, and 1024.*

**(The following is the text of Res No. 853:)**

Res. No. 853

**Resolution calling on Congress to pass, and the President to sign, H.R. 1217, also known as the Public Safety and Second Amendment Rights Protection Act of 2015, which closes loopholes in the current gun background check system.**

By The Public Advocate (Ms. James) and Council Members Gentile, Gibson, Lander, Mendez, Richards, Rose, Cohen, Rodriguez, Rosenthal, Levin and Kallos.

**Whereas**, According to the Gun Violence Archive, there were 51,377 incidents of gun violence in the United States in 2014, resulting in 12,518 deaths and 22,886 injuries; and

**Whereas**, Background checks of potential gun buyers are the first line of defense to keep guns away from those who might misuse them; and

**Whereas**, Since the federal Brady Handgun Violence Prevention Act took effect in 1994, all federally licensed gun dealers have been required to verify that potential buyers are not prohibited from buying these weapons because they meet any of 11 criteria, including being convicted of a domestic violence crime or any crime punishable by more than a year in prison, or having been adjudicated to have certain mental conditions; and

**Whereas**, Background checks have proven to be an effective way to reduce gun violence; and

**Whereas**, According to a 2012 Mayors Against Illegal Guns study, in states requiring background checks for private handgun sales, 38% fewer women are shot and killed by intimate partners than in states without background checks; and

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<sup>24</sup> New York Penal Law §400.00(6)

<sup>25</sup> *Id.*

**Whereas**, The same study revealed that in states requiring checks on private sales, there are 49% fewer firearm suicides, even though the rates of suicide by other means are virtually identical in the comparison states; and

**Whereas**, According to U.S. Representative Mike Thompson, Chair of the House Gun Violence Prevention Task Force, every day, the current background check system stops 170 people convicted of serious crimes and 50 domestic abusers from buying a gun; and

**Whereas**, However, according to a National Institute of Justice estimate, buyers of 40% of all guns are not required by current law to go through background checks, because those transactions take place privately at gun shows, over the internet, or through classified ads; and

**Whereas**, This loophole allows anyone who would be prohibited based on information discovered in a background check to bypass the system and purchase firearms; and

**Whereas**, In response to this dangerous loophole, U.S. Representatives Mike Thompson and Peter King have introduced H.R. 1217, the bipartisan Public Safety and Second Amendment Rights Protection Act of 2015; and

**Whereas**, H.R. 1217 would expand the current law to cover all commercial sales, thus requiring background checks for all sales at gun shows, over the internet, and through classified ads; and

**Whereas**, H.R. 1217 would also strengthen the National Instant Criminal Background Check System by providing states incentives to improve record-sharing systems, ensuring accuracy of records regarding criminal convictions and mental health status; and

**Whereas**, In addition, the legislation would establish the National Commission on Mass Violence to study the availability and nature of firearms and mental health issues; and

**Whereas**, Expanded background checks would save lives and have the support of 91% of Americans, as well as the same percentage of gun-owning households, according to a 2013 Washington Post-ABC News poll; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Congress to pass, and the President to sign, H.R. 1217, also known as the Public Safety and Second Amendment Rights Protection Act of 2015, which closes loopholes in the current gun background check system.

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. 979-A

**Report of the Committee on Public Safety in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations.**

The Committee on Public Safety, to which the annexed amended resolution was referred on February 5, 2016 (Minutes, page 319), respectfully

#### **REPORTS:**

(For text of report, please see the Report of the Committee on Public Safety for Res No. 853-A printed in the voice-vote Resolutions section of these Minutes)

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 979-A:)**

Res. No. 979-A

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations.**

By Council Members Gibson, Palma, Rodriguez, Chin, Lancman, Rose, Rosenthal, Richards, Cornegy, Lander, Torres, Wills, Salamanca, Levin, Menchaca and Cohen.

**Whereas**, According to the Innocence Project, DNA evidence has helped prove the innocence of 337 wrongfully convicted people in the United States since 1989, including 29 in New York State and 11 in New York City; and

**Whereas**, Data also shows that these individuals spent an average of 14 years in prison for crimes they did not commit; and

**Whereas**, Eyewitness misidentification and false confessions are two of the leading contributing factors to wrongful convictions proven with DNA evidence, as reported by the National Registry of Exonerations; and

**Whereas**, According to the Innocence Project, of the 11 cases in New York City since 1989 in which the accused were eventually exonerated by DNA evidence, eyewitness misidentification was found in two cases to be an important contributor to the initial conviction; and

**Whereas**, In nine of these 11 cases, false confessions played a role, including the “Central Park Five” case, in which a group of five teenagers were wrongfully convicted of raping a jogger in Central Park; and

**Whereas**, Evidence-based identification procedures and recording of custodial interrogations safeguard against wrongful convictions stemming from witness misidentification and false confessions; and

**Whereas**, These procedures enhance the ability of law enforcement to identify the real perpetrators, thus improving public trust and confidence in the criminal justice system; and

**Whereas**, In June 2015, the New York State Bar Association, the District Attorneys Association of the State of New York, and the Innocence Project reached a long-sought agreement on a process to require the recording of custodial interrogations in certain serious crimes and to allow the admissibility of photographic arrays when enhanced identification procedures are used; and

**Whereas**, The agreement builds upon statewide procedures already voluntarily adopted by law enforcement in some jurisdictions in the state; now, therefore, be it

**Resolved**, That the Council of The City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that provides safeguards against wrongful convictions by requiring law enforcement to implement evidence-based eyewitness identification procedures and recording of custodial interrogations.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RITCHIE J. TORRES; Committee on Public Safety, May 3, 2016. *Other Council Members Attending: Council Members Rosenthal and Dromm.*

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. 1000

**Report of the Committee on Civil Rights in favor of approving a Resolution recognizing March 5th as “Three-Fifths Clause Awareness Day” to be officially observed each year in New York City.**

The Committee on Civil Rights, to which the annexed resolution was referred on March 9, 2016 (Minutes, page 634), respectfully

**REPORTS:**

**I. INTRODUCTION**

On Tuesday, May 3, 2016, the Committee on Civil Rights, chaired by Council Member Darlene Mealy, will hold a hearing to vote on Resolution Number 1000 (“Res. No. 1000”), a resolution recognizing March 5<sup>th</sup> as “Three-Fifths Clause Awareness Day” to be officially observed each year in NYC, and Proposed Resolution Number 1001-A (“Res. No. 1001-A”), a resolution calling upon Congress to add an amendment to the Constitution of the United States directly negating the language of Article two, Paragraph 3, known as the “three-fifths clause.” The Committee held a hearing on both resolutions on April 18, 2016 and heard testimony from civil and human rights organizations and other interested parties.

**II. BACKGROUND**

The Three-Fifths Clause was enacted in 1787 during the United States Constitutional Convention as a result of a compromise reached among delegates from northern and southern states on whether and how enslaved persons should be counted when determining a state’s total population for legislative and taxation purposes.<sup>1</sup> The Convention unanimously accepted the principle that representation in the House of Representatives would be in proportion to the relative state populations.<sup>2</sup> Northern delegates either opposed to slavery or the argument presented by southern delegates that enslaved persons should be counted despite being treated as property and unable to vote, proposed that only free inhabitants of each state should be counted.<sup>3</sup> Southern delegates who supported slavery opposed this proposal and were adamant that enslaved persons should be counted.<sup>4</sup> The conflict arose as counting enslaved persons as a part of states’ populations would largely benefit southern states by significantly increasing their representation in the House and the Electoral College.<sup>5</sup>

The Three-Fifths Clause, commonly known as the Three-Fifths Compromise, provided that representation in Congress would be based on the “whole Number of free Persons” and “three-fifths of all other persons,” meaning those who were enslaved, the majority of whom were African Americans, would be partially counted in determining a state’s total population.<sup>6</sup> Due to the enactment of this clause, southern states were granted considerably more seats in Congress and the Electoral College and as a result, the interests of slaveholders

<sup>1</sup> Elliot, Jonathan, “The Debates In The Several State Conventions On The Adoption of The Federal Constitution, As Recommended by The General Convention At Philadelphia, in 1787” J.B Lippincott & Co. 1866, available at <https://play.google.com/books/reader?id=OS4MAQAAMAAJ&printsec=frontcover&output=reader&hl=en&pg=GBS.PP7> (last visited April 13, 2016).

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

<sup>3</sup> Finkelman, Paul “The Union Wasn’t Worth the Three-Fifths Compromise on Slavery” New York Times 27 Feb. 2013, available at <http://www.nytimes.com/roomfordebate/2013/02/26/the-constitutions-immoral-compromise/the-union-wasnt-worth-the-three-fifths-compromise-on-slavery> (last visited April 13, 2016).

<sup>4</sup> *Id.*

<sup>5</sup> Finkelman, Paul “How the Proslavery Constitution Led To The Civil War” Rutgers Law Journal Volume 43 Fall/Winter 2015, available at <http://poseidon01.ssrn.com/delivery.php?ID=753074071124064070013118106124092006010045004048003005075122094087089067095000092029126119017036023013055086064068022067067089045045047076049102091108064086022029088069014094121005069070067069025100003119093000091029023086001112005089116031067010087&EXT=pdf> (last visited April 13, 2016).

<sup>6</sup> US Const. Article I, Section II, Paragraph III.

largely dominated the United States government because enslaved persons were denied the right to vote.<sup>7</sup> Southern states were able to block federal legislation that challenged slavery and get the House to pass numerous laws that protected slavery including, but not limited to: the Missouri Compromise of 1820, which extended slavery to Missouri; the annexation in 1845 of Texas; the passage of the Fugitive Slave Act of 1850; a law permitting slavery in Utah and New Mexico; and the passage of the Kansas-Nebraska Act in 1854, which extended slavery to the Great Plains and Rocky Mountain territories.<sup>8</sup> Without the representation southern slave-holding states gained as a result of the Three-Fifths Clause, historians claim that it is unlikely these laws would have passed.<sup>9</sup>

Despite common understandings of the Three-Fifths Clause, this provision did not declare that African Americans were three-fifths of a person.<sup>10</sup> Rather, the provision declared that slave-holding states would receive more representation for their slaves, without extending the rights granted by citizenship to them.<sup>11</sup> The provision was not only about race, but also the status and allocation of political power, which served as a detriment to enslaved persons.<sup>12</sup> Dr. Paul Finkelman, an American legal historian and Professor of Law and Public Policy at Albany Law School, refers to the clause as a “mathematical formula that allowed the allocation of representatives in Congress to factor in the slave population.”<sup>13</sup> According to Dr. Finkelman, African Americans who were not enslaved or “free” were counted in the exact same way as white Americans, and despite enslaved persons being unable to vote in the US at the time, “free” African Americans could legally vote in a number of states.<sup>14</sup>

### **III. RES. NO. 1000 & RES. NO. 1001-A**

The harmful effects of Three-Fifths Clause remain prevalent as many communities of color continue to struggle with obtaining and maintaining equality, including equal access to voting. As such, Res. No. 1000 seeks to bring awareness of the long-lasting difficulties the Three-Fifths Clause caused for African Americans and communities of color by recognizing March 5<sup>th</sup> as “Three-Fifths Clause Awareness Day.” Res. No. 1001-A also seeks to bring awareness to the Three-Fifths Clause, but also aims to eliminate discriminatory rhetoric from our nation’s constitution by calling upon the United States Congress to amend the Constitution to directly negate the language in the Three-Fifths Clause.

*Accordingly, this Committee recommends the adoption of Res Nos. 1000 and 1001-A.*

#### **(The following is the text of Res No. 1000:)**

Res. No. 1000

#### **Resolution recognizing March 5<sup>th</sup> as “Three-Fifths Clause Awareness Day” to be officially observed each year in New York City.**

By Council Members King, Chin, Barron, Cornegy, Gibson, Mendez, Torres, Rose, Cabrera, Mealy, Ferreras-Copeland, Dromm, Eugene, Cohen and Ulrich.

**Whereas**, The Three-Fifths Clause enacted in the United States Constitution in 1787 declared that enslaved persons, the majority of whom were African-Americans, would be counted as three-fifths of a person in calculating each state’s total population; and

<sup>7</sup> *Supra* note 5 at 407.

<sup>8</sup> Finkelman, Paul “Three Fifths Clause: Why Its Taint Persists” *The Root* 26 Feb 2013 available at [http://www.theroot.com/articles/politics/2013/02/the\\_threefifths\\_clause\\_the\\_compromise\\_over\\_slavery\\_and\\_its\\_lingering\\_effects.3.html](http://www.theroot.com/articles/politics/2013/02/the_threefifths_clause_the_compromise_over_slavery_and_its_lingering_effects.3.html) (last visited April 13, 2016)

<sup>9</sup> *Supra* note 6 at 424-429

<sup>10</sup> *Supra* note 8 at 1

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

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

**Whereas**, The clause was enacted as a compromise in the debate over whether and how enslaved persons would be counted when determining a state's total population for legislative and taxing purposes; and

**Whereas**, The Three-Fifths Clause provided that representation in Congress would be based on the "whole Number of free Persons" and "three-fifths of all other persons" meaning those who were enslaved were not considered whole persons; and

**Whereas**, Due to this clause and the fact that representation within the federal legislature is based on a state's total population, southern states were granted significantly more seats in Congress and the Electoral College; and

**Whereas**, The enactment of the Three-Fifths Clause allowed the interests of slaveholders to largely dominate the United States government, considering that African-Americans were denied the right to vote and were treated as property; and

**Whereas**, Although southern states largely benefitted from this clause, northern states such as New York, where slavery was not abolished until 1827, did as well; and

**Whereas**, In addition to the precise impacts the Three-Fifths Clause had on representation, it also set a precedent for the perpetual unequal treatment of African-Americans in the United States that would go on for centuries and is still felt today; and

**Whereas**, Through the Emancipation of Slavery, the Reconstruction Era, repealing of Jim Crow Laws, and the Civil Rights Movement of the 1950's, African-Americans have not only fought for equal rights, but the acknowledgement of their full humanity; and

**Whereas**, Bringing awareness to the Three-Fifths Clause is of importance to understanding the current day plight of African-Americans in New York City and the nation; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes March 5<sup>th</sup> as "Three-Fifths Clause Awareness Day" to be officially observed each year in New York City.

DARLENE MEALY, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, ANDY L. KING, RAFAEL SALAMANCA, Jr.: Committee on Civil Rights, May 3, 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 Council Member formally noted his opposition to the passage of this item:  
Council Member Matteo.

The following Council Member formally noted his abstention on this item:  
Council Member Cohen.

Adopted by the Council by voice-vote.

Report for voice-vote item Res No. 1001-A

**Report of the Committee on Civil Rights in favor of approving, as amended, a Resolution calling upon Congress to add an amendment to the Constitution of the United States directly negating the language of Article 1, Section two, Paragraph 3, known as the "three-fifths clause".**

The Committee on Civil Rights, to which the annexed resolution was referred on March 9, 2016 (Minutes, page 635), respectfully

**(For text of report, please see the Report of the Committee on Civil Rights for Res No. 1000 printed in the voice-vote Resolutions section of these Minutes)**

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

**(The following is the text of Res No. 1001-A:)**

Res. No. 1001-A

**Resolution calling upon Congress to add an amendment to the Constitution of the United States directly negating the language of Article 1, Section two, Paragraph 3, known as the “three-fifths clause”.**

By Council Members King, Chin, Barron, Cornegy, Gibson, Mendez, Torres, Rose, Cabrera, Mealy, Dickens, Dromm, Cohen, Levin and Ulrich.

**Whereas**, Article one, Section two, Paragraph three of the Constitution of the United States, contains what is known as the “three-fifths clause”; and

**Whereas**, The three-fifths clause allows a state to consider as part of its population, for the purposes of determining representation in Congress, three-fifths of the slave population within that state; and

**Whereas**, The three-fifths clause was established in 1787 as a compromise between states with and those without a slave population; and

**Whereas**, Although the three-fifths clause takes into consideration the number of slaves in any given state, enslaved persons were barred from voting at the time the clause was added; and

**Whereas**, The systematic disenfranchisement of enslaved African Americans during the 18<sup>th</sup>, 19<sup>th</sup>, and early 20<sup>th</sup> centuries created a system of sociopolitical inequality, the effects of which are still felt today; and

**Whereas**, The 13<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution technically superseded the three-fifths clause, but did not denounce or repeal it; and

**Whereas**, Despite the passage of these Amendments, the “three-fifths” language remains part of the Constitution; and

**Whereas**, The continued existence of the three-fifths clause in the Constitution is a vestige of a time when African Americans were enslaved in the United States and denied basic human and civil rights; and

**Whereas**, While our nation had made progress to ensure civil rights of all Americans, race-based discrimination still persists today; and

**Whereas**, The nation’s premier body of law should explicitly negate any language that condones slavery, discrimination, and the denial of civil rights; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to add an amendment to the Constitution of the United States directly negating the language of Article 1, Section two, Paragraph 3, known as the “three-fifths clause”.

DARLENE MEALY, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, ANDY L. KING, RAFAEL SALAMANCA, Jr.: Committee on Civil Rights, May 3, 2016.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res No. 1024

**Report of the Committee on Public Safety in favor of a Resolution calling on Congress and the President to oppose H.R.923/S.498, known as the “Constitutional Concealed Carry Reciprocity Act of 2015,” and**

**related bill H.R.402, known as the “National Right-to-Carry Reciprocity Act of 2015,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.**

The Committee on Public Safety, to which the annexed resolution was referred on April 7, 2016 (Minutes, page 890), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Public Safety for Res No. 853-A printed in the voice-vote Resolutions section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 1024:)**

Res. No. 1024

**Resolution calling on Congress and the President to oppose H.R.923/S.498, known as the “Constitutional Concealed Carry Reciprocity Act of 2015,” and related bill H.R.402, known as the “National Right-to-Carry Reciprocity Act of 2015,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.**

By The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Chin, Rose, Cohen, Van Bramer, Rosenthal, Levin and Kallos.

**Whereas**, A permit to carry a concealed handgun allows an individual to carry his or her handgun outside of his or her home or place of business; and

**Whereas**, Both New York State and New York City have instituted stringent procedures governing whether citizens can lawfully possess and carry a handgun; and

**Whereas**, In New York State, in order to purchase a handgun an individual must first obtain a license to carry or possess a handgun; and

**Whereas**, The application process entails meeting strict eligibility requirements and a finding of there being no good cause to deny the license, including: (i) good moral character, (ii) older than 21 years old, (iii) never convicted of a felony, or serious offense, (iv) not a fugitive from justice, (v) not an unlawful or addicted user of any controlled substance, (vi) not an undocumented immigrant or admitted under a nonimmigrant visa, (vii) has not been dishonorably discharged from the Armed Forces, (viii) has not renounced his or her United States citizenship, (ix) stating if he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness, and (x) having had a license revoked, suspended, or declared ineligible under state law, (xi) had a legal guardian appointed due to mental incapacity or lacks the mental capacity to manage his or her own affairs; and

**Whereas**, New York State has given the New York City Police Commissioner the authority to grant and issue licenses to carry firearms in New York City; and

**Whereas**, The Licensing Division of the New York City Police Department (“NYPD”) rigorously screens each applicant prior to granting a license; and

**Whereas**, The NYPD’s Licensing Division requires an in-person interview, tax returns, and performs a thorough background check which includes the inspection of sealed criminal records; and

**Whereas**, Applicants can be denied because they have a history of driving under the influence of alcohol, have unpaid traffic tickets, or simply because they were uncooperative during the application process; and

**Whereas**, New York City does not recognize out-of-city permits; and

**Whereas**, A New York State permit is valid throughout the State except in New York City where such individual needs to obtain a special permit to validate such permit from the NYPD; and

**Whereas**, Although New York State and City possess these safeguards, there are pending bills in Congress that would undermine New York's efforts; and

**Whereas**, Representative Marlin A. Stutzman and Senator John Cornyn introduced H.R.923/S.498, known as the "Constitutional Concealed Carry Reciprocity Act of 2015," and Representative Richard Nugent introduced H.R. 402, known as the "National Right-to-Carry Reciprocity Act of 2015"; and

**Whereas**, H.R.923/S.498 and H.R.402 would amend the United States Code to authorize an individual who is not prohibited from possessing, transporting, shipping, or receiving a firearm under federal law, who is entitled and not prohibited from carrying a concealed firearm in his or her state of residence or who is carrying a valid state license or permit to carry a concealed weapon, and who is carrying a government-issued photographic identification document, to carry a concealed handgun in any state in accordance with the restrictions of that state; and

**Whereas**, H.R.923/S.498 and H.R.402 would permit an individual to carry and conceal a handgun in New York State even if the license he or she holds is from another state with less stringent licensing standards; and

**Whereas**, H.R.923/S.498 and H.R.402 would therefore undermine the strict New York State and City licensing standards and create a loophole for those seeking to carry and conceal handguns; and

**Whereas**, H.R.923/S.498 and H.R.402 would allow concealed carry permit holders from outside New York State and City to freely carry their loaded handguns in crowded tourist destinations and bustling business areas; and

**Whereas**, H.R.923/S.498 and H.R.402 would allow states with the weakest gun laws to dictate who may carry a handgun in New York State and City; and

**Whereas**, If H.R.923/S.498 and H.R.402 were enacted, the law would create serious and potentially life-threatening situations for law enforcement officers and make it difficult for an officer to verify the validity of such permits and distinguish legal from illegal handgun possession; and

**Whereas**, Each state and local municipality should be able to determine for itself who may carry a concealed handgun within its borders; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Congress and the President to oppose H.R.923/S.498, known as the "Constitutional Concealed Carry Reciprocity Act of 2015," and related bill H.R.402, known as the "National Right-to-Carry Reciprocity Act of 2015," which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, ROBERT E. CORNEGY, Jr., CHAIM M. DEUTSCH, RAFAEL ESPINAL, Jr., RITCHIE J. TORRES; Committee on Public Safety, May 3, 2016. Other Council Members Attending: Council Members Rosenthal and Dromm.

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 Borelli, Miller and Matteo.

Adopted by the Council by voice-vote.

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

Report for voice-vote item Res No. 1061

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2644, and the electors of the State of New York to approve and ratify the resulting constitutional amendment, to establish no-excuse absentee voting.**

The Committee on Governmental Operations, to which the annexed preconsidered resolution was referred on May 10, 2016, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 62-A)**

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

**(The following is the text of Res No. 1061:)**

Preconsidered Res. No. 1061

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2644, and the electors of the State of New York to approve and ratify the resulting constitutional amendment, to establish no-excuse absentee voting.**

By Council Members Kallos and Vallone.

**Whereas**, According to the United States Elections Project, only 29% of eligible voters in New York State cast a ballot in the 2014 General Election, making it 49<sup>th</sup> in the nation in turnout rate; and

**Whereas**, In the same election, only 20% of eligible voters in New York City voted, hitting a historic low, according to the New York City Campaign Finance Board; and

**Whereas**, While there are numerous reasons for low voter participation rates, the most common reason for not voting cited in a 2010 United States Census Bureau survey was “No time off/too busy”; and

**Whereas**, Many states with high voter turnout rates have instituted various electoral reforms to increase participation, including permitting voters to cast absentee ballots without citing an excuse; and

**Whereas**, Twenty-seven states and the District of Columbia currently allow any voter to vote via absentee ballot without offering an excuse, and three states have all-mail voting where ballots are automatically sent to every eligible voter, according to the National Conference of State Legislatures; and

**Whereas**, New York State requires voters applying for absentee ballots to affirm that they qualify to do so due to one of several reasons, including absence from their county or New York City on Election Day, illness or disability, primary care taker responsibilities of someone ill or disabled, and detention in jail or prison; and

**Whereas**, Applying for an absentee ballot and falsely citing one of the qualifying reasons is a felony; and

**Whereas**, There are many additional reasons that make it difficult or impossible for some voters to appear in person at poll sites on Election Day, such as work hours and child care responsibilities; and

**Whereas**, Many advocates for increased voter participation have supported removing these limitations on absentee voting, since potential voters often miss the opportunity to cast a ballot when the voting period is confined only to certain hours of one day; and

**Whereas**, New York State Assembly Member Brian Kavanagh introduced A.2644, which eliminates restrictions on absentee voting and allows every eligible voter to cast absentee ballots without offering a specific justification; and

**Whereas**, Establishing no-excuse absentee voting in New York State would increase voter participation by allowing all voters the option to vote from home at a time convenient to them; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.2644, and the electors of the State of New York to approve and ratify the resulting constitutional amendment, to establish no-excuse absentee voting.

BEN KALLOS, Chairperson; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES; Committee on Governmental Operations, May 4, 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.

The following Council Member formally abstained to vote on this item:  
Council Member Cohen.

Adopted by the Council by voice-vote.



## INTRODUCTION AND READING OF BILLS

Res. No. 1058

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A8220/S6086 and A9036/S6378, in relation to purchasing restrictions on persons boycotting Israel; and to amend the retirement and social security law, in relation to the investment of certain public funds in companies boycotting Israel.**

By Council Members Cohen, Deutsch, Garodnick, Greenfield, Grodenchik, Kallos, Koslowitz, Lancman, Levine, Maisel, Treyger and Rosenthal.

**Whereas**, Israel is an ally of the United States and has a long-standing relationship with the City of New York; and

**Whereas**, The City of New York has the largest population of Jewish residents in the nation, it is home to the largest Jewish community outside of Israel; and

**Whereas**, The punitive economic measures the BDS Movement calls for are unfair to the Israeli people and harmful to the State's economy, as well as potentially damaging to Israeli-U.S. relations; and

**Whereas**, These boycotts undermine dialogue, economic cooperation, and political reconciliation between Israelis and Palestinians; and

**Whereas**, In addition to economic consequences for Israel, the BDS Movement has been linked to the spread of anti-Semitic sentiment and rhetoric; and

**Whereas**, Actions taken by the BDS Movement fuels tensions, rather than creating an environment where peace can be restored; and

**Whereas**, A8220/S6086, sponsored by Assembly member Charles Lavine and Senator Michael Gianaris respectively, and A.9036/S6378 sponsored by Assembly member Helen Weinstein and Senator Jack Martins would amend the New York State Finance Law by adding purchasing restrictions for persons or companies that are engaged in actions that are politically motivated and are intended to penalize, inflict economic harm on, or otherwise limit commercial relations within or controlled by the State of Israel; and

**Whereas**, Pursuant to these bills, persons and entities engaged in boycotting Israel would be ineligible to contract with the State, except in limited circumstances; and

**Whereas**, The Commissioner of General Services would be tasked to develop and maintain a public list of persons and companies engaged in boycotting the State of Israel; and

**Whereas**, Persons or companies would be provided with written notice before being added to such public list, and would be given an opportunity to cease boycott activities; and

**Whereas**, If a person or business already contracting with the State fails to cease boycott activities, the State could take actions, including but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default; and

**Whereas**, Under the proposed laws, no assets of any pension or annuity fund under the jurisdiction of the New York State Comptroller, would be invested in any bank or financial institution that directly or through a subsidiary boycotts Israel; and

**Whereas**, The proposed laws would also divest public dollars or assets of the Common Retirement Fund from stocks, securities, or other obligations of any institution or company boycotting Israel; and

**Whereas**, The BDS Movement and its agenda is damaging the cause of peace, justice, equality, democracy, and human rights for all people in the Middle East; now, therefore, be it

**Resolved**, That the Council of the City of New York call on the New York State Legislature to pass, and the Governor to sign, A8220/S6086 and A936/S6378, in relation to purchasing restrictions on persons boycotting Israel; and to amend the retirement and social security law, in relation to the investment of certain public funds in companies boycotting Israel.

Referred to the Committee on Contracts.

## Int. No. 1172

By Council Members Crowley, Cumbo, Johnson, Rosenthal, Chin and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to issue an annual report on maternal mortality.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-112.1 to read as follows:

§ 17-112.1 *Maternal mortality annual report.* a. *For purposes of this section, the following terms have the following meanings:*

*Maternal health.* The term “maternal health” means the health of women during pregnancy, childbirth, and the postpartum period.

*Maternal mortality.* The term “maternal mortality” means the death of a woman while pregnant or within 42 days of the termination of pregnancy, irrespective of the duration of pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes.

*Pregnancy-related mortality ratio.* The term “pregnancy-related mortality ratio” is defined as the number of pregnancy-related deaths per 100,000 live births.

b. *Report.* No later than September 30, 2017, and not later than September 30 annually thereafter, the department shall submit to the speaker and post on the department’s website a report providing data regarding maternal mortality in New York city, to the extent such data is made available to the department, including, but not limited to:

1. *The number of maternal mortalities from the previous year, disaggregated by age, education, race or ethnicity, borough of residence, and location of death;*
2. *The pregnancy-related mortality ratio from the previous year;*
3. *The leading causes of maternal mortality in the previous year; and*
4. *Recommendations regarding actions the department, the mayor, and the Council can take to improve maternal health, particularly in disproportionately impacted communities, and reduce maternal mortality.*

§2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Health.

## Int. No. 1173

By Council Member Espinal.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing maximum charges for towing motor vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 8 of subdivision c of section 19-169 of the administrative code of the city of New York, as amended by local law 41 for the year 2011, is amended to read as follows:

8. Notwithstanding the charges permitted to be collected under subdivision c of section 20-519 [of this code], a person who removes a vehicle pursuant to *this* section[ 19-169 of this code] may collect the following charges from the owner or other person in control of such vehicle, payable before the vehicle is released: [one hundred twenty-five dollars]\$225 for removal and the first three days of storage; up to [fifteen dollars]\$40 per day for storage thereafter, except that no charge may be collected for removal or storage of a vehicle pursuant to this

section by a person who is not licensed to engage in towing pursuant to subchapter [thirty-one]31 of chapter [two]2 of title [twenty]20 of the code.

§ 2. Subdivision a of section 19-169.1 of the administrative code of the city of New York, as amended by local law 41 for the year 2011, is amended to read as follows:

a. Notwithstanding any other provision of law, where a licensed tow operator removes a vehicle because it is parked on private property in a manner inconsistent with posted instructions, and such removal is pursuant to a contract between the owner of the private property and the licensed tow operator for the removal of any such improperly parked vehicles, such tow operator may collect the following charges from the vehicle owner or other person in control of such vehicle, payable before the vehicle is released: up to but not more than [one hundred twenty-five dollars]\$225 for removal and the first three days of storage; up to but not more than [fifteen dollars]\$40 per day for storage thereafter; except that no charge may be collected for removal or storage of a vehicle pursuant to this section by a person who is not licensed to engage in towing pursuant to subchapter [thirty-one]31 of chapter [two]2 of title [twenty]20 of this code.

§ 3. Section 20-509.1 of the administrative code of the city of New York, as amended by local law 41 for the year 2011, is amended to read as follows:

§ 20-509.1 Rates for arterial tow permittees. Notwithstanding any other provisions of this subchapter, charges for the towing of disabled passenger vehicles from an arterial roadway by an arterial tow permittee authorized by the commissioner of transportation or the police commissioner shall be [one hundred twenty-five dollars for the first ten miles or fraction thereof and four dollars for each additional mile or fraction thereof]\$225. *If the person in charge of the vehicle, other than the police department, requests that such vehicle be towed to any location other than the storage facilities of the arterial tow permittee, such arterial tow permittee may also charge a mileage fee of \$5 per mile or portion thereof for the distance traveled from the place of accident or disablement to the location where the vehicle is towed; provided, however, that such distance shall be measured on a route available for commercial vehicles from the place of accident or disablement to the location to which such vehicle is towed.*

§ 4. Section 20-511 of the administrative code of the city of New York, as added by local law 28 for the year 1987, is amended to read as follows:

§ 20-511 Removal of vehicles obstructing traffic. When a vehicle is situated so as to constitute an obstruction to traffic, and such vehicle is unattended or the person in charge of such vehicle has not arranged for its removal, a police officer or a person designated by the commissioner of transportation may direct its removal by a person licensed to engage in towing *such vehicle*, and such licensee shall remove such vehicle to a storage facility which meets the specifications established by the commissioner by regulation pursuant to section 20-508[ of this subchapter]. Such licensee shall be entitled to charge the person in charge of the vehicle for towing and storage, and where applicable, for the rendering of services to prepare the vehicle for towing at the rates set forth or authorized by section [20-509 of this subchapter]20-518.

§ 5. Paragraphs four and five of subdivision b of section 20-518 of the administrative code of the city of New York, as amended by local law 41 for the year 2011 and added by local law 97 for the year 1994, respectively, are amended to read as follows:

4. Notwithstanding any other provision of this subchapter, a towing company that removes an accident vehicle to its storage facility at the place of business which qualifies such company for participation in the directed accident response program or to its auxiliary storage facilities approved by the commissioner, shall not charge for the towing of a vehicle registered at a weight of [ten thousand]10,000 pounds or less a fee exceeding [one hundred and twenty-five dollars]\$225 or more than [twenty-five dollars]\$40 per day for [the first three days of storage and twenty-seven dollars for the fourth day, and each day thereafter, of ]storage for such vehicle. A towing company participating in the directed accident response program shall not charge for the towing of an accident vehicle registered at a weight of more than [ten thousand]10,000 pounds a fee exceeding [one hundred and forty dollars]\$300 or more than [twenty-five dollars]\$100 per day for [the first three days of storage and twenty-seven dollars for the fourth day, and each day thereafter, of ]storage for such vehicle.

5. If a person in charge of the vehicle, other than a police officer, requests that an accident vehicle be towed to any location other than the storage facilities at the place of business which qualified the towing company removing the vehicle for participation in the directed accident response program or to its auxiliary storage facilities approved by the commissioner, the towing company may also, in addition to the charges authorized under paragraph [four]4 of this subdivision, charge [the]a mileage fee [for additional mileage that is authorized

under section 20-509 of this subchapter,]of \$5 per mile or portion thereof for the distance traveled from the accident scene to the location where the vehicle is towed; provided, however, that such distance shall be measured on a route available for commercial vehicles from the accident scene to the location to which such vehicle is towed.

§ 6. Paragraphs 1 and 2 of subdivision a of section 20-519 of the administrative code of the city of New York, as amended by local law 110 for the year 1993, are amended to read as follows:

§ 20-519 Removal of stolen, abandoned and evidence vehicles, vehicles blocking a private driveway and vehicles with certain alarm devices. a. 1. The commissioner shall establish a program to be known as the "rotation tow program" for the purpose of removing evidence vehicles, vehicles suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law, the removal pursuant to section 19-169[ of the code] of vehicles blocking a private driveway, and the removal pursuant to section [24-221 of the code]24-240 of vehicles with certain alarm devices.

2. The commissioner, after consultation with the police commissioner, shall divide the city into zones and shall create for each zone a list in random order of persons licensed to engage in towing who have been approved by the commissioner for participation in the rotation tow program. The commissioner may in his or her discretion create from such list separate lists for the removal of evidence vehicles, stolen and abandoned vehicles, the removal pursuant to section 19-169[ of the code] of vehicles blocking a private driveway, and the removal pursuant to section [24-221 of the code]24-240 of vehicles with certain alarm devices, respectively. At any time subsequent to the initial establishment of zones and lists, the commissioner may, after consultation with the police commissioner, modify the zones and reformulate the lists to ensure sufficient towing services throughout the city. Where more than one towing company has been placed on a list of towing companies authorized to remove vehicles in a particular zone, the police department shall summon towing companies from such list on a rotating basis. Any towing company approved for participation in such program after such lists are initially established shall be placed on any such list at the point immediately preceding the last towing company summoned by the police department pursuant to this section. Such lists shall be available at the department for public inspection.

§ 7. Subdivision b of section 20-519 of the administrative code of the city of New York, as amended by local law 110 for the year 1993, is amended to read as follows:

b. 1. Any vehicle that is suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law, any vehicle that is blocking a private driveway and subject to removal pursuant to section 19-169[ of the code], and any vehicle with certain alarm devices which is subject to removal pursuant to section [24-221 of the code]24-240 shall be removed by a tow truck of the towing company participating in the rotation tow program when directed to do so by the police department. If such vehicle appears to have a missing or altered vehicle identification number, the police may direct its removal to the police property clerk. All other vehicles shall be towed to the storage facility of such responding company which meets such specifications as the commissioner shall establish by rule, and shall at all times be stored within such storage facility while the vehicle is in the custody of the towing company. Such storage facility shall be the premises listed on the license of the towing company responding to the police department's direction to remove a vehicle or the premises approved by the commissioner for use by such towing company. Such premises shall be owned, operated or controlled by such towing company and shall not be used by any other towing company. The police department shall expeditiously make every reasonable effort to notify the owner and the national automobile theft bureau or the insurer, if any, of any vehicle that is suspected of having been stolen or abandoned of the vehicle's location and the procedure for retrieval. During the period commencing on the eighth day after the vehicle is removed to such storage facility and ending on the thirtieth day after such removal, such towing company shall transfer any vehicle which has not been claimed into the custody of the police department property clerk.

2. An evidence vehicle shall be removed by a towing company participating in the rotation tow program when directed to do so by the police department. Such vehicle shall be towed to a location designated by a police officer.

3. No tow truck operator shall knowingly remove a vehicle suspected of having been stolen or abandoned or an evidence vehicle without authorization by the police department. No tow truck operator shall knowingly remove a vehicle blocking a private driveway subject to removal pursuant to section 19-169[ of the code] except as authorized in such section. No tow truck operator shall knowingly remove a vehicle with certain alarm devices subject to removal pursuant to section [24-221 of the code]24-240 except as authorized in such section.

§ 8. Paragraphs 1 and 2 of subdivision c of section 20-519 of the administrative code of the city of New York, as amended by local law 41 for the year 2011 and local law 110 for the year 1993, respectively, is amended to read as follows:

c. 1. Notwithstanding any other provision of law, the towing company shall be entitled to charge the owner or other person claiming a vehicle that is suspected of having been stolen or abandoned or a vehicle with certain alarm devices subject to removal pursuant to section [24-221 of the code]24-240 which was directed to be towed by the police department pursuant to this section and which is claimed before the end of the thirtieth day after such vehicle is removed by such towing company amounts not in excess of the following: [one hundred twenty-five dollars]\$225 for the towing of a vehicle registered at a weight of [ten thousand]10,000 pounds or less *plus \$40 per day for storage*; one hundred and forty dollars]\$300 for the towing of a vehicle registered at a weight of more than [ten thousand]10,000 pounds; twenty-five dollars per day for the first three days and twenty-seven dollars for the fourth day of storage and each day thereafter] *plus \$100 per day for storage*. Upon the transfer of an unclaimed vehicle into the custody of the police department property clerk, the towing company shall be entitled to charge the police department amounts not in excess of the following: [sixty dollars]\$60 plus tolls for the towing of a vehicle suspected of having been stolen or abandoned, a vehicle that was blocking a private driveway and was removed pursuant to section 19-169[ of the code] or a vehicle with certain alarm devices that was removed pursuant to section [24-221 of the code]24-240, to a storage facility and subsequent transfer of such vehicle into the custody of such property clerk during the period of time specified in paragraph [one]1 of subdivision b of this section; [five dollars]\$5 per day for the first three days of storage of such vehicle and [eight dollars]\$8 for the fourth day of storage and each day thereafter, provided that in no event shall any towing company be entitled to charge the police department for storage charges incurred after the tenth day of storage. The towing company shall be entitled to charge the police department an amount not in excess of [sixty dollars]\$60 plus tolls for the towing of an evidence vehicle to a location designated by a police officer.

2. The police department shall be entitled to charge an owner or other person who claims a vehicle that is suspected of having been stolen or abandoned, a vehicle that was blocking a private driveway and was removed pursuant section 19-169[ of the code], or a vehicle with certain alarm devices that was removed pursuant to section [24-221 of the code]24-240, which is in the custody of the police department property clerk the charges for towing and storage permitted to be charged by the towing company pursuant to paragraph one of this subdivision, plus tolls, in addition to the fees for storage with the police department property clerk provided by subdivision i of section 14-140[ of the code]. No vehicle which is in the custody of the police department property clerk which had blocked a private driveway and was removed pursuant to section 19-169[ of the code] shall be released to the owner or other person claiming such vehicle unless such owner or other person shall, in addition to paying such charges to the police department property clerk as provided for in this subdivision, present to such property clerk a receipt from the towing company which removed the vehicle indicating payment to such company of the following amount: the charges for towing and storage which would have been due to the towing company pursuant to paragraph eight of subdivision c of section 19-169[ of the code] had such owner or other person claimed the vehicle from such towing company less the amount paid to the police department for the towing and storage of such vehicle by such company.

§ 9. This law takes effect 90 days after it becomes law. The commissioners of the departments of consumer affairs and transportation may promulgate rules and take any other measures necessary for the implementation of this local law before its effective date.

Referred to the Committee on Consumer Affairs.

Int. No. 1174

By Council Member Eugene and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of automated, self-administered blood pressure testing machines at certain public places.**

*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 new section 17-199.1 to read as follows:

*§ 17-199.1 Blood pressure machines in public places. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Blood pressure. The term “blood pressure” means the force of blood against the inner walls of an individual’s blood vessels.*

*Blood pressure machine. The term “blood pressure machine” means any unsupervised, automated machine that provides for self-administered testing and measurement of an individual’s blood pressure and expresses that measurement as two numbers indicating a systolic pressure over a diastolic pressure, as such terms are commonly used in the medical profession.*

*Public place. The term “public place” means the publicly accessible areas of the following places to which the public is invited or permitted: (i) public buildings maintained by the division of facilities management and construction of the department of citywide administrative services or any successor; (ii) parks under the jurisdiction of the department of parks and recreation identified pursuant to subdivision e of this section; and (iii) senior centers, which include facilities operated by the city or operated by an entity that has contracted with the city to provide services to senior citizens on a regular basis, such as meals and other on-site activities.*

*b. Blood pressure machines required. Except as provided in subdivision f of this section, the city shall make available in public places one or more blood pressure machines in quantities and locations deemed adequate in accordance with rules promulgated pursuant to subdivisions e and h of this section. Such blood pressure machines shall be readily accessible for use at no charge.*

*c. Notice required. The city shall provide written notice to the public, by means of signs, printed material or other form of written communication, indicating the availability and location of blood pressure machines in public places. The type, size, style, location and language of such notice shall be determined in accordance with rules promulgated by the department pursuant to subdivision f of this section provided that each blood pressure machine required pursuant to subdivision b shall comply with the statement requirements of section 396-v of the general business law.*

*d. Reports. The department shall conduct a comprehensive study and submit a report to the council twelve months after the effective date of the local law that added this section and annually thereafter. Such report shall include, but not be limited to, the quantities and locations of blood pressure machines placed in public places pursuant to subdivision b of this section, usage statistics, and the identification of any public places that warrant the additional placement or removal of blood pressure machines.*

*e. Parks. The commissioner of the department of parks and recreation shall, no later than 120 days after the effective date of the local law that added this section, promulgate rules identifying at least 6 parks in each borough under the jurisdiction of the department of parks and recreation to be considered a public place for the purposes of this section, and determining the quantity and location of blood pressure machines to be placed in such parks, as long as at least one of the parks identified in each borough is over 170 acres.*

*f. Exception. When the city provides blood pressure testing by qualified medical and health personnel acting within their lawful scope of practice, and such testing is regularly performed in a public place during its normal operating hours, such provision will be deemed to satisfy the requirements of subdivision b of this section, subject to rules of the department promulgated pursuant to subdivision h of this section. For purposes of this subdivision, qualified medical and health personnel has the same meaning as defined in section 3001 of the public health law.*

*g. Public awareness. Within 180 days of the effective date of the local law that added this section, the department shall conduct public awareness and education campaigns in English and Spanish regarding blood pressure testing.*

*h. Rules. The department shall promulgate such rules as may be necessary to implement the provisions of this section, including, but not limited to, rules regarding the quantity and location of blood pressure machines to be placed in a particular public place or general category of public place excepting parks; the form of notice in which the availability of blood pressure machines in a public place will be made known to the public; and any*

*information on the use of blood pressure machines that must accompany and be kept with each blood pressure machine subject to the requirements of section 396-v of the general business law.*

§ 2. This local law takes effect 180 days after it becomes law except that the department may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Res. No. 1059

**Resolution calling upon the state of New York to provide blood pressure machines in public places throughout the state.**

By Council Members Eugene and Cohen.

**Whereas**, The American Heart Association (“AHA”) warns that high blood pressure is a “silent killer” because it has no symptoms and many people are unaware of it; and

**Whereas**, When left untreated, high blood pressure could lead to vision loss, artery and kidney damage, stroke, heart disease and loss of life; and

**Whereas**, The AHA stresses the importance of monitoring one’s blood pressure through regular medical checkups with a health provider, or at home, yet many of those who are most at risk of high blood pressure, such as uninsured, lower income, senior citizen, and homeless individuals, do not have regular access to health providers or to devices that would enable them to monitor their blood pressure; and

**Whereas**, The Department of Health and Mental Hygiene reports that three in ten residents of New York City have been told that they have high blood pressure and that hundreds of thousands more have it but do not know they have it; and

**Whereas**, The New York State Department of Health reports that 31% of all adults and 62% of adults over 65 report being told by a health professional that they have high blood pressure; and

**Whereas**, Providing free access to automated blood pressure machines in public places could help those without access to testing resources to routinely self-monitor their blood pressure and seek potentially life-saving care in the event of high readings; now, therefore, be it

**Resolved**, That the Council of the City of New York call upon the state of New York to provide public automated blood pressure machines in public places throughout the state.

Referred to the Committee on Health.

Int. No. 1175

By Council Members Garodnick, Chin and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to placement of signs on all bridges and tunnels entering the City warning of the penalty for possessing a firearm.**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

CHAPTER 9  
REQUIRED SIGNS

§ 19-901 Signs regarding firearm possession. The commissioner of transportation shall post signs at each exit leading into the city, of each bridge and tunnel having only one terminus in the city, stating that the possession of any firearm by a person not licensed by the city to possess that firearm is a criminal offense that is punishable by imprisonment, as per articles 70.15 and 265 of the penal law.

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

Referred to the Committee on Transportation.

Int. No. 1176

By Council Members Kallos, Ferreras-Copeland and Chin.

**A Local Law to amend the New York city charter, in relation to requiring budget documents to be provided in certain formats.**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new section 258.1 to read as follows:

§258.1. *Format of documents. Beginning in fiscal year 2018, the office of management and budget shall at the time it posts on its website such documents as are required by chapters six, nine or ten of this charter or the financial emergency act for the city of New York and any other budget-related document provided by the mayor to the council, simultaneously provide such documents to the council and post such documents on its website, on the single web portal created pursuant to section 23-502 of the administrative code of the city of New York and through an open application program interface in both a human-readable format and non-proprietary format that permits automated processing capable of being downloaded in bulk, including, but not limited to, portable document format, ascii delimited comma separated values, opendocument spreadsheet, Excel binary file format, Microsoft Office open extensible markup language spreadsheet schema and extensible business reporting language or such other standards established by the secretary of the treasury and the director of the office of management and budget pursuant to section 4 of the digital accountability and transparency act of 2014, as enacted by public law 113-101. Such documents shall include, but not be limited to, the preliminary budget, and any supporting schedules thereto; the executive budget, and any supporting schedules thereto; the budget message; the council's alterations to the executive budget, and any supporting schedules thereto; the adopted budget, and any supporting schedules thereto; the departmental estimates; the statement of proposed direct expenditures in each service district; the financial plan, and any modification thereof, and any supporting schedules or supplemental data thereto; the draft ten-year capital strategy; the ten-year capital strategy; any report on staffing levels; and the budget function analysis.*

Section 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Finance.

Preconsidered Res. No. 1060

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the Voter Empowerment Act of New York (A.5972 and S.2538-B), to streamline the voter registration process.**

By Council Members Kallos and Vallone.



**Whereas**, New York State consistently has one of the lowest voter turnout rates, ranking 49<sup>th</sup> among states in the 2014 General Election, according to the United States Elections Project; and

**Whereas**, Data from the New York State Board of Elections show that only 10.7% of voters eligible to vote in the 2014 gubernatorial primary actually voted; and

**Whereas**, Steps can be taken to modernize the voter registration process, which will increase the number of potential voters and the chance of higher voter turnout; and

**Whereas**, New York State Assembly Member Brian Kavanagh introduced A.5972, and New York State Senator Michael Gianaris introduced S.2538-B, a package of needed electoral reforms called the Voter Empowerment Act of New York; and

**Whereas**, The bills aim to streamline the voter registration process by addressing current challenges faced by potential voters, including ease of registration, timing of registration, address change, and registration status; and

**Whereas**, Potential voters often find it challenging to register, due to confusing rules and/or lack of time, resulting in nearly 25% of eligible voters not being registered, according to the public policy group Demos; and

**Whereas**, A.5972 and S.2538-B would allow voters to register online through a secure website established by the New York State Board of Elections, on condition that such voters provide their signatures at their poll sites; and

**Whereas**, A.5972 and S.2538-B would allow consenting eligible voters to be automatically registered when they interact with participating agencies, including the Department of Motor Vehicles, the New York City Housing Authority, the City University of New York, the Department of Labor, the Department of Corrections and Community Supervision, and many others; and

**Whereas**, College and university students are an important electoral demographic, but the primary reason they do not vote is that they are not registered, often due to lack of clear and accurate information; and

**Whereas**, When registered, students are an active and involved part of the electorate, as shown by the Campus Vote Project, which found that 87% of 18- to 24-year-old college students who were registered in 2008 actually voted; and

**Whereas**, Finding a way to get young voters, ages 18 to 29, involved in the voting process is extremely important given that, once registered and voting, people are more likely to continue this practice throughout their lives, according to a Yale University study; and

**Whereas**, A.5972 and S.2538-B would allow 16- and 17-year-olds to preregister to vote, increasing the likelihood they take part in the electoral process once they turn 18; and

**Whereas**, A.5972 and S.2538-B would mandate that all universities, colleges, and public school districts make registration forms available to students eligible for registration or pre-registration; and

**Whereas**, The current process for registration demands that the registration be completed several weeks before an election, causing many hopeful registrants to not be eligible to vote in the election that they were interested in taking part; and

**Whereas**, A.5972 and S.2538-B would allow eligible voters to register closer to the date of an election, moving the registration deadline from 25 to 10 days prior, allowing voters who have only recently become interested the chance to participate; and

**Whereas**, Many previously registered voters, due to having moved, have outdated voter registration information on file; and

**Whereas**, A.5972 and S.2538-B would streamline the process so that when voters move and file change of address forms with the United States Postal Service, their registrations stay current with automatically updated new addresses; and

**Whereas**, A.5972 and S.2538-B would direct the Board of Elections to send an annual "Address Correction Requested" form to every registered voter in active status who has not filed a change of address that year; and

**Whereas**, Due to complications at registration facilities, some eligible voters are turned away because they have not been properly recorded as eligible to vote at that poll site; and

**Whereas**, A.5972 and S.2538-B would prevent voters from being turned away if they can prove that they live in the area, are voting at the proper polling place, and are willing to swear to those facts; and

**Whereas**, Voters are sometimes discouraged from voting due to uncertainties regarding whether and where they are registered; and

**Whereas**, A.5972 and S.2538-B would allow voters easy online and phone access to their current registration status, and the option to submit a confidential request to correct or update information; 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, the Voter Empowerment Act of New York (A.5972 and S.2538-B), to streamline the voter registration process.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Governmental Operations).

Preconsidered Res. No. 1061

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2644, and the electors of the State of New York to approve and ratify the resulting constitutional amendment, to establish no-excuse absentee voting.**

By Council Members Kallos and Vallone.

**Whereas**, According to the United States Elections Project, only 29% of eligible voters in New York State cast a ballot in the 2014 General Election, making it 49<sup>th</sup> in the nation in turnout rate; and

**Whereas**, In the same election, only 20% of eligible voters in New York City voted, hitting a historic low, according to the New York City Campaign Finance Board; and

**Whereas**, While there are numerous reasons for low voter participation rates, the most common reason for not voting cited in a 2010 United States Census Bureau survey was “No time off/too busy”; and

**Whereas**, Many states with high voter turnout rates have instituted various electoral reforms to increase participation, including permitting voters to cast absentee ballots without citing an excuse; and

**Whereas**, Twenty-seven states and the District of Columbia currently allow any voter to vote via absentee ballot without offering an excuse, and three states have all-mail voting where ballots are automatically sent to every eligible voter, according to the National Conference of State Legislatures; and

**Whereas**, New York State requires voters applying for absentee ballots to affirm that they qualify to do so due to one of several reasons, including absence from their county or New York City on Election Day, illness or disability, primary care taker responsibilities of someone ill or disabled, and detention in jail or prison; and

**Whereas**, Applying for an absentee ballot and falsely citing one of the qualifying reasons is a felony; and

**Whereas**, There are many additional reasons that make it difficult or impossible for some voters to appear in person at poll sites on Election Day, such as work hours and child care responsibilities; and

**Whereas**, Many advocates for increased voter participation have supported removing these limitations on absentee voting, since potential voters often miss the opportunity to cast a ballot when the voting period is confined only to certain hours of one day; and

**Whereas**, New York State Assembly Member Brian Kavanagh introduced A.2644, which eliminates restrictions on absentee voting and allows every eligible voter to cast absentee ballots without offering a specific justification; and

**Whereas**, Establishing no-excuse absentee voting in New York State would increase voter participation by allowing all voters the option to vote from home at a time convenient to them; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.2644, and the electors of the State of New York to approve and ratify the resulting constitutional amendment, to establish no-excuse absentee voting.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Governmental Operations).

Res. No. 1062

**Resolution calling upon the United States Congress to pass and the President to sign legislation requiring automobile manufacturers to include carbon monoxide detectors in all cars sold in the United States.**

By Council Members Rodriguez and Chin.

**Whereas**, Carbon monoxide is a colorless, odorless, toxic gas produced by automobile engines, which in high concentrations is deadly to human beings; and

**Whereas**, Carbon monoxide has been implicated in numerous accidental deaths, typically where individuals occupy a vehicle in an enclosed space, such as a garage; and

**Whereas**, A significant number of deaths have also occurred outdoors while vehicles are occupied; and

**Whereas**, For example, on January 24, 2016, in New Jersey, shortly following a massive winter blizzard, a mother and her two children died as they sat in the car to warm up while the father cleared a path for the vehicle in the snow; and

**Whereas**, This tragic event took place during the short span of twenty minutes and resulted from a tailpipe blocked by snow; and

**Whereas**, The following day a Brooklyn man, Angel Ginel, was found dead in his snowbound car—a similar, carbon monoxide poisoning-related death is suspected; and

**Whereas**, These tragedies are not isolated—during virtually every major snowstorm lives were claimed due to carbon monoxide poisoning under similar circumstances; and

**Whereas**, According to a 2007 National Highway Traffic Safety Administration report, on average, 147 people die from accidental carbon monoxide poisoning involving automobiles; and

**Whereas**, Carbon monoxide may leak into the passenger cabin of a motor vehicle as a result of a tailpipe blocked by snow, mud or other debris, as well as a faulty or damaged exhaust system, or a hole in a rusty muffler, for example; and

**Whereas**, Because carbon monoxide is odorless, colorless, and initial poisoning symptoms are mild, mimicking car sickness, unsuspecting victims may not recognize the immediate danger; and

**Whereas**, Carbon monoxide detector technology is inexpensive and readily available; and

**Whereas**, Carbon monoxide detectors could alert motorists and their passengers of the presence of this dangerous gas before it is too late; and

**Whereas**, Auto manufacturers can and should include carbon monoxide detectors as part of the vehicle's basic, integrated safety design, similar to seat belts, airbags and anti-lock brakes; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to pass and the President to sign legislation requiring automobile manufacturers to include carbon monoxide detectors in all cars sold in the United States.

Referred to the Committee on State and Federal Legislation.

Int. No. 1177

By Council Members Rosenthal, Eugene, Rodriguez, Chin, Gentile and Cohen.

**A Local Law in relation to requiring a study on the feasibility of implementing Barnes dance pedestrian crossing systems in dangerous intersections.**

*Be it enacted by the Council as follows:*

Section 1. The department of transportation shall conduct a study regarding the feasibility of implementing Barnes dance pedestrian crossing systems at dangerous intersections. As part of such study, the department shall identify the 25 intersections reflecting the greatest danger for pedestrians, based upon the incidence of traffic crashes involving pedestrians and the volume of pedestrian traffic at such intersections, and determine whether a

Barnes dance could be implemented in each such intersection. No later than December 1, 2016, the department shall post on its website and submit to the council the results of such study. For the purposes of this section, “Barnes dance” shall mean a system of utilizing pedestrian control signals that allows pedestrians an exclusive interval in which to completely cross in any direction, including diagonally, within the intersection while traffic is stopped in all directions.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1178

By Council Members Vacca and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to making disclosure forms of elected officials posted on the conflicts of interest board’s website available in a non-proprietary, machine-readable format.**

*Be it enacted by the Council as follows:*

Section 1. The opening paragraph of subdivision e of section 12-110 of the administrative code of the city of New York, as amended by local law 21 for the year 2016, is amended to read as follows:

e. Public inspection of reports and privacy considerations. Information filed in reports required by this section shall be maintained by the conflicts of interest board and shall be made available for public inspection, upon written request on such form as the board shall prescribe, except that information filed in reports required by this section by each elected officer described in sections four, twenty-four, twenty-five, eighty-one, ninety-one and eleven hundred twenty-five of the New York city charter shall be made available for public inspection on the board’s website *in a non-proprietary format that permits automated processing, to the extent that such information is not withheld pursuant to paragraph 1 of this subdivision,* without written request. The availability of forms for public inspection pursuant to this subdivision is subject to the following provisions:

§ 2. This local law takes effect immediately; provided, however, that it shall not apply to reports of annual disclosure filed in 2016 for the calendar year 2015.

Referred to the Committee on Technology.

Int. No. 1179

By Council Members Van Bramer and Espinal.

**A Local Law to amend the administrative code of the city of New York, in relation to preventing businesses licensed by the department of consumer affairs from unlawfully parking on a sidewalk or crosswalk.**

*Be it enacted by the Council as follows:*

Section 1. Section 20-268 of subchapter 11 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subdivision h as follows:

*h. It is a violation of this subchapter for any person licensed as a second-hand automobile dealer to: (i) stop, stand, or park any automobile on a sidewalk or crosswalk, and (ii) to violate rules promulgated pursuant to sections 1200 to 1203 of the vehicle and traffic law prohibiting stopping, standing or parking a vehicle on a*

*sidewalk or crosswalk. The commissioner shall suspend or revoke the license of any licensee who violates this subdivision twice or more within a one-year period.*

§ 2. Section 20-327 of subchapter 17 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. It is a violation of this subchapter for any licensee: (i) to stop, stand, or park any automobile on a sidewalk or crosswalk, or (ii) to violate rules promulgated pursuant to sections 1200 to 1203 of the vehicle and traffic law prohibiting stopping, standing or parking a vehicle on a sidewalk or crosswalk. The commissioner shall suspend or revoke the license of any licensee who violates this subdivision twice or more within a one-year period.*

§ 3. Section 20-508 of subchapter 31 of chapter 2 of title 20 of the administrative code of the city of New York is amended as follows:

§ 20-508. Storage facilities. *a. Every licensee [which] who stores vehicles shall do so only on premises which meet such specifications as the commissioner shall establish by regulation for safeguarding property.*

*b. It is a violation of this subchapter for any licensee: (i) to stop, stand, or park any automobile on a sidewalk or crosswalk, or (ii) to violate rules promulgated pursuant to sections 1200 to 1203 of the vehicle and traffic law prohibiting stopping, standing or parking a vehicle on a sidewalk or crosswalk. The commissioner shall suspend or revoke the license of any licensee who violates this subdivision twice or more within a one-year period.*

§ 4. Section 20-546 of subchapter 33 of chapter 2 of title 20 of the administrative code of the city of New York is amended as follows:

§ 20-546 Rules. *a. The commissioner may make and promulgate such rules as are necessary to carry out the provisions of this subchapter.*

*b. It is a violation of this subchapter for any licensee: (i) to stop, stand, or park any automobile on a sidewalk or crosswalk, or (ii) to violate rules promulgated pursuant to sections 1200 to 1203 of the vehicle and traffic law prohibiting stopping, standing or parking a vehicle on a sidewalk or crosswalk. The commissioner shall suspend or revoke the license of any licensee who violates this subdivision twice or more within a one-year period.*

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

Referred to the Committee on Consumer Affairs.

Int. No. 1180

By Council Members Van Bramer and Espinal.

**A Local Law in relation to increasing penalties for repeated violations of unlawful parking on a sidewalk or crosswalk.**

*Be it enacted by the Council as follows:*

Section 1. The commissioner of finance shall implement a schedule of graduated penalties for repeat violations of rules promulgated pursuant to sections 1200 to 1203 of the vehicle and traffic law prohibiting stopping, standing or parking a vehicle on a sidewalk or crosswalk. The schedule of graduated penalties shall include double penalties for a second violation within one year of any first violation and triple penalties for a third violation within two years of the first violation.

§ 2. This local law takes effect immediately upon enactment.

Referred to the Committee on Finance.

Preconsidered L.U. No. 359

By Council Member Ferreras-Copeland:

**810 River Avenue, Block 2483, Lot 5; Bronx, Community District No. 4, Council District No. 8.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 360

By Council Member Ferreras-Copeland:

**Calvary Baptist Church Senior Housing, Block 12182, Lot 80; Queens, Community District No. 12, Council District No. 28.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 361

By Council Member Greenfield:

**Application No. N 160166 ZRM submitted by the Alliance for Downtown New York, the Economic Development Corporation, and Department of City Planning pursuant to Section 201 of the New York City for an amendment of Article IX, Chapter 1 (Special Lower Manhattan District) of the New York City Zoning Resolution, concerning permitted uses in arcades, plazas, and urban plazas, Borough of Manhattan, Community Board 1, Council District 1.**

Adopted by the Council (preconsidered and adopted by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. 362

By Council Member Greenfield:

**Application No. 20165363 TCK pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of GFLC Market LLC, d/b/a Greenpoint Fish and Lobster Company, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 114 Nassau Avenue, Borough of Brooklyn, Community Board 1, Council District 33. 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.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 363

By Council Member Greenfield:

**Application No. C 160064 ZMX submitted by Mosholu Petrol Realty, LLC pursuant to Sections 197-s and 201 of the New York City for an amendment of the Zoning Map, Section No. 1d, changing from an R8 district to a C8-2 district property located at Jerome Avenue and Risse Street, Borough of the Bronx, Community Board 7, Council District 11.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 364

By Council Member Greenfield:

**Application No. 20165576 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a real property tax exemption for property located at 775 Jennings Street, Borough of the Bronx, Community Board 3, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 365

By Council Member Greenfield:

**Application No. 20165577 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for the approval of a real property tax exemption for properties located at 384 Grand Concourse, 1038 Rogers Place, 1129 Morris Avenue, 1202, 1183, and 1171 Clay Avenue, Borough of the Bronx, Community Boards 1, 2, and 4, Council Districts 8, 17, and 16.**

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

**Friday, May 6, 2016**

### NEW YORK CITY COUNCIL FISCAL YEAR 2017 EXECUTIVE BUDGET HEARINGS

**ALL HELD IN COUNCIL CHAMBERS – CITY HALL**

**Friday, May 6, 2016**

**★ Note Deferred**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Office of Management & Budget	Finance
★12:00 – 1:00	Office of Management & Budget (Sandy Tracker & Expenditures)	Recovery & Resiliency

**Monday, May 9, 2016**

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 – 11:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
11:00 – 12:00	Correction	Fire & Criminal Justice Svcs.
12:00 – 12:30	Board of Correction	Fire & Criminal Justice Svcs.
12:30 – 2:30	Aging	Aging & Subcommittee on Senior Centers
2:30 – 4:30	Environmental Protection	Environmental Protection



**Tuesday, May 10, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:00	Health + Hospitals	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
11:00 – 1:00	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
1:00 – 1:30	Office of Chief Medical Examiner	Health
1:30 – 3:30	Small Business Services/Economic Development Corporation	Economic Development & Small Business

**Wednesday, May 11, 2016****★ Note Time Change**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
★ 11:30 – 1:30	Housing Preservation & Development	Housing & Buildings
★ 1:30 – 2:30	Buildings	Housing & Buildings

**Thursday, May 12, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:30	Human Resources Administration	General Welfare
11:30 – 1:00	Homeless Services	General Welfare
1:30 – 3:00	Administration for Children's Services	General Welfare & Women's Issues & Juvenile Justice

**Friday, May 13, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	Sanitation	Sanitation & Solid Waste Management
12:00 – 12:45	Law Department	Governmental Operations
12:45 – 1:45	Board of Elections	Governmental Operations
1:45 – 2:15	Campaign Finance Board	Governmental Operations
2:15 – 3:15	Citywide Administrative Services	Governmental Operations

**Monday, May 16, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:30	Education (Expense)	Education
1:00 – 3:00	Education (Capital)/School Construction Authority	Education

**Tuesday, May 17, 2016**

[Subcommittee on Zoning & Franchises](#) .....9:30 a.m.

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Donovan Richards, Chairperson

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:30	Youth and Community Development	Youth Services & Immigration
11:30 – 1:00	Transportation	Transportation
1:00 – 2:00	MTA NYC Transit	Transportation
2:00 – 2:45	Taxi & Limousine Commission	Transportation

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#) .....11:00 a.m.

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Peter Koo, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#) .....1:00 p.m.

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Inez Dickens, Chairperson

**Thursday, May 19, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee and Subcommittee</b>
10:00 – 11:00	Information and Technology and Telecommunication	Land Use & Technology
11:00 – 12:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Subcommittee on Libraries
12:30 – 2:00	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
2:00 – 4:00	NYCHA	Public Housing

[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 Rules, Privileges & Elections..... 1:30 p.m.  
 Agenda to be announced.  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Brad Lander, Chairperson

**Friday, May 20, 2016**

**★ Note Deferred**

**★★ Note New Time**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	Parks and Recreation	Parks & Recreation
11:30 – 1:00	City University of New York	Higher Education
<del>★ 1:00 – 2:00</del>	<del>Consumer Affairs</del>	<del>Consumer Affairs</del>
<del>★★ 1:00 – 2:00</del>	<del>Veterans</del>	<del>Veterans</del>

**Monday, May 23 2016**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:30	Police	Public Safety
12:30 – 2:00	District Attorneys / Special Narcotics Prosecutor	Public Safety
2:00 – 2:30	Criminal Justice Coordinator	Public Safety

**Tuesday, May 24, 2016**

**★ Note Time Change**

**★★ Addition**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	Office of Management & Budget	Finance
<del>★★ 11:30 – 12:30</del>	<del>Office of Management &amp; Budget (Sandy Tracker &amp; Expenditures)</del>	<del>Recovery &amp; Resiliency</del>
<del>★ 12:30 – 1:30</del>	<del>Finance</del>	<del>Finance</del>
<del>★ 1:30 – 2:00</del>	<del>Design &amp; Construction</del>	<del>Finance</del>
<del>★ 2:00 – 2:30</del>	<del>Comptroller</del>	<del>Finance</del>
<del>★ 2:30 – 3:00</del>	<del>Independent Budget Office</del>	<del>Finance</del>
<del>★ 3:00</del>	<del>Public</del>	

Wednesday, May 25, 2016

Stated Council Meeting ..... *Ceremonial Tributes – 1:00 p.m.*  
 ..... *Agenda – 1:30 p.m.*

**EXECUTIVE BUDGET 2017**

**NEW YORK CITY COUNCIL FISCAL YEAR 2017 EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the *Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XLII & CD-XLIII Programs for the Fiscal Year 2017* to be held in the Council Chambers, City Hall as follows:

**Friday, May 6, 2016**  
**★ Note Deferred**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	Office of Management & Budget	Finance
★12:00 – 1:00	<del>Office of Management &amp; Budget (Sandy Tracker &amp; Expenditures)</del>	<del>Recovery &amp; Resiliency</del>

**Monday, May 9, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee and Subcommittee</b>
10:00 – 11:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
11:00 – 12:00	Correction	Fire & Criminal Justice Svcs.
12:00 – 12:30	Board of Correction	Fire & Criminal Justice Svcs.
12:30 – 2:30	Aging	Aging & Subcommittee on Senior Centers
2:30 – 4:30	Environmental Protection	Environmental Protection

**Tuesday, May 10, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:00	Health + Hospitals	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
11:00 – 1:00	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services
1:00 – 1:30	Office of Chief Medical Examiner	Health
1:30 – 3:30	Small Business Services/Economic Development Corporation	Economic Development & Small Business

**Wednesday, May 11, 2016****★ Note Time Change**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
★ 11:30 – 1:30	Housing Preservation & Development	Housing & Buildings
★ 1:30 – 2:30	Buildings	Housing & Buildings

**Thursday, May 12, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:30	Human Resources Administration	General Welfare
11:30 – 1:00	<b><u>Homeless Services</u></b>	General Welfare
1:30 – 3:00	<b><u>Administration for Children's Services</u></b>	General Welfare & Women's Issues &

		Juvenile Justice
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**Friday, May 13, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	Sanitation	Sanitation & Solid Waste Management
12:00 – 12:45	Law Department	Governmental Operations
12:45 – 1:45	Board of Elections	Governmental Operations
1:45 – 2:15	Campaign Finance Board	Governmental Operations
2:15 – 3:15	Citywide Administrative Services	Governmental Operations

**Monday, May 16, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:30	Education (Expense)	Education
1:00 – 3:00	Education (Capital)/School Construction Authority	Education

**Tuesday, May 17, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:30	Youth and Community Development	Youth Services & Immigration
11:30 – 1:00	Transportation	Transportation
1:00 – 2:00	MTA NYC Transit	Transportation
2:00 – 2:45	Taxi & Limousine Commission	Transportation

**Thursday, May 19, 2016**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee and Subcommittee</b>
10:00 – 11:00	Information and Technology and Telecommunication	Land Use & Technology
11:00 – 12:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Subcommittee on Libraries

12:30 – 2:00	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
2:00 – 4:00	NYCHA	Public Housing

**Friday, May 20, 2016**★ *Note Deferred*★★ *Note New Time*

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	Parks and Recreation	Parks & Recreation
11:30 – 1:00	City University of New York	Higher Education
★ 1:00 – 2:00	Consumer Affairs	Consumer Affairs
★★ 1:00 – 2:00	Veterans	Veterans

**Monday, May 23 2016**★ *Note Addition*

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:30	Police	Public Safety
12:30 – 2:00	District Attorneys / Special Narcotics Prosecutor	Public Safety
★ 2:00 – 2:30	Criminal Justice Coordinator	Public Safety

**Tuesday, May 24, 2016**★ *Note Time Change*★★ *Addition*

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	Office of Management & Budget	Finance
★★ 11:30 – 12:30	Office of Management & Budget (Sandy Tracker & Expenditures)	Recovery & Resiliency
★ 12:30 – 1:30	Finance	Finance
★ 1:30 – 2:00	Design & Construction	Finance
★ 2:00 – 2:30	Comptroller	Finance
★ 2:30 – 3:00	Independent Budget Office	Finance
★ 3:00	Public	

May 2, 2016

**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



During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged that Tanisha Edwards, the Council Finance Division chief counsel for over nine years, was leaving for the position of Assistant Counsel to the Governor. She noted that Ms. Edwards had drafted over 250 pieces of legislation and was instrumental in setting policy for the Council and for the City as a whole. She also recognized the presence of Ms. Edward's husband and family members in the audience. The Speaker (Council Member Mark-Viverito) congratulated Ms. Edwards and wished her good luck as those assembled in the Chambers applauded and cheered. During the Meeting, several Council Members also praised Ms. Edwards and wished her well.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, May 25, 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 No. 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 of 2016.*