

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Tuesday April 25, 2017, 2017 2:15 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Member Cabrera and Mealy.

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 49 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 Rabba Sara Hurwitz, Co-founder and Dean of Yeshivat Maharat, 3700 Henry Hudson Parkway, Bronx N.Y. 10463.

[speaking foreign language]

Lord in Heaven, we are grateful to you
for bringing us together on this auspicious day.
We the citizens of New York
with our diverse religious beliefs, cultures and backgrounds
stand here together in harmony
to reflect on all that is before us.
We are grateful to live a life of freedom in the city
with dynamic physicists, houses of worship, community centers,
schools, courts, hospitals, police and fire stations,
homeless—homeless shelters and countless citizens
dedicated to service family and justice.
We are blessed with many public servants present in this room
who gathered here today to take stock
in the goodness of our city and the bounty of our lives.
And we are further blessed with leaders
who are tirelessly committed
to the betterment of our community
and to meeting the challenges
that face its residents on a daily basis.
It is taught that God creates the world anew every day,
and in doing so, you God,
have passed the injunction to each of us
to pick up the tools of our trade
to continue creating, moving and improving our world.
Every day is an opportunity to renew our community,
and make this city a better place
to live, raise families and prosper.
May God give us the wisdom and humility
to be thankful for all we have,
and to recognize how this city functions,
but may God also give us the strength and resources
to make further progress to improve our education system,
to bring about Rachel—racial equality,
to serve the underserved, to create better services for women and girls,
and let us build and strengthen the bridges that connect us.
Oh, God in Heaven, may every citizen of this city
know shelter, warmth, safety and prosperity,
but most of all, Oh, God, of peace, compassion and justice.
Bless each of us with the capacity to seek peace, compassion and justice,
to cloth the naked, straighten the bent and to release the bound.

Gird us with the strength of our [*speaking foreign language*]
of loving our neighbor as we love ourselves.
May you, God of mercy who bless our ancestors,
bless us, bless and protect, guard and
help, exalt and uplift all the officials and leaders
who are here today, and in this land
who dedicate themselves to the service of others.
Bless these soldiers of the American military forces
who risk their lives for the sake of peace on earth.
May the Holy One remove our world illness
and grant complete healing,
send blessing and success to all the work of our hands
[*speaking foreign language*]
May God bless our coming and going
now and forever more.

Let us say Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) asked for a Moment of Silence in memory of the following individuals:

Jadoris Crawford, 71, and John Crawford, 80, a married senior couple residing in East Harlem, died on April 16, 2017 after falling victim to carbon monoxide poisoning. The Crawfords were married for more than forty-six years and were planning to attend Easter services that day at Eastwood Baptist Church. They leave behind a daughter, Rita.

Five members of a Queens Village family died in an uncontrollable house fire on April 23, 2017: Chayse Lipford, 2; Rayshawn Matthews, 10; Jada Foxworth, 16; Melody Edwards, 17, and Destiny Doans, 20. The Speaker (Council Member Mark-Viverito) also acknowledged the death of FDNY Officer William Tolley, 42, who died on April 20, 2017 during a blaze in Ridgewood, Queens.

New York State Court of Appeals Associate Judge Sheila Abdus-Salaam, 65, died on April 12, 2017. She was a leading justice and was the first African-American woman to be appointed to a seat on the state's highest court.

The Speaker (Council Member Mark-Viverito) asked that these individuals noted above, along with their friends and families, are kept in our thoughts and prayers.

The Speaker (Council Member Mark-Viverito) also acknowledged that April 24th, 2017 was Holocaust Remembrance Day in the United States. She noted that New York City stands in support of its Holocaust survivor community - in solidarity with the victims and in respect of the defenseless suffering they endured. The Speaker (Council Member Mark-Viverito) also mentioned that in the wake of troublesome events developing around the world and in this country, remembering the lessons of the past has now taken on a renewed necessity.

ADOPTION OF MINUTES

Council Member Deutsch moved that the Minutes of the Stated Meeting of March 16, 2017 be adopted as printed.

MESSAGES AND PAPERS FROM THE MAYOR

M-493

Communication from the Mayor - Transmitting proposed maritime lease ("Lease") between the City of New York ("City"), acting by and through its Department of Small Business Services, as landlord ("Landlord") and Ports America, Inc., as tenant ("Ports America" or "Tenant"), and the New York City Economic Development Corporation, as administrator ("NYCEDC" or "Administrator") for Pier 88 and 90 of MCT (the "Premises"), pursuant to New York City Charter Section 1301 (2)(f).

April 18, 2017

Mr. Jon Paul Lupo
Director, Mayor's Office of City Legislative Affairs
City Hall
New York, NY 10007

Re: City Council approval needed for Maritime Lease for Piers 88 & 90 of the Manhattan Cruise Terminal ("MCT")

Mr. Lupo:

I am writing this letter to request that the Office of City Legislative Affairs submit to the City Council for approval a proposed maritime lease (the "Lease") between the City of New York (the "City"), acting band through its Department of Small Business Services, as landlord (the "Landlord"), and Ports America, Inc. as tenant ("Ports America" or "Tenant"), and the New York City Economic Development Corporation, as administrator ("NYCEDC" or "Administrator"), for Piers 88 and 90 of MCT (the "Premises") pursuant to New York City Charter Section 1301(2)(f).

The proposed Lease to be entered into between the City and the Tenant will be substantially in the form attached hereto as **Exhibit A**.

On October 21, 2015, the Department of Small Business Services issued a determination, a copy of which is attached as **Exhibit B**, that the proposed Lease is a Type II action pursuant to 6 NYCRR Part 617.5(c)(26) and that no further review under CEQR was required.

Background

The Premises is a four-berth, City-owned cruise terminal located on the Hudson River between West 48th and West 55th Streets in Manhattan. The piers were originally constructed in the 1930s to accommodate large transatlantic passenger ships and were later modernized in the 1970s by the City and the Port Authority of New York & New Jersey (the "PA") in an effort to create a consolidated terminal for use by all cruise lines. The City leased MCT to the PA between 1973 and 1994, after which NYCEDC assumed management of MCT and undertook a concerted effort to address declining cruise passenger volumes.

Since assuming control of MCT, NYCEDC has grown cruise passenger volumes from a low of 271,000 passengers in 1990 to over 900,000 passengers in 2016. NYCEDC's efforts included coupling an aggressive business development strategy with a significant modernization of the terminal in 2006 and an additional series of improvements in 2013, which allowed the Premises to accommodate the world's largest cruise ships.

The Premises is currently home to Norwegian Cruise Line Holdings, Carnival Cruise Lines and numerous seasonal vessels with itineraries departing from New York City for Bermuda, the Bahamas, the Caribbean and Canada/New England. The combined passenger volumes at both MCT and the Brooklyn Cruise Terminal make New York City the fifth-largest cruise port in North America. Terminal operations of the Premises are currently provided by Ports America, Inc. under an amended operating agreement with NYCEDC that expires on June 30, 2017. The proposed Lease will allow for continued cruise ships operations, ensuring that the over 1million passengers expected to flow through the terminal in 2017 alone will do so without interruption. Continued use of the Premises for cruise operations will also spur additional tourist spending in New York City while helping to create and retain local jobs.

Material Lease Terms

The proposed material Lease terms are as follows:

Landlord:	The City of New York, by its Department of Small Business Services								
Administrator:	The New York City Economic Development Corporation								
Tenant:	Ports America, Inc.								
Premises:	Piers 88 and 90 in the Borough of Manhattan, City and State of New York Tenant will also have exclusive and unrestricted access to Pier 92 to conduct maritime terminal operations as needed								
Term:	The initial term of the Lease shall commence upon execution and expire as of December 30, 2029								
Renewal Terms:	Two (2) 5-year renewal periods at Tenant's option								
Annual Base Rent:	\$2,000,000 as adjusted on an annual basis by the Consumer Price Index ("CPI")								
Permitted Uses:	Tenant shall use and occupy the Premises for the primary purposes of operating MCT as a marine terminal (the "Primary Use") and any other uses ancillary to the operation of the Premises for the Primary Use including parking and event operations, military and yacht dockings, and concessions.								
Participation Rent:	Tenant shall collect all fees for the following ancillary operations and shall remit to Landlord as Participation Rent the associated percentages set forth below: <table border="0" style="margin-left: 40px;"> <tr> <td>Event Operations:</td> <td>25% of net revenue</td> </tr> <tr> <td>Military Docking:</td> <td>25% of gross revenue</td> </tr> <tr> <td>Yacht Docking:</td> <td>25% of gross revenue</td> </tr> <tr> <td>Concessions:</td> <td>50% of net revenue</td> </tr> </table>	Event Operations:	25% of net revenue	Military Docking:	25% of gross revenue	Yacht Docking:	25% of gross revenue	Concessions:	50% of net revenue
Event Operations:	25% of net revenue								
Military Docking:	25% of gross revenue								
Yacht Docking:	25% of gross revenue								
Concessions:	50% of net revenue								

Tenant Retention Amount:	Tenant shall collect Facility Usage Fees on behalf of Landlord and, per Lease Year, shall retain the greater of (1) \$6.82 per passenger (as adjusted by CPI) or (2) the Minimum Retention Amount as calculated by passenger activity at both the Premises and the Brooklyn Cruise Terminal ("BCT")
Minimum Retention Amount:	A minimum aggregate annual amount under the Lease and the BCT Operating Agreement of \$7,500,000 (as adjusted by CPI for each Lease Year)
Approvals:	The proposed Lease is a lease of wharf property and therefore, pursuant to the City Charter, is subject to City Council approval for disposition. The City Council has 45 days to approve the Lease from time of receipt of this notice. If the City Council fails to act on the Lease within the 45 daytime period, the Lease will be automatically approved upon the expiration of the 45th day

Please inform me of the date of submission of the proposed Lease to the City Council. If you have any questions or concerns please feel free to contact Lydon Sleeper at (212) 312-3524 or undersigned at (212) 312-3620.

Sincerely,

Joshua S. Nelson
Senior Vice President, Transportation Systems
jnelson@edc.nyc

Referred to the Committee on Land Use.

M-494

Communication from the Mayor – Submitting the name of Carlo Silvestri 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 20, 2017

The Honorable Melissa Mark-Viverito
Council Speaker
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 Carlo Silvestri to the City Council for advice and consent concerning his appointment to the New York City Tax Commission.

When appointed to the Commission, Mr. Silvestri will serve for the remainder of a six-year term expiring on January 6, 2022.

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

Sincerely,

Bill de Blasio
Mayor
BDB:tf

Referred to the Committee on Rules, Privileges and Elections.

M-495

Communication from the Mayor – Submitting the name of Debra Scotto to the Council for its advice and consent regarding her appointment to the Environmental Control Board, pursuant to Sections 31 and 1049-a of the City Charter.

April 20, 2017

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

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 1049-a of the New York City Charter, I am pleased to present the name of Debra Scotto to the City Council for advice and consent concerning her appointment to the Environmental Control Board ("ECB").

When appointed to the ECB, Ms. Scotto will fill a vacancy on the Board for the member with a background and experience in the real estate field, and will serve for the remainder of a four-year term expiring on November 24, 2017.

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

Sincerely,

Bill de Blasio
Mayor

BDB:tf

cc: Debra Scotto
Anthony Shorris, First Deputy Mayor
Fidel F. Del Valle, Commissioner, Office of Administrative Trials and Hearings

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY AND BOROUGH OFFICES

M-496

Communication from the Brooklyn Borough President - Submitting the name of Joseph Douek to the Council for its advice and consent regarding his reappointment to the City Planning Commission, Pursuant to Section 192 of the City Charter.

April 7, 2017

Honorable Melissa Mark-Viverito
New York City Council Speaker
250 Broadway, Suite 1856
New York, NY 10007

Re: Reappointment of Joseph Douek as Borough President Adams' representative on the New York City Planning Commission

Dear Speaker Mark-Viverito:

I am writing to inform you that, pursuant to Section 192 of the New York City Charter, I have reappointed Joseph Douek to serve as a member of the New York City Planning Commission (CPC) effective July 1, 2017 for a term of five years.

Mr. Douek is the CEO of Willoughby's and since 2012 has served as a New York City Planning Commissioner. Prior to that, from 2001-2012, Mr. Douek has served the City Council as the Brooklyn representative to the board of directors of the New York City Economic Development Corporation (EDC) and from 2002-2012 as my predecessor's representative to the New York City Industrial Development Agency (IDA) Board. Additionally, Mr. Douek serves on the Board of Trustees of the Brooklyn Public Library (BPL).

I look forward to his continued service on behalf of Brooklyn and New York City at large.

Sincerely,

Eric L. Adams
Brooklyn Borough President

ELA/rb

cc: Marisa Lago, chair, New York City Planning Commission
Winston Von Engel, director, New York City Department of City Planning Brooklyn Office
Rachel Lauter, executive director, Mayor's Office of Appointments
Joseph Douek, commissioner, New York City Planning Commission

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL-UPS

M-497

By Council Member Chin:

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 151 Elizabeth Street, Borough of Manhattan, Community Board 1, Application No. 20175260 TCM 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, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

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 Contracts

Report for Int. No. 1224-A

Report of the Committee on Contracts 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 increasing the contract award threshold requiring a vendor doing business with the city to complete a VENDEX questionnaire.

The Committee on Contracts, to which the annexed proposed amended local law was referred on June 21, 2016 (Minutes, page 2232), respectfully

REPORTS:

I. INTRODUCTION

On April 24, 2017, the Committee on Contracts, chaired by Council Member Helen Rosenthal, will hold a second hearing and vote on three related bills: Proposed Int. No. 1224-A, sponsored by Council Member Rosenthal, in relation to increasing the contract award threshold requiring a vendor doing business with the city to complete a VENDEX questionnaire; Proposed Int. No. 1271-A, sponsored by Council Member Helen Rosenthal, in relation to requiring contractors and subcontractors to submit information to VENDEX electronically; and Proposed Int. No. 1324-A, sponsored by Council Member Brad Lander, in relation to requiring information about city contracts and contractors to be available online for public access. The first hearing on these bills was held on November 7, 2016.

II. BACKGROUND

The Vendor Information Exchange System (“VENDEX”)

The Vendor Information Exchange (“VENDEX”) system was established pursuant to Local Law 52 in 1987, which required the Mayor and the Comptroller to jointly establish a computerized database containing information about contracts, franchises and concessions entered into by mayoral agencies.¹ Local Laws 5 and 13 of 1991 further required the creation of a computerized data system containing information on contractors doing business with the city (and their subcontractors).² This legislation arose to meet the New York City Council’s goal that “contracts go only to honest and capable vendors and that the city obtain the highest quality and quantity of goods and services.”³ VENDEX was developed as a means to provide greater transparency and accountability in the City’s contracting process, and ensure information about vendors awarded contracts was available to both individuals responsible for making contract decisions and the public.

City agencies are legally required to use VENDEX to help make decisions regarding a vendor’s responsibility.⁴ Pursuant to rules of the Procurement Policy Board (PPB), certain vendors and their principal owners/officers are required to complete VENDEX questionnaires in order to be considered for a contract award.⁵ The questionnaires are comprised of a vendor questionnaire and a principal questionnaire. Vendors must complete the VENDEX questionnaires if they: i) have contracts or subcontracts valued at \$100,000 or greater; ii) have sole source contracts valued at \$10,000 or more; and/or iii) in the preceding 12 months did an aggregate value of business with the City totaling \$100,000 or more.⁶ Additionally, vendors are required to

¹ L.L. 52/1987

² L.L. 3/1991; L.L. 13/1991

³ L.L. 44/1992, §1.

⁴ City of New York, Mayor’s Office of Contract Services, *Vendor’s Guide to VENDEX 1* (Revised July 31, 2012), available at https://www1.nyc.gov/assets/mocs/downloads/pdf/VendorsGuideToVendex-2012_07_31.pdf (hereinafter, “Vendor’s Guide to Vendex”)

⁵ City of New York, Mayor’s Office of Contract Services, “VENDEX,” <https://www1.nyc.gov/site/mocs/resources/vendex.page> (last accessed Nov. 1, 2016)

⁶ Vendor’s Guide to Vendex, *supra* note 4, at 2.

complete the VENDEX questionnaires if they are: i) applicants for franchises, regardless of dollar amount; or ii) applicants for concessions which, singly or in combination with other contracts held by the vendor, are valued at \$100,000 or more.⁷

Vendors who have parent or other controlling entities are required to submit vendor questionnaires, but not principal questionnaires, for these entities.⁸ VENDEX questionnaires remain current for three years following the date of the notarized signature on the form.⁹ However, vendors are required to submit changed questionnaires during this period if they have been awarded a new contract and circumstances have changed causing modifications to any answers in the questionnaires previously submitted.¹⁰

Upon completion, vendors submit VENDEX forms to MOCS for processing. Although MOCS will accept VENDEX submissions from vendors regardless of contracting status, the office only processes submissions when agencies make specific requests for vendor submissions that are associated with pending awards.¹¹ According to the most recent Agency Procurement Indicators report, MOCS received and processed 12,661 VENDEX packages in Fiscal Year (“FY”) 2016,¹² a slight increase from the 12,360 submitted in FY 2015.¹³ In FY 2015, MOCS reported that the average time to review a package once an agency informed MOCS of a pending award through a Department Request was 23 days.¹⁴ This information was not reported for FY 2016.

The VENDEX questionnaires ask vendors and/or principal owners to provide basic business information and to disclose “cautionary information” (defined as “any adverse action by any New York City affiliated agency, including but not limited to poor evaluation, default, non-responsibility determination, debarment, suspension, withdrawal or pre-qualified status, or denial of pre-qualified status”).¹⁵ The questionnaires also ask vendors and their principal owners to disclose present or past relationships with city agencies, such as if they were/are employed by a city agency, or acted as a consultant.¹⁶ Providing materially false information or willfully choosing not to disclose relevant information on VENDEX could lead to a determination of non-responsibility, as well as criminal prosecution for the individual making the false statement.¹⁷

The need to report cautionary information is often dependent on the particular circumstances. For example, if an entity was debarred, found non-responsible, or defaulted, but later had that determination overturned or reversed, it would not need to report this information.¹⁸ However, if the initial action was taken as the result of an investigation or inquiry by any prosecutorial, investigative, or regulatory agency, the entity would need to disclose the triggering investigation or inquiry.¹⁹ Where criminal charges were filed against a vendor or affiliate, or a principal owner/officer was arrested, and these actions were dismissed, they would not need to be disclosed, but *pending* charges would need to be disclosed at the time of submission.²⁰ Agencies are also required to report cautionary information to the VENDEX system. This includes when the agency finds a vendor non-responsible, gives an unsatisfactory performance evaluation, terminates or revokes a contract or a vendor’s pre-qualification status, or when the agency discovers there has been an investigation or criminal action taken against the vendor.²¹ Adverse information remains on the VENDEX system for 10 years with respect to felonies, and five years with respect to other actions.²²

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 11

¹⁰ *Id.*

¹¹ *Id.* at 12

¹² City of New York, Mayor’s Office of Contract Services, *Agency Procurement Indicators: Fiscal Year 2016* 21 (Oct. 2016), available at <http://www1.nyc.gov/assets/mocs/downloads/pdf/IndicatorsReport/AgencyProcurementIndicators20161017.pdf>

¹³ City of New York, Mayor’s Office of Contract Services, *Agency Procurement Indicators: Fiscal Year 2015* 24 (Oct. 2015), available at <http://www1.nyc.gov/assets/mocs/downloads/pdf/IndicatorsReport/2015%20Agency%20Procurement%20Indicators.pdf>

¹⁴ *Id.*

¹⁵ N.Y.C. Admin. Code § 6-116.2

¹⁶ City of New York, Mayor’s Office of Contract Services, *Principal Questionnaire* (last updated Sept. 25, 2014), available at [https://www1.nyc.gov/html/mocs/downloads/pdf/Vendex/principal_questionnaire_2014%20-%20Fillable%20\(140925\).pdf](https://www1.nyc.gov/html/mocs/downloads/pdf/Vendex/principal_questionnaire_2014%20-%20Fillable%20(140925).pdf)

¹⁷ Vendor’s Guide to Vendex, *supra* note 4, at 3.

¹⁸ *Id.* at 14.

¹⁹ *Id.*

²⁰ *Id.*

²¹ See 9 N.Y.C.R.R. § 2-08

²² Vendor’s Guide to Vendex, *supra* note 4, at 15.

Local law requires that information contained in the VENDEX system (except for confidential information such as Social Security numbers, home addresses, and phone numbers) be made available to the public.²³ MOCS maintains a Public Access Center where members of the public can either visit in-person to use the online system or call to receive information on vendors who have contracts with the City.²⁴

VENDEX Oversight

The Committee first held a hearing on VENDEX in September 2003. At that hearing, the Committee heard testimony from MOCS, the New York City Department of Investigation, as well as business representatives such as the General Contractors Association and the Church Avenue Merchants Block Association.²⁵

The Committee's next, and most recent, VENDEX oversight hearing occurred in May 2010. At that hearing, then-MOCS General Counsel Elisa Velazquez discussed the 2009 web-based rollout of VENDEX, which included such changes as the automating of formerly paper-driven processes (such as performance evaluations) and a reporting function to ease the ability of agency users and members of the public to research information about City vendors.²⁶ Ms. Velazquez testified that neither MOCS nor vendors liked the paper-based questionnaires, and that MOCS was planning a portal to allow vendors to fill out the information online as the "next phase" of VENDEX reform.²⁷ The goal was to complete this "in the next couple of years, if not sooner."²⁸

Recent Committee hearings focusing on vendor payments and human services contracting have also discussed reforms to VENDEX. Former MOCS Director Andrea Glick testified before the Committee in February 2014 that VENDEX processing was partially responsible for the delay in some contract registrations, but that MOCS had "upgraded the system to ensure that the City actually receives the information from vendors that is required by law."²⁹ Director Glick noted that MOCS was continuing to work on implementing a paperless online VENDEX system.³⁰ She also pointed out that if the VENDEX threshold were raised to apply to aggregate awards of \$250,000 "hundreds of human services contracts" would have been able to proceed to a more timely registration.³¹ While testifying before the Committee in April of this year, current MOCS Director Michael Owh repeated MOCS' desire to see the threshold increased to "ease the burden" on certain providers, and supported the idea of VENDEX forms being digitized.³²

Non-profit organizations have also expressed concerns with the current VENDEX system. In April 2014, Michelle Jackson, General Counsel of the Human Services Council ("HSC"), testified that VENDEX reform would "relieve many of the delays" of the contract registration process.³³ She recommended that the City increase the threshold to \$250,000 to ease the burden on smaller vendors (including many non-profits), and substitute the VENDEX questionnaire for the IRS 990 that non-profit organizations must submit.³⁴ She also recommended that the City consider exempting non-profits from VENDEX completely.³⁵ The redundant nature of VENDEX questionnaires in light of existing federal and state requirements was echoed by HSC

²³ N.Y.C. Charter §1064(d)

²⁴ City of New York, Mayor's Office of Contract Services, *supra* note 5.

²⁵ Council of the City of New York, *Transcript of the September 16, 2003 Meeting of the Committee on Contracts* (Sept. 16, 2003), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=886885&GUID=DECDE38C-8D1A-420B-8AFE-C55FE510E33A>

²⁶ Council of the City of New York, *Testimony of Elisa Velazquez before the Committee on Contracts* (May 7, 2010), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=934136&GUID=00501287-835F-4004-AC49-FFDC9DF70CAF>

²⁷ *Id.*

²⁸ Council of the City of New York, *Transcript of the May 7, 2010 Meeting of the Committee on Contracts 57* (May 7, 2010), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=937145&GUID=30999055-772C-4C2F-950A-8D50DCA78486>

²⁹ Council of the City of New York, *Testimony of Andrea Glick before the Committee on Contracts* (Feb. 27, 2014), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=2934272&GUID=57547C25-1448-4789-8C20-619F5AD8CABE>

³⁰ *Id.*

³¹ *Id.*

³² Council of the City of New York, *Transcript of the April 4, 2016 Meeting of the Committee on Contracts 43* (April 4, 2016), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=4418102&GUID=DDAC0031-3A34-45E4-A3BA-C9015D387456>

³³ Council of the City of New York, *Testimony of Michelle Jackson before the Committee on Contracts* (Feb. 27, 2014), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=2934272&GUID=57547C25-1448-4789-8C20-619F5AD8CABE>

³⁴ Council of the City of New York, *Transcript of the February 27, 2014 Meeting of the Committee on Contracts 108* (Feb. 27, 2016), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=2946757&GUID=A3E9ED7A-2F77-4FBB-A210-3FBA41D937B1>

³⁵ *Id.*

Executive Director Allison Sesso during the Committee's April 2016 hearing focusing on contracting challenges facing non-profit organizations.³⁶

III. ANALYSIS OF LEGISLATION

Proposed Int. No. 1224-A: A Local Law to amend the administrative code of the city of New York, in relation to increasing the contract award threshold requiring a vendor doing business with the city to complete a VENDEX questionnaire

Proposed Int. 1224-A would require contractors and subcontractors to submit vendor questionnaires electronically. Currently, vendors are required to complete VENDEX questionnaires if they were awarded contracts or subcontracts valued at \$100,000 or more during the preceding twelve-month period.³⁷

Section 1 of Proposed Int. 1224-A would amend the Administrative Code to increase the threshold triggering a vendor's responsibility to complete a VENDEX questionnaire to \$250,000 in aggregate contracts or subcontracts during the preceding twelve-month period.

Section 2 of Proposed Int. 1224-A would clarify that the definition of "contract" for purposes of obligating a vendor to complete a VENDEX questionnaire includes this new threshold.

Section 3 of Proposed Int. 1224-A would clarify that the term "business dealings with the city" includes all contracts between an individual entity and the city within the preceding 12-month period.

Section 4 of Proposed Int. 1224-A establishes that this law would take effect on January 1, 2018.

Changes Since Hearing

Proposed Int. 1224-A has had two primary changes from the version previously heard. This version includes a new Section 3 which clarified "business dealings with the city" and the effective date has been changed to January 1, 2018.

Proposed Int. No. 1271-A: A Local Law to amend the administrative code of the city of New York, in relation to requiring contractors and subcontractors to submit information to VENDEX electronically

Currently, vendors must submit paper copies of VENDEX questionnaires and updated information to MOCS.³⁸

Section 1 of Proposed Int. No. 1271-A adds a new subdivision c-1 that would require vendors to submit this information electronically, in the form and manner prescribed by the Mayor. The Mayor may waive the electronic submission requirement for good cause, and permit the information to be submitted in an alternative manner. Section 1 also re-numbers the other subdivisions within the section.

Section 2 of Proposed Int. No. 1271-A provides that this local law would take effect on January 1, 2018.

Changes Since Hearing

Proposed Int. 1271-A has had two primary changes from the version previously heard. This version includes subdivision c-1 and does not renumber the remainder of the subdivisions in the section, and the effective date has been changed to January 1, 2018.

Proposed Int. No. 1324-A: A Local Law to amend the New York city charter, in relation to requiring information about city contracts and contractors to be available online for public access

³⁶ Council of the City of New York, Testimony of Allison Sesso before the Committee on Contracts (April 4, 2016), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=4383892&GUID=90899122-D525-41F1-8C5F-5AF720B9BA8E>

³⁷ N.Y.C. Admin. Code § 6-116.2(b)(v)

³⁸ City of New York, Mayor's Office of Contract Services, *Vendor Questionnaire* (last updated Sept. 25, 2014), available at [http://www1.nyc.gov/assets/mocs/downloads/pdf/Vendex/vendor_questionnaire_2014%20-%20Fillable%20\(140925\).pdf](http://www1.nyc.gov/assets/mocs/downloads/pdf/Vendex/vendor_questionnaire_2014%20-%20Fillable%20(140925).pdf)

The Charter requires that “[t]he mayor shall maintain, in a central place which is accessible to the public, standard information regarding each city contract and contractor.”³⁹ Pursuant to this requirement, the Mayor’s Office of Contract Services operates a Public Access Center at its offices at 253 Broadway, where members of the public can access the VENDEX system during regular business hours.⁴⁰ Currently, visiting the Public Access Center or calling the Public Access Line are the only means by which the public can access VENDEX.⁴¹

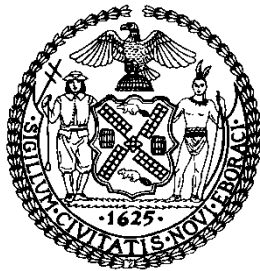
Section 1 of Proposed Int. No. 1324-A would require that access to this information be made available to the public through a website maintained by the City, in addition to the Public Access Center.

Section 2 of Proposed Int. 1324-A provides that this local law would take effect on January 1, 2019.

Changes Since Hearing

The effective date of Proposed Int. 1324-A has been changed to January 1, 2019.

(The following is the text of the Fiscal Impact Statement for Int. No. 1224-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1224-A
COMMITTEE: Contracts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing the contract award threshold requiring a vendor doing business with the city to complete a VENDEX questionnaire.

SPONSORS: Council Members Rosenthal, Chin, Lander, Cohen and Dromm.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1224-A would increase the threshold requiring a vendor doing business with the city to complete a Vendor Information Exchange System (VENDEX) questionnaire from \$100,000 to \$250,000 in aggregate contracts or subcontracts over the preceding 12-month period.

EFFECTIVE DATE: The local law would take effect January 1, 2018.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

³⁹ N.Y.C. Charter §1064(a)

⁴⁰ City of New York, Mayor’s Office of Contract Services, “VENDEX,” <http://www1.nyc.gov/site/mocs/resources/vendex.page> (last accessed Nov. 2, 2016)

⁴¹ *Id.*

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Brandon West, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
John Russell, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1224 on June 21, 2016 and referred to the Committee on Contracts (Committee). The legislation was considered at hearing of the Committee on November 7, 2016, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1224-A, will be considered by the Committee on April 24, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1224-A will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

(For text of Int. Nos. 1271-A and 1324-A and their Fiscal Impact Statements, please see, respectively, the Reports of the Committee on Contracts for Int. Nos. 1271-A and 1324-A printed in these Minutes; for text of Int. No. 1224-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1224-A, 1271-A, and 1324-A.

(The following is the text of Int. No. 1224-A:)

Int. No. 1224-A

By Council Members Rosenthal, Chin, Lander, Cohen, Dromm, Levin and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the contract award threshold requiring a vendor doing business with the city to complete a VENDEX questionnaire

Be it enacted by the Council as follows:

Section 1. Paragraph v of subdivision b of section 6-116.2 of the administrative code of the city of New York, as amended by local law 13 for the year 1991, is amended to read as follows:

(v) Where a contractor or subcontractor becomes obligated to submit information required by this subdivision by reason of having been awarded a contract or subcontract, the value of which, when aggregated with the value of all other contracts or subcontracts awarded to that contractor or subcontractor during the immediately preceding twelve-month period, is valued at [one hundred thousand dollars] \$250,000, or more, such information shall be submitted no later than thirty days after registration of the contract which resulted in the obligation to submit such information. A contractor or subcontractor who fails to provide such information as required by this paragraph shall be ineligible to bid or propose on a contract or subcontract until such information is provided and shall be subject to such other penalties as may be prescribed by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement.

§2. Paragraph 3 of subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law 44 for the year 1992, is amended to read as follows:

(3) "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at [one hundred thousand dollars] \$250,000 or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at [ten thousand dollars] \$10,000 or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at [one hundred thousand dollars] \$100,000 or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by paragraphs 7, 8, 9 and 12 of subdivision b of this section, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review committee, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

§3. Paragraph (a) of subdivision 18 of section 3-702 of the administrative code of the city of New York, as amended by local law 67 for the year 2007, is amended to read as follows:

a. The term "business dealings with the city" shall mean (i) [any contract] *one or more contracts* (other than an emergency contract or a contract procured through publicly-advertised competitive sealed bidding) [which is] *with a single person or entity* for the procurement of goods, services or construction that [is] *are in effect or that were entered into* [or in effect] *within the preceding twelve-month period* with the city of New York or any agency or entity affiliated with the city of New York and [is valued] *have a total value* at or above [the dollar value defined in subparagraph (a) of paragraph (3) of subdivision i of section 6-116.2 of the administrative code] \$100,000, or, with respect to [a contract] *contracts* for construction, at or above [five hundred thousand dollars, or an emergency contract awarded pursuant to section 315 of the charter] \$500,000, and shall include any contract for the underwriting of the debt of the city of New York or any agency or entity affiliated with the city of New York and the retention of any bond counsel, disclosure counsel or underwriter's counsel in connection therewith; or (ii) any acquisition or disposition of real property (other than a public auction or competitive sealed bid transaction or the acquisition of property pursuant to the department of environmental protection watershed land acquisition program) with the city of New York or any agency or entity affiliated with the city of New York; or (iii) any application for approval sought from the city of New York pursuant to the provisions of section 195 of the charter, any application for approval sought from the city of New York that has been certified pursuant to the provisions of section 197-c of the charter, and any

application for a zoning text amendment that has been certified pursuant to section 201 of the charter; provided, however, that for purposes of this clause, with respect to section 195 an applicant shall include the lessor of an office building or office space, and with respect to section 197-c an applicant shall include a designated developer or sponsor of a project for which a city agency or local development corporation is the applicant and provided, further, however, that owner-occupants of one, two and three family homes shall not be considered applicants pursuant to this clause; or (iv) [any concession] *one or more concessions* (other than a concession awarded through publicly-advertised competitive sealed bid) [or any franchise] *or one or more franchises with a single person or entity that are in effect or that were entered into within the preceding twelve-month period* from the city of New York or any agency or entity affiliated with the city of New York which [has an] *have a total* estimated annual value at or above [the dollar value defined in subparagraph (a) of paragraph (3) of subdivision i of section 6-116.2 of the administrative code] *\$100,000*; or (v) [any grant that is valued] *one or more grants made to a single person or entity that are in effect or that were entered into within the preceding twelve-month period that have a total value* at or above [the dollar value defined in subparagraph (a) of paragraph (3) of subdivision i of section 6-116.2 of the administrative code] *\$100,000*, received from the city of New York or any agency or entity affiliated with the city of New York; or (vi) any economic development agreement entered into or in effect with the city of New York or any agency or entity affiliated with the city of New York; or (vii) any contract for the investment of pension funds, including investments in a private equity firm and contracts with investment related consultants. In addition, for purposes of this chapter a lobbyist as defined in section 3-211 of this title shall be deemed to be engaged in business dealings with the city of New York during all periods covered by a registration statement. For purposes of clauses (i), (iv) and (v) of this subdivision, all contracts, concessions, franchises and grants that are [five thousand dollars] \$5,000 or less in value shall be excluded from any calculation as to whether a contract, concession, franchise or grant is a business dealing with the city. For purposes of clauses (ii) and (iii) of this subdivision, the department of city planning, in consultation with the board, may promulgate rules to require the submission by applicants to the city of information necessary to implement the requirements of subdivisions 1-a and 1-b of section 3-703 of this chapter as they relate to clauses (ii) and (iii) of paragraph (a) of this subdivision for purposes of inclusion in the doing business database established pursuant to subdivision 20 of this section. For purposes of this subdivision, “agency or entity affiliated with the city of New York” shall mean the city school district of the city of New York and any public authority, public benefit corporation or not for profit corporation, the majority of whose board members are officials of the city of New York or are appointed by such officials. The department of housing preservation and development shall promulgate rules setting forth which categories of actions, transactions and agreements providing affordable housing shall and shall not constitute business dealings with the city of New York for purposes of this subdivision. The department shall consider the significance of the affordable housing program and the degree of discretion by city officials in determining which actions, transactions and agreements shall and shall not constitute such business dealings. Notwithstanding any provision of this subdivision, a housing assistance payment contract between a landlord and the department of housing preservation and development or the New York city housing authority relating to the provision of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, 42 USC 1437 et., seq., shall not constitute business dealings with the city of New York for the purposes of this subdivision.

§4. This local law takes effect January 1, 2018.

HELEN K. ROSENTHAL, *Chairperson*; PETER A. KOO, CHAIM M. DEUTSCH, I. DANEEK MILLER, Committee on Contracts, April 24, 2017.

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. 1271-A

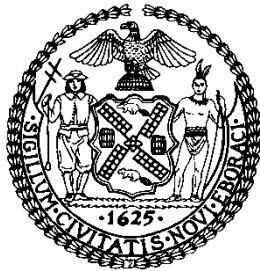
Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring contractors and subcontractors to submit information to VENDEX electronically.

The Committee on Contracts, to which the annexed proposed amended local law was referred on September 14, 2016 (Minutes, page 3009), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts for Int. No. 1224-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1271-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1271-A
COMMITTEE: Contracts**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring contractors and subcontractors to submit information to VENDEX electronically

SPONSORS: Council Members Rosenthal, Levin, Cohen, Dromm, Menchaca, Lander, and Chin

SUMMARY OF LEGISLATION: Proposed Intro. No. 1271-A would require contractors and subcontractors doing business with the city to submit information required by the Vendor Information Exchange System (VENDEX) questionnaire electronically.

EFFECTIVE DATE: The local law would take effect January 1, 2018.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Brandon West, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
John Russell, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1271 on September 14, 2016 and referred to the Committee on Contracts (Committee). The legislation was considered at hearing of the Committee on November 7, 2016, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1271-A, will be considered by the Committee on April 24, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1271-A will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1271-A:)

Int. No. 1271-A

By Council Members Rosenthal, Levin, Cohen, Dromm, Menchaca, Lander, Chin and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring contractors and subcontractors to submit information to VENDEX electronically

Be it enacted by the Council as follows:

Section 1. Section 6-116.2 of the administrative code of the city of New York is amended by adding a new subdivision c-1 to read as follows:

c-1. The information required to be provided by contractors or subcontractors pursuant to subdivision b of this section shall be submitted electronically in such form and manner as the mayor may determine. For good cause, the mayor may waive the requirement of electronic submission and permit such information to be submitted in another manner.

§2. This local law takes effect January 1, 2018.

HELEN K. ROSENTHAL, *Chairperson*; PETER A. KOO, CHAIM M. DEUTSCH, I. DANEEK MILLER, Committee on Contracts, April 24, 2017.

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. 1324-A

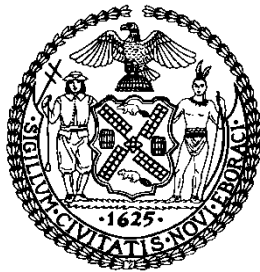
Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring information about city contracts and contractors to be available online for public access.

The Committee on Contracts, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3574), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts for Int. No. 1224-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1324-A:



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

**FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1324-A
COMMITTEE: Contracts**

TITLE: A Local Law to amend the New York city charter, in relation to requiring information about city contracts and contractors to be available online for public access.

SPONSORS: Council Members Lander, Vacca, Palma, Menchaca, Chin, Cohen and Dromm.

SUMMARY OF LEGISLATION: Proposed Intro. 1324-A would require the Mayor’s Office of Contract Services (MOCS) to provide access to the VENDEX system through the City’s website. Currently, access to VENDEX is only available in person at MOCS’ Public Access Center.

EFFECTIVE DATE: The local law would take effect January 1, 2019.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Brandon West, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
John Russell, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1324 on October 27, 2016 and was referred to the Committee on Contracts (Committee). The legislation was considered by the Committee at its hearing on November 7, 2016, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1324-A, will be considered by the Committee on April 24, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1324-A will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1324-A:)

Int. No. 1324-A

By Council Members Lander, Vacca, Palma, Menchaca, Chin, Cohen, Dromm, Levin and Kallos.

A Local Law to amend the New York city charter, in relation to requiring information about city contracts and contractors to be available online for public access

Be it enacted by the Council as follows:

Section 1. Subdivision d of Section 1064 of the New York city charter is amended to read as follows:

d. The information on contracts and contractors shall be computerized to the extent feasible. The computerized information shall be stored in a manner which allows for meaningful read-only access to such information by the agency name, contractor name, contract category, and contract number included in prior notices published in the City Record pursuant to section three hundred twenty-five. At least one computer terminal shall be available for such access in the central place established by the mayor pursuant to subdivision a of this section, *and such access shall also be provided to the public through the City's website.*

§2. This local law takes effect January 1, 2019.

HELEN K. ROSENTHAL, *Chairperson*; PETER A. KOO, CHAIM M. DEUTSCH, I. DANEEK MILLER, Committee on Contracts, April 24, 2017.

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

Report of the Committee on Education

Report for Int. No. 1254-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expanding distribution of college savings plan materials in schools to include pre-kindergarten and to distributing college savings plan materials to parents or guardians within three months after a child's date of birth

The Committee on Education, to which the annexed proposed amended local law was referred on August 16, 2016 (Minutes, page 2774), respectfully

REPORTS:

Introduction

On April 24, 2017, the Committee on Education, chaired by Council Member Daniel Dromm, voted on Int. No. 1254-A, sponsored by Council Member Mark Treyger, which relates to expanding the distribution of college savings plan materials. A hearing was previously held on this legislation on January 19, 2017. At that hearing, the Committee received testimony from representatives from the Department of Education (DOE), the Department of Health and Mental Hygiene (DOHMH), union leaders, advocates, educators and other members of the public. On April 24, 2017, the Committee passed Int. No. 1254-A by a vote of 15 in the affirmative, 0 in the negative, with 0 abstentions.

Background

In December 2013, the Council passed Local Law 126, sponsored by Council Member Andy King, which required DOE to develop and distribute materials containing information regarding college savings plans to students entering kindergarten, sixth grade, and ninth grade, and to any new student in kindergarten through grade twelve.

¹ Such information includes information regarding New York State's 529 college savings program, and other general information regarding tuition and financial aid eligibility at colleges under the authority of the City University of New York and the State University of New York, with the aim of educating students and families about options available for financing students' education. The proposed bill would expand upon Local Law 126 by requiring distribution of such materials to include students in pre-kindergarten, requiring DOHMH to distribute such college savings materials to parents and guardians within three months of a child's birth, and requiring DOHMH to make the materials available on its website. The proposed bill would also require both DOE and DOHMH to make the materials available in multiple languages.

¹ See Committee Report of the New York City Council Committee on Education, "Proposed Int. No. 1091-A," Dec. 9, 2013, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1448961&GUID=2A1AB827-4F85-435D-8644-A68ED9C2D26D&Options=ID|Text|&Search=126> (last visited Jan. 9, 2017).

Analysis of Int. No. 1254-A

Since its initial hearing, the bill has received several amendments. The bill has been expanded to require additional information regarding financial planning to be included in the materials created by DOE. The bill has also been amended to require both DOE and DOHMH to make the materials available in multiple languages. Finally, a technical correction was made to the numbering in section 3-209.2.

Section one of Int. No. 1254-A would amend the title of section 3-209.2 of the code to read “Distribution of college-savings plan materials in schools.” Section one would also amend the definitions as follows: “Department” would mean the Department of Education; “School” would mean a public school of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade twelve. Section one would amend subdivision b of section 3-209.2 to additionally require that DOE produce and distribute college savings plans materials to students entering into pre-kindergarten, and that such materials include information regarding other resources that are available to parents and students to assist with financial planning for post-secondary education, including colleges, universities and vocational schools. Section one would further require the DOE to make such materials available in English and additional languages as determined by the DOE.

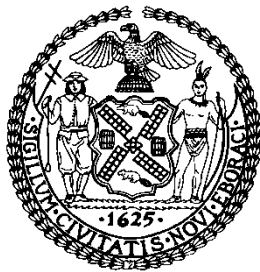
Section two of the bill would add a new section 17-168.1 to the administrative code. The new section would require DOHMH to provide the college savings plan materials required by section 3-209.2 of the code to parents, or guardian, of a child within three months after DOHMH receives a report of a child’s birth. The new section would also require DOHMH to make such materials available on its website, and to make the materials available in multiple languages as required by section 23-1101 of the administrative code.

Section three of the bill would provide that the local law would take effect 120 days after it becomes law.

Update

On April 24, 2017, the Committee passed Introduction 1254-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1254-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 1254-A
COMMITTEE: Education**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to expanding distribution of college savings plan materials in schools to include pre-kindergarten and to distributing college savings plan materials to parents or guardians within three months after a child’s birth.

SPONSORS: Council Members Treyger, King, Ulrich, Cohen, Richards, Palma, Koo, Chin, Menchaca and Levin (by request of the Brooklyn Borough President)

SUMMARY OF LEGISLATION: Proposed Intro. No. 1254-A would require the Department of Education (DOE) to include pre-kindergarteners among the students to whom DOE distributes college savings plan materials. The bill additionally would require the DOE to include in such materials information on other resources available to parents and students regarding financial planning for post-secondary education, including college, university, and vocational schools, and would require DOE to make the materials available in multiple languages. The proposed legislation would require the Department of Health and Mental Hygiene to distribute college savings plan materials to parents and guardians within three months of a child's birth, to make such materials available on its website, and to make such materials available in multiple languages.

EFFECTIVE DATE: This legislation would take effect 120 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
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: None

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

ESTIMATE PREPARED BY: Elizabeth Hoffman, Principal Financial Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Director
Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on August 16, 2016 as Intro. No. 1254 and referred to the Committee on Education. The Committee considered the legislation at a hearing on January 19, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1254-A, will be voted on by the Committee on April 24, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1254-A will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 18, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1254-A:)

Int. No. 1254-A

By Council Members Treyger, King, Ulrich, Cohen, Richards, Palma, Koo, Chin, Menchaca, Levin, Dromm, Rodriguez, Rose, Barron, Levine, Maisel, Rosenthal and Kallos (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to expanding distribution of college savings plan materials in schools to include pre-kindergarten and to distributing college savings plan materials to parents or guardians within three months after a child's date of birth

Be it enacted by the Council as follows:

Section 1. Section 3-209.2 of the administrative code of the city of New York, as added by local law number 126 for the year 2013, is amended to read as follows:

§ 3-209.2 Distribution of college savings plan materials *in schools*. a. Definitions. For the purposes of this section:

[1.] *Department*. The term ["Department"] "*department*" [shall mean] *means* the department of education.

[2.] *School*. The term ["School"] "*school*" [shall mean] *means* [any] a public school [in]of the city *school district of the city* of New York [under the jurisdiction of the department of education] that contains any combination of grades from and including *pre-kindergarten* through grade twelve.

b. The department shall develop *educational* materials [containing information] regarding college savings plans. At a minimum, such materials shall include *the following*: [information on (i)]

1. *Information regarding* [college-savings] *college savings* programs available to students *and their family members* including, but not limited to, [information regarding] New York's 529 college savings program; [and (ii) general information]

2. *Information regarding* tuition at colleges under the authority of the city university of New York and at colleges under the authority of the state university of New York and financial aid eligibility[.]; *and*

3. *Information regarding other resources available to parents and students regarding financial planning for post-secondary education, including education at colleges, universities and vocational schools.*

c. Such materials shall be produced and distributed by the department to each school for distribution to every student of such school upon his or her entry into *pre-kindergarten*, kindergarten, grade six and grade nine and to every student upon his or her entry into a school as a new student, *and such materials shall be made available in English and in additional languages as determined by the department.*

[c.] d. The department shall ensure that materials developed pursuant to subdivision b of this section are provided to all schools in sufficient quantity to satisfy the requirements of subdivisions [b and d] *c and e* of this section.

[d.] e. The department shall ensure that such written materials are available in the main or central office in each school and that such materials are available on the department's website for students and parents who wish to obtain such materials.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-168.1 to read as follows:

§ 17-168.1 *Distribution of college savings plan materials within three months of the receipt of the report of any birth*. a. *Within three months after the receipt of the report of any birth, the department shall provide college savings plan materials described in subdivision b of section 3-209.2 to the parents or guardian of the child, at the address designated for receipt of the child's certificate of registration of birth pursuant to section 17-168.*

b. *The department shall make such college savings plan materials available on its website in English and each of the designated citywide languages as defined in section 23-1101 of the administrative code.*

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

DANIEL DROMM, *Chairperson*; DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ; MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, HELEN K. ROSENTHAL, MARK TREYGER; BEN KALLOS, RAFAEL SALAMANCA, Jr.; Committee on Education, April 24, 2017.

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

Report of the Committee on Finance

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

Report for LU No. 605

Report of the Committee on Finance in favor of a Resolution approving Bushwick Cedar Apartments, Block 3231, Lot 1; Brooklyn, Community District No. 4, Council District No. 34.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 25, 2017 and which same Land Use 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:)

April 25, 2017

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

FROM: Eric Bernstein, Counsel, Finance Division

RE: Finance Committee Agenda of April 25, 2017 - Resolution approving a tax exemption for two Land Use items (Council Districts 34 and 2)

Item 1: Bushwick Cedar Apartments

Bushwick Cedar Apartments is a 70 unit, project-based Section 8 development located at 757 Bushwick Avenue in the Bushwick neighborhood of Brooklyn.

The development consists of a five story building with a basement containing 5 studio units, 43 one-bedroom units and 22 two-bedroom units. There is no commercial or community facility space in the building. The gross residential building is 57,257 square feet. The estimated average square footages from current ownership

are 450 square feet for the studio units, 650 square feet for the one-bedroom units and 800 square feet for the two-bedroom units. The net residential building is estimated at 47,150 square feet.

The original project-based Section 8 contract was issued for the development in 1979. The most recent Housing Assistance Payments (HAP) contract was put in place in 2010 with a 20-year term. Current rents at the building are \$1,225 for the studio units, \$1,557 for the one-bedroom units and \$1,856 for the two-bedroom units.

Summary:

- Borough – Brooklyn
- Block 3231, Lot 1
- Council District – 34
- Council Member – Reynoso
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 70
- Type of Exemption-Article XI Tax Exemption, Partial, 40-year term
- Population – Section 8 rental households
- Sponsor – Bushwick Cedar Partners LLC
- Purpose – preservation
- Cost to the City –\$3M
- Housing Code Violations-
 - Class A: 1
 - Class B: 1
 - Class C: 1
- Anticipated AMI targets: 60% AMI

Item 2: 37 Avenue B HDFC

37 Avenue B is a 6-unit low-income tenant owned rental building located in Manhattan’s East Village. The building is comprised of 6 two-bedroom apartments that rent for between \$260.90 to \$786.18.

The building currently does not receive any relief from real property taxation and is facing financial hardship. The Sponsor, 37 Avenue B HDFC Board of Directors, is in the process of obtaining a rehab under HPD’s Participation Loan Program in order to address much needed repairs.

Summary:

- Borough – Manhattan
- Block 386, Lot 1
- Council District – 2
- Council Member – Mendez
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 6, plus one commercial space
- Type of Exemption-Article XI Tax Exemption, Partial, 40-year term (retroactive to July 1, 2016)
- Population – low-income rental households
- Sponsor – 37 Avenue B HDFC Board of Directors
- Purpose – preservation
- Cost to the City –

- Cumulative Tax Benefit: \$337,011
- Net Present Value (NPV) of Exemption Benefits: \$114,137 (\$19,023 per unit)
- Housing Code Violations-
 - Class A: 0
 - Class B: 2
 - Class C: 0
- Anticipated AMI targets: 80% AMI

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

Res. No. 1447

Resolution approving an exemption from real property taxes for property located at (Block 3231, Lot 1) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 605).

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 3, 2017 that the Council take the following action regarding a housing project located at (Block 3231, Lot 1) Brooklyn (“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) “Company” shall mean Bushwick Cedar Partners LLC.
 - (b) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (c) “Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (d) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3231, Lot 1 on the Tax Map of the City of New York.

- (e) “Expanded Gross Rent Tax” shall mean an amount equal to (i) the Gross Rent Tax due in tax year 2030, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized in the 2030 tax year.
- (f) “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.
- (g) “Gross Rent” shall mean the gross potential rents from all residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8 rent, supplements, and rental assistance).
- (h) “Gross Rent Tax” shall mean an amount equal to ten percent (10%) of Gross Rent for the tax year in which the real property tax payment is made.
- (i) “HDFC” shall mean Bushwick Cedar Housing Development Fund Company, Inc.
- (j) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (k) “Owner” shall mean, collectively, the HDFC and the Company.
- (l) “Regulatory Agreement” shall mean a regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. 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, commercial or community facility 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.
3. Commencing upon the Effective Date, the Owner shall make real property tax payments in the sum of (a) up to and including the real property tax payment to be made from the Effective Date until June 30, 2030, the Gross Rent Tax; and (b) upon July 1, 2031, and for each real property tax payment thereafter until the Expiration Date, the Expanded Gross Rent Tax.
4. Notwithstanding any provision hereof to the contrary:
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the 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 the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

(b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building in the Exemption Area that exists on the Effective Date.

(c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the Owner of the Exemption Area shall, for itself, its successors and assigns, waive, for so long as the 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., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, April 25, 2017. *Other Council Members Attending: Council Members Mendez and Cohen.*

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. 606

Report of the Committee on Finance in favor of a Resolution approving 37 Avenue B HDFC, Block 386, Lot 1; Manhattan, Community District No. 3, Council District No. 2.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 25, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Memo, please see the Report of the Committee on Finance for LU No. 605 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res No. 1448

Resolution approving an exemption from real property taxes for property located at (Block 386, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 606).

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 11, 2017 that the Council take the following action regarding a housing project located at (Block 386, Lot 1) Manhattan (“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 owner 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 July 1, 2016.
 - (b) “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - (c) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 386, Lot 1 on the Tax Map of the City of New York.
 - (d) “Expiration Date” shall mean the earlier to occur of (i) a date which is 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.
 - (e) “HDFC” shall mean Tenants of 37 Avenue B Housing Development Fund Corporation.
 - (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) “Owner” shall mean the HDFC or any future owner of the Exemption Area.

- (h) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on and after the date such Regulatory Agreement is executed.
 - (i) “Tax Payment” shall mean an annual real property tax payment based on an assessed valuation equal to an amount calculated by multiplying \$3,500 times the number of residential units included in the Exemption Area and increasing such product by three and seven tenths percent (3.7%) on July 1, 2017 and on July 1 of each successive year until the Expiration Date.
2. All of the value of the Exemption Area shall be exempt from real property taxation, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), other than assessments for local improvements, for a period commencing on the Effective Date and terminating on the Effective Date.
 3. Commencing upon July 1, 2016 and during each year thereafter until the Expiration date, the Owner shall make real property tax payments in the sum of the Tax Payment. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement within three hundred sixty-five (365) days after the date of approval of the Exemption, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) the Exemption Area is conveyed to a new owner without the prior written approval by HPD, or (vi) 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 the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building in the Exemption Area that exists on the Effective Date.
 5. In consideration of the Exemption, the owner of the Exemption Area shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits, if any, 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., MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, April 25, 2017. *Other Council Members Attending: Council Members Mendez and Cohen.*

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 in Housing and Buildings

Report for Int. No. 81-A

Report of the Committee on Housing and Buildings in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the OSHA notification act.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 26, 2014 (Minutes, page 439), respectfully

REPORTS:

Introduction

On April 24, 2017, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing for the purposes of conducting a vote on Proposed Int. No. 81-A, Proposed Int. No. 648-A, Proposed Int. No. 1421-A, Proposed Int. No. 1433-A, Proposed Int. No. 1435-A, Proposed Int. No. 1446-A and Proposed Int. No. 1448-A.

The Committee previously heard Int. No. 648 on December 13, 2016 and received testimony from representatives of the Department of Housing Preservation and Development (HPD), tenant advocates, and other interested members of the public. More information about this bill is available with the materials for that hearing, which can be accessed online at <http://on.nyc.gov/2pm0Dca>.

The Committee previously heard Int. No. 81, Int. No. 1421, Int. No. 1433, Int. No. 1435, Int. No. 1446, and Int. No. 1448 on January 31, 2017 and received testimony from representatives of the Department of Buildings (DOB), labor representatives, and other interested members of the public. More information about these bills is available with the materials for that hearing, which can be accessed online at <http://on.nyc.gov/2p3fyHy>.

Proposed Int. No. 81-A

Proposed Int. No. 81-A would require DOB to report certain violations of the New York City Building Code to the federal Occupational Safety and Health Administration (OSHA). This local law would take effect 120 days after enactment. For more detailed information, you should review the full text of the bill, which is attached below.

Proposed Int. No. 648-A

Proposed Int. No. 648-A would require building owners to file the bedbug history for buildings with HPD, and to either post the bedbug history in a prominent place within the building or distribute the history to tenants upon signing a new lease or a lease renewal. This legislation would also require HPD to post a building's most recent bedbug history form on its website. This local law would take effect 180 days after enactment. For more detailed information, you should review the full text of the bill, which is attached below.

Proposed Int. No. 1421-A

Proposed Int. No. 1421-A would require all cranes to be equipped with a global positioning system (GPS), or other similar device, which is capable of transmitting the location of the crane to which it is attached to the DOB. Where there is no device, DOB must be notified of the date upon which the crane will arrive at the site before work begins, and the date of the departure of the crane from the site upon conclusion of the work. This local law would take effect May 1, 2018. For more detailed information, you should review the full text of the bill, which is attached below.

Proposed Int. No. 1433-A

Proposed Int. No. 1433-A would expand the data that must be reported when an accident that results in an injury or fatality to a member of the public or a construction worker occurs at a construction site. Additionally, the legislation would impose a minimum civil penalty of \$2,500 for failure to report such information to the DOB following an incident. This local law would take effect immediately. For more detailed information, you should review the full text of the bill, which is attached below.

Proposed Int. No. 1435-A

Proposed Int. No. 1435-A would require all cranes to be equipped with event recorders to collect the following data: crane configurations, any overload condition, status of limit switches, and operator overrides. This information will be available to the DOB upon request. This local law would take effect on January 1, 2019. For more detailed information, you should review the full text of the bill, which is attached below.

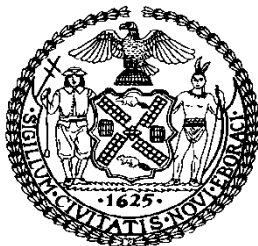
Proposed Int. No. 1446-A

Proposed Int. No. 1446-A would require Class B hoisting machine operators to obtain a licensing rating in order to operate particularly large cranes. The licensing rating would be obtained through satisfactory demonstration by operation, practical examination, or completion of simulator training specific to the make and model of the crane. Section one of this local law would take effect six months after it becomes law. Section two of this local law would effect 120 days after it becomes law. For more detailed information, you should review the full text of the bill, which is attached below.

Proposed Int. No. 1448-A

Proposed Int. No. 1448-A would require that certain construction jobs on buildings under ten stories, excluding 1-, 2- and 3-family buildings, retain a construction superintendent, who, among other things, is responsible for maintaining a safe job site. Further, it would require that such buildings create a site safety plan and keep such plan on site. This local law would take effect 180 days after enactment. For more detailed information, you should review the full text of the bill, which is attached below.

(The following is the text of the Fiscal Impact Statement for Int. No. 81-A:)



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

PROPOSED INTRO. NO: 81-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the OSHA notification act.

SPONSORS: Council Members Lancman, Koo, Rosenthal, Reynoso, Crowley, Levin, Rose, Espinal, Cornegy, Richards, Menchaca, Kallos and Dromm.

SUMMARY OF LEGISLATION: Proposed Intro. No. 81-A would require the Department of Buildings (“DOB”) to report immediately hazardous or major violations of the New York City Building Code to the federal Occupational Safety and Health Administration as soon as practicable.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 26, 2014 as Intro. No. 81 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 81-A, will be considered by the Committee on April 24, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 3, 2017.

(For text and Fiscal Impact Statements for the remaining bills, please see, respectively, the Reports of the Committee on Housing and Buildings for Int. Nos. 648-A, 1421-A, 1433-A, 1435-A, 1446-A, and 1448-A printed in these Minutes; for text of Int. No. 81-A, please see below)

Accordingly, this Committee recommend the adoption of Int. Nos. 81-A, 648-A, 1421-A, 1433-A, 1435-A, 1446-A, and 1448-A.

(The following is the text of Int. No. 81-A:)

Int. No. 81-A

By Council Members Lancman, Koo, Rosenthal, Reynoso, Crowley, Levin, Rose, Espinal, Cornegy, Richards, Menchaca, Kallos, Dromm and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the OSHA notification act

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended to add a new section 28-103.26 to read as follows:

§ 28-103.26. Reporting to the federal occupational safety and health administration. *As soon as practicable after the issuance of (i) an immediately hazardous or major violation of chapter 33 of the New York city building code or (ii) a violation of section 3310.10.2 of the New York city building code, the commissioner shall report such violation to the federal occupational safety and health administration.*

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

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 25, 2017. *Other Council Members Attending: Council Member Garodnick.*

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. 648-A

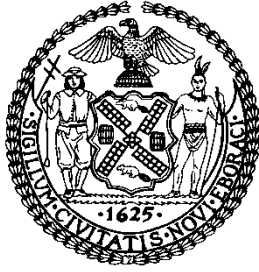
Report of the Committee on Housing and Buildings in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting and providing information concerning bedbugs.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 12, 2015 (Minutes, page 444), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 81-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 648-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 648-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting and providing information concerning bedbugs

SPONSOR(S): Council Members Dromm, Eugene, Gibson, Koo, Rose, Rosenthal, Mendez, Menchaca, Kallos and Levin.

SUMMARY OF LEGISLATION: Proposed Intro. No. 648-A would require building owners to file the bedbug history for buildings with the Department of Housing Preservation and Development (“HPD”), and to either post the bedbug history in a prominent place within the building or distribute the history to tenants upon signing a new lease or a lease renewal. Building owners would be required to report annually to HPD on the detection and removal of bedbug infestations, although HPD could establish staggered reporting cycles by rule. In addition, the legislation would require HPD to post a building’s most recent bedbug history form on its website.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the Commissioner of Housing Preservation and Development and the Commissioner of Health and Mental Hygiene may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	De minimis	\$0	De minimis
Net	De minimis	\$0	De minimis

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the legislation is anticipated.

IMPACT ON EXPENDITURES: It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. Any expenditures would be related to technology costs associated with implementing software changes needed to post bedbug history forms online. It is anticipated that building owners would bear any costs of providing written notification to tenants.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 12, 2015 as Intro. No. 648 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2016, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 648-A, will be considered by the Committee on April 24, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 3, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 648-A:)

Int. No. 648-A

By Council Members Dromm, Eugene, Gibson, Koo, Rose, Rosenthal, Menchaca, Kallos, Levin, Williams, Espinal, Salamanca and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to reporting and providing information concerning bedbugs

Be it enacted by the Council as follows:

Section 1. Section 27-2018.1 of the administrative code of the city of New York is amended by adding a new subdivision c, to read as follows:

c. An owner of a multiple dwelling shall (i) provide each tenant, upon commencement of a new lease and with each renewal lease, or (ii) post, in a prominent public location within such multiple dwelling the following:

- 1. a copy of the most recent electronic form submitted pursuant to subdivision a of section 27-2018.2; and*
- 2. a notice, in a form promulgated or approved by the department of health and mental hygiene, that provides information about the prevention, detection and removal of bedbug infestations.*

§ 2. Article 4 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2018.2 to read as follows:

§ 27-2018.2 Reporting bedbug infestations. a. An owner of a multiple dwelling shall annually report to the department, on an electronic form established by the department, the following information about such multiple dwelling:

- 1. The street address;*
- 2. The number of dwelling units;*
- 3. The number of dwelling units, as reported or otherwise known to the owner, that had a bedbug infestation during the previous year;*
- 4. The number of dwelling units, as reported or otherwise known to the owner, in which eradication measures were employed during the previous year for a bedbug infestation;*
- 5. The number of dwelling units reported in paragraph 4 that had a bedbug infestation after such eradication measures were employed in such units; and*
- 6. If such form is given to each tenant within such multiple dwelling, a certification that a copy of such form was distributed to each tenant of such building upon each lease renewal or the commencement of a new lease issued since the previous filing with the department of such form.*

b. If such form is posted in a prominent location within the building, an owner of a multiple dwelling shall maintain a record that a copy of such form was prominently posted within 60 days of the filing of the information with the department.

c. An owner of a multiple dwelling who has submitted a report to the department pursuant to subdivision a of this section may, at any time, submit an amended version of such report to reflect changes to such information.

d. Owners of multiple dwellings shall attempt to obtain the bedbug infestation history for the previous year for each dwelling unit from the tenant or owner, including whether eradication measures were employed during the previous year for a bedbug infestation.

e. The department may establish staggered reporting cycles by rule for owners required to comply with subdivision a of this section.

f. For each multiple dwelling, the department shall make the information contained in the most recent electronic form submitted pursuant to subdivision a of this section, including the date such form was submitted, publicly available on its website no later than 30 days after receipt of such form.

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner of housing preservation and development and the commissioner of health and mental hygiene may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, RAFAEL SALAMANCA, Jr.; Committee on Housing and Buildings, April 25, 2017. *Other Council Members Attending: Council Member Garodnick.*

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. 1421-A

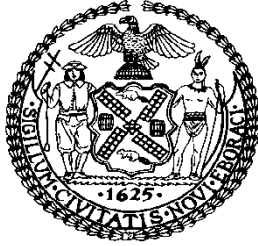
Report of the Committee on Housing and Buildings in favor of approving, as amended, a Local Law to amend the New York city building code, in relation to requiring cranes to be equipped with global positioning systems or similar locating devices.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 170), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Hosing and Buildings for Int. No. 81-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1421-A:



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

PROPOSED INTRO. NO: 1421-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York city building code, in relation to requiring cranes to be equipped with global positioning systems or similar locating devices.

SPONSORS: Council Members Chin, Crowley, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards, Kallos, Cohen, Dromm and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1421-A would require all cranes to be equipped with a global positioning system (GPS), or other similar device, which is capable of transmitting the location of the crane to which it is attached to the Department of Buildings (“DOB”). Where there is no such device, DOB must be notified of the date upon which the crane will arrive at the site before work begins, and the date of the departure of the crane from the site upon conclusion of the work.

The legislation would exempt crane operations that utilize tower or climber cranes.

EFFECTIVE DATE: This local law would take effect on May 1, 2018, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While DOB may impose penalties for failing to equip a crane with a tracking device, such penalties are not mandated under this legislation, and thus not assumed in this cost estimate.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law and non-City entities would bear the costs of equipping cranes with tracking devices in accordance with the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head

Nathan Toth, Deputy Director

Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017 as Intro. No. 1421 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1421-A, will be considered by the Committee on April 24, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 3, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1421-A:)

Int. No. 1421-A

By Council Members Chin, Crowley, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards, Kallos, Cohen, Dromm, Williams, Rosenthal, Barron and Ulrich.

A Local Law to amend the New York city building code, in relation to requiring cranes to be equipped with global positioning systems or similar locating devices

Be it enacted by the Council as follows:

Section 1. Section BC 3319 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 3319.11 to read as follows:

3319.11 Crane location device. *No crane operation that requires a certificate of on-site inspection, and other such types of crane operations where identified in rules promulgated by the commissioner, shall commence unless the crane is equipped with a global positioning system, or other similar device, that is approved by the department and capable of transmitting the location of the crane to which it is attached to the department. Where no such system or device has been approved by the department, (i) no crane operation subject to the provisions of this section shall commence until after the department has been notified by the equipment user, in a form and manner approved by the commissioner, of the date upon which the crane will arrive at the site, and (ii) upon the conclusion of the work, the equipment user shall also notify the department, in a form and manner approved by the commissioner, of the date of the departure of the crane from the site.*

Exception: *Crane operations that utilize tower or climber cranes and require submission of an erection, jumping, climbing and dismantling plan to the department by a licensed engineer.*

§ 2. This local law takes effect on May 1, 2018, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 25, 2017. *Other Council Members Attending: Council Member Garodnick.*

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. 1433-A

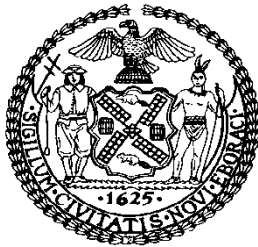
Report of the Committee on Housing and Buildings in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to report on all construction incidents that result in an injury or fatality to a member of the public or a construction worker.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 191), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 81-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1433-A:



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

PROPOSED INTRO. NO: 1433-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to report on all construction incidents that result in an injury or fatality to a member of the public or a construction worker

SPONSORS: Council Members Kallos, Rosenthal, Levine, Torres, Crowley, Miller, Salamanca, Barron, Gentile, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards, Chin, Cohen and Dromm

SUMMARY OF LEGISLATION: Proposed Intro. No. 1433-A would expand the data that must be reported when an accident, injury or fatality to a member of the public or a construction worker occurs at a construction site. Proposed Intro. No. 1433-A also requires that the Department of Buildings (DOB), beginning January 2018, provide and to post on its website, on a monthly basis, a detailed description of every incident that occurs where construction work subject to permitting by the Department resulted in a fatality or an injury, including: whether persons were members of the public or construction workers; the name of the general contractor or subcontractor employed at the site; a list of violations issued by DOB; the size and height of the building location; and other pertinent information. Additionally, the legislation would impose a minimum civil penalty of \$2,500 for failure to report such information to the DOB following an incident.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. Although the bill would allow DOB to issue a civil penalty for failure to submit construction incident data, this estimate assumes owners of covered buildings would fully comply with the provisions of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017 as Intro. No. 1433 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1433-A, will be considered by the Committee on April 24, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1433-A:)

Int. No. 1433-A

By Council Members Kallos, Rosenthal, Levine, Torres, Crowley, Miller, Salamanca, Barron, Gentile, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards, Chin, Cohen, Dromm, Williams and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to report on all construction incidents that result in an injury or fatality to a member of the public or a construction worker

Be it enacted by the Council as follows:

Section 1. Section 28-103.21 of article 103 of chapter 1 of title 28 of the administrative code of the city of New York is amended to read as follows:

§ 28-103.21 Incident lists. The commissioner shall, *by January 2018 and monthly thereafter*, post on the department's website, *in a machine-readable format*, a list of every incident, *reported to the department in accordance with section 28-103.21.1*, that occurred on every construction site [within the city of New York that resulted in an injury and/or a fatality, either or both of which were reported to the department or of which the department otherwise became aware. Such list shall be updated monthly.] *where construction work subject to permitting by the commissioner resulted in (i) a fatality to any individual, including a member of the general public or a construction worker, or (ii) an injury to any individual, including a member of the general public or a construction worker, that requires transport by emergency medical services or requires immediate emergency care at a hospital or offsite medical clinic, regardless of whether such incident involved a violation of this code or any other law or rule.* Such list shall [identify the] *identify, at a minimum, the following information for each incident that the department is required to report on pursuant to this section:*

1. *The owner [and the general contractor] of the site where the incident [occurred, the] occurred;*
2. *If the incident involved a construction worker, the name of the general contractor or the subcontractor who employed such worker at the time of the incident;*
3. *A detailed description of the incident, including the nature of the work being performed at the time of the [incident, violations] incident;*
4. *Violations issued by the department as a result of the incident and to whom such violations were [issued, and the] issued;*
5. *The number of persons injured and/or [killed. Such list shall also set forth the total number of injuries and fatalities reported to the department or of which the department otherwise became aware that occurred on construction sites within each borough and within the entire city for each of the previous five calendar years.] killed in the incident, and whether such persons were members of the public, construction workers or other persons;*
6. *If the incident involved an injury, a description of the type of injury;*
7. *Whether the incident involved a fatality;*
8. *The date and time of the incident;*
9. *The address where the incident occurred;*
10. *The total square footage of the site where the incident occurred;*
11. *The number of floors and height of the building involved where the incident occurred or, in the case of a new building, the proposed number of floors and proposed height;*
12. *A list of active permits issued by the department associated with the construction site where an incident occurred, disaggregated by type;*
13. *If the incident involved a construction worker, the length of time the injured or deceased worker had been employed by their employer at the time of the incident;*

14. *If the incident involved a construction worker, the number of hours the injured or deceased worker had been working when the incident occurred;*

15. *If the incident involved a construction worker, whether or not the injured or deceased worker was a union member; and*

16. *Whether or not the construction site where the incident occurred was a union site.*

§ 28-103.21.1 Reporting. *Where construction work subject to permitting by the commissioner that results in a fatality or injury to any individual, including a member of the general public or a construction worker, occurs on a construction site within the city, the owner or person otherwise in control of the site at which such incident occurred, or, if the incident involved a construction worker, the general contractor or subcontractor that employed such worker, shall report to the department, within three business days after the occurrence of such incident, the information required by section 28-103.21.*

§ 2. Item 13 of section 28-201.2.1 of the administrative code of the city of New York, as amended by local law number 17 for the year 2010, is amended to read as follows:

13. A violation of any provision of chapter 4 of this title for engaging in any business or occupation without a required license or other authorization.

[13.1. The minimum civil penalty that shall be imposed for a violation of section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be imposed for a violation of such sections shall be two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.]

§ 3. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 59 for the year 2016, is amended to read as follows:

§ 28-202.1 Civil penalties. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by civil penalties within the ranges set forth below:

1. For immediately hazardous violations, a civil penalty of not less than one thousand dollars nor more than [twenty-five thousand dollars] \$25,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than [one thousand dollars] \$1,000 for each day that the violation is not corrected. The commissioner may by rule establish such specified daily penalties.
2. For major violations, a civil penalty of not more than [ten thousand dollars] \$10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than [two hundred fifty dollars] \$250 for each month that the violation is not corrected. The commissioner may by rule establish such specified monthly penalties.
3. For lesser violations, a civil penalty of not more than [five hundred dollars] \$500 may be imposed for each violation.

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.
 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.
 4. *The minimum civil penalty for a violation of section 28-408.1 or section 28-410.1 of this code shall be \$2,500 for a first violation and \$5,000 for a second violation, in addition to any separate daily penalty imposed pursuant to item 1 of this section.*
 5. *The minimum civil penalty for a violation of section 28-103.21.1 of this code shall be \$2,500, in addition to any separate daily or monthly penalty imposed pursuant to item 1 or 2 of this section.*

§ 4. This local law shall take effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 25, 2017. *Other Council Members Attending: Council Member Garodnick.*

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).

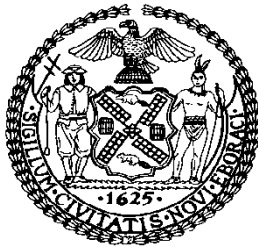
Report for Int. No. 1435-A

Report of the Committee on Housing and Buildings in favor of approving, as amended, a Local Law to amend the New York city building code, in relation to maintaining crane event records.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 196), respectfully

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 81-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1435-A:



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

PROPOSED INTRO. NO: 1435-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York city building code, in relation to maintaining crane event records

SPONSORS: Council Members Maisel, Crowley, Reynoso, Levin, Espinal, Cornegy, Richards, Chin, Kallos, Cohen, Constantinides and Dromm.

SUMMARY OF LEGISLATION: Proposed Intro. 1435-A would require, beginning in 2019, cranes to be equipped with event recorders supplied by the crane manufacturer (or by a dealer, distributor, vendor, or third-party authorized crane manufacturer) to collect the following data: crane configurations; overload conditions; status of limit switches; and operator overrides. This information would be made available to the Department of Buildings (“DOB”) upon request.

The legislation would exempt cranes where the manufacturer certifies to DOB that an event recorder cannot be installed on the crane due to technical limitations.

EFFECTIVE DATE: This local law would take effect on January 1, 2019, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While DOB may impose penalties for failing to equip a crane with an event recorder, such penalties are not mandated under this legislation, and thus not assumed in this cost estimate.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law and non-City entities would bear the costs of installing event recorders in accordance with the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017 as Intro. No. 1435 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1435-A, will be considered by the Committee on April 24, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: March 31, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1435-A:)

Int. No. 1435-A

By Council Members Maisel, Crowley, Reynoso, Levin, Espinal, Cornegy, Richards, Chin, Kallos, Cohen, Constantinides, Dromm, Williams and Rosenthal.

A Local Law to amend the New York city building code, in relation to maintaining crane event records

Be it enacted by the Council as follows:

Section 1. Section BC 3319 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 3319.11 to read as follows:

3319.11 Crane event recorder. *No certificate of operation for a crane shall be issued or renewed on or after January 1, 2019, unless the crane is equipped with an event recorder that is supplied by the crane manufacturer, or by a dealer, distributor, vendor, or third-party authorized crane manufacturer.*

Exception: *Cranes where the manufacturer certifies to the department that an event recorder cannot be installed on the crane due to a technological limitation.*

3319.11.1 Data to be recorded. *At a minimum, the event recorder shall collect the following data:*

1. *Crane configuration;*
2. *Any overload condition;*
3. *Status of limit switches; and*
4. *Operator overrides.*

3319.11.2 Data to be made available to commissioner upon request. *Data collected by the event recorder shall be made available to the commissioner upon request.*

§ 2. This local law shall take effect on January 1, 2019, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 25, 2017. *Other Council Members Attending: Council Member Garodnick.*

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. 1446-A

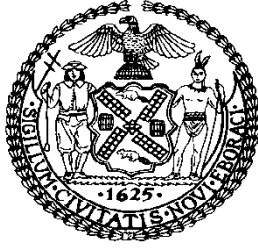
Report of the Committee on Housing and Buildings in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to licensing for operators of certain complex cranes.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 211), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 81-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1446-A:



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

PROPOSED INTRO. NO: 1446-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to licensing for operators of certain complex cranes.

SPONSORS: Council Members Williams, Crowley, Miller, Rosenthal, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards, Chin and Dromm.

SUMMARY OF LEGISLATION: Proposed Intro. 1446-A would require hoisting machine operators to obtain a special “rating” in order to operate cranes exceeding 300 feet. The licensing rating would be obtained through satisfactory demonstration by operation, practical examination, or completion of simulator training specific to the make and model of the crane.

EFFECTIVE DATE: Section one of this local law would take effect six months after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date. Section two of this local law would take effect 120 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
 Nathan Toth, Deputy Director
 Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017 as Intro. No. 1446 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1446-A, will be considered by the Committee on April 24, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1446-A:)

Int. No. 1446-A

By Council Members Williams, Crowley, Miller, Rosenthal, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards, Chin, Dromm and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to licensing for operators of certain complex cranes

Be it enacted by the Council as follows:

Section 1. Item 2 of section 28-405.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

2. Class B license: Endorsement on basic license to include the operation of any hoisting [machinery without limitation or restriction.] *machinery, except that to operate hoisting machinery with a boom, including jibs and other extensions, exceeding 300 feet (91 440 mm) in length or a truck-mounted tower crane that exceeds 300 feet (91 440 mm) in height, the licensee must hold a rating, issued by the department, for the specific make and model of hoisting machine.*

§2. Section 28-405.3.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-405.3.2 Class B license. An applicant for a class B hoisting machine operator license shall have the following qualifications.

§28-405.3.2.1 Licensing Endorsement. *An applicant for a class B hoisting machine operator license shall have a class A basic hoisting machine operator license, and shall have at least two years of experience prior to application under the direct and continuing supervision of a [Class] class B licensed hoisting machine operator operating the equipment for which he or she is applying for endorsement and shall satisfactorily demonstrate by operation that he or she is competent to operate a crane with a boom, including jibs and other extensions, exceeding 200 feet (60 960 mm) in length or truck-mounted tower crane exceeding 200 feet (60 960 mm) in height, or as otherwise provided in rules of the department.*

§28-405.3.2.2 Licensing ratings. *An applicant for a class B hoisting machine operator licensing rating shall have a class B hoisting machine operator license and shall satisfactorily demonstrate that he or she is competent to operate a hoisting machine with a boom, including jibs and other extensions, exceeding 300 feet (91 440 mm) in length or a truck-mounted tower crane exceeding 300 feet (91 440 mm) in height. Unless otherwise provided in rules of the department, such competence shall be demonstrated by operation, practical examination, or completion of simulator training and shall be specific to the make and model of the hoisting machine for which the rating shall be issued. In addition to holding a rating, such hoisting machine operator must complete any orientation required by the department.*

§ 3. Section one of this local law takes effect six months after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date. Section two of this local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 25, 2017. *Other Council Members Attending: Council Member Garodnick.*

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. 1448-A

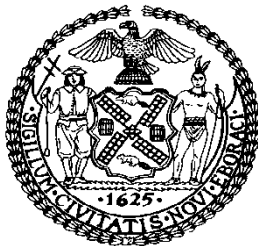
Report of the Committee on Housing and Buildings in favor of approving, as amended, a Local Law to amend the New York city building code, in relation to requiring construction superintendents at certain construction sites.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 214), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 81-A printed in these Minutes)

The following is from the text of the Fiscal Impact Statement for Int. No. 1448-A:



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

PROPOSED INTRO. NO: 1448-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York City building code, in relation to requiring construction superintendents at certain construction sites.

SPONSORS: Council Members Williams, Torres, Crowley, Salamanca, Rosenthal, Rose, Reynoso, Levin, Espinal, Cornegy, Richards, Menchaca, Chin and Dromm.

SUMMARY OF LEGISLATION: Proposed Intro. No. 247-A would require that certain buildings under ten stories undergoing construction or demolition work, retain a construction superintendent, who, among other things,

would be responsible for maintaining a safe job site. Further, it would require that such buildings create a site safety plan and keep such plan on site. The legislation would exclude 1-, 2- and 3-family buildings undergoing construction work from requiring a construction superintendent. Currently, the Department of Buildings (“DOB”) requires a construction superintendent at sites under ten stories who are tasked with performing the same duties outlined above. As such, this legislation would codify that rule.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017 as Intro. No. 1448 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1448-A, will be considered by the Committee on April 24, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1448-A:)

Int. No. 1448-A

By Council Members Williams, Torres, Crowley, Salamanca, Rosenthal, Rose, Reynoso, Levin, Espinal, Cornegy, Richards, Menchaca, Chin, Dromm, Kallos and Barron.

A Local Law to amend the New York city building code, in relation to requiring construction superintendents at certain construction sites

Be it enacted by the Council as follows:

Section 1. Section 28-105.12.8 of article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended to read as follows:

§ 28-105.12.8. Site safety plan. *Where a site safety plan is required by this code or by the department, [applications shall include a site safety plan approved in accordance with the New York city building code. A]all work shall adhere to the site safety plan. Site safety plans shall require approval of the department where specified in this code or the New York city building code.*

§2. Section 3301.3 of the New York city building code is amended to read as follows:

3301.3 Site safety managers, coordinators and superintendent of construction. *A site safety manager or site safety coordinator must be designated and present at the construction or demolition of a major building in accordance with Section 3310. A superintendent of construction is required for the construction or demolition of such other buildings as identified [pursuant to rules promulgated by the commissioner] in Section 3301.13.3.*

§3. Section BC 3301 of the New York city building code is amended by adding a new section 3301.13 to read as follows:

3301.13 Scope. *This section sets forth requirements for construction superintendents at certain construction or demolition sites.*

3301.13.1 Site safety plan. *For jobs that require the designation of a primary construction superintendent pursuant to Section 3301.13.3, a site safety plan that meets the applicable requirements of Article 110 of Chapter 1 of Title 28 of the Administrative Code shall be kept on site and made available to the department upon request.*

3301.13.2 Definitions. *For the purposes of this section, the following terms shall have the following meanings:*

Approved documents. *For the purpose of this section, approved documents include construction documents as defined by this code, and any and all documents that set forth the location and entire nature and extent of the work proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. In addition to construction documents, such documents include, but are not limited to, shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.*

Construction superintendent. *An individual registered with the department and responsible for all duties as defined in this section.*

Job. *A design and construction/demolition undertaking consisting of work at one building or structure, as well as related site improvements and work on accessory structures. A job may consist of one or more plan/work applications, and may result in the issuance of one or more permits.*

Permit holder. The individual who receives the primary department-issued permit for the job.

3301.13.3 Designation of primary construction superintendent. *The permit holder shall designate a primary construction superintendent, prior to the commencement of work, in a form and manner acceptable to the department, for the following types of jobs:*

1. *The construction of a new building;*
2. *The full demolition of an existing building;*
3. *An alteration to an existing building that involves one or more of the following:*
 - 3.1 *A vertical enlargement;*
 - 3.2 *A horizontal enlargement;*
 - 3.3 *The alteration or demolition of more than 50 percent of the floor area of the building during the course of work over any 12 month period;*
 - 3.4 *The removal of one or more floors during the course of work over any 12 month period;*
 - 3.5 *Work that requires a special inspection for underpinning; or*
 - 3.6 *Work that requires a special inspection for the protection of sides of excavations; or*
4. *Other jobs that pose an enhanced risk to the public and property, as determined by the commissioner.*

Exceptions: *Notwithstanding the above, a construction superintendent is not required for:*

1. *Work listed in Section 3310.1, for which a site safety manager or coordinator must be designated.*
2. *Work which solely involves the construction of a new 1-, 2-, or 3-family building.*

3301.13.4 Change of designation. *The permit holder must immediately notify the department, in a form and manner acceptable to the department, of any permanent change to the primary construction superintendent.*

3301.13.5 Alternate construction superintendent. *In the event the primary construction superintendent is temporarily unable to perform their duties, an alternate construction superintendent, designated by the permit holder and acceptable to and acting on behalf of the primary construction superintendent, must fulfill the duties of the primary construction superintendent. In the event that an alternate construction superintendent will be acting in place of the primary construction superintendent for a period longer than two consecutive weeks, the permit holder must notify the department, in a form and manner acceptable to the department, of such change.*

3301.13.6 Limitations on the designation of primary or alternate construction superintendents. *An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.*

3301.13.7 Duties of construction superintendents. *The duties of a construction superintendent shall include:*

1. *Acting in a reasonable and responsible manner to maintain a safe job site and assure compliance with this chapter and any rules promulgated thereunder at each job site for which the construction superintendent is responsible;*
2. *To the extent that a registered design professional or special inspection agency is not responsible, the construction superintendent must assure compliance with the approved documents at each job site for which the construction superintendent is responsible;*
3. *Fulfilling the duties of a superintendent of construction assigned by Chapter 1 of Title 28 of the Administrative Code at each job site for which the construction superintendent is responsible; and*
4. *Visiting each job site for which the construction superintendent is responsible each day when active work is occurring.*

Exception: *The construction superintendent is not required to be present at the site during the following activities, provided no other work is in progress:*

1. *Surveying that does not involve the disturbance of material, structure, or earth;*
2. *Use of a hoist to transport personnel only;*
3. *Use of a material hoist that is fully enclosed within the perimeter of the building;*
4. *Finish trowelling of concrete floors;*
5. *When personnel are provided for temporary heat, light, or water; or*
6. *Truck deliveries to the site where the sidewalk is closed and the entrance gate is within that closed sidewalk area.*

3301.13.8 Inspection. *Each time the construction superintendent visits a job site for which he or she is responsible, the construction superintendent must inspect all areas and floors where construction or demolition work, and ancillary activity, is occurring, and:*

1. *Verify work is being conducted in accordance with sound construction/demolition practices;*
2. *Verify compliance with the approved documents; and*
3. *Verify compliance with this section and any rules promulgated thereunder.*

3301.13.9 Correcting unsafe conditions. *In the event the construction superintendent discovers work at a job site for which he or she is responsible that is not being conducted in accordance with sound construction/demolition practices, not in compliance with approved documents, or not in compliance with this section and any rules promulgated thereunder, the construction superintendent must immediately notify the person or persons responsible for creating the unsafe condition, order the person or persons to correct the unsafe condition, and take all appropriate action to ensure the unsafe condition is corrected. Where an unsafe condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe condition. All such*

unsafe conditions, notices, orders, and corrective work must be recorded in the log required by Section 3301.13.13.

3301.13.10 Notification of conditions to the department. *The construction superintendent must immediately notify the department, in a form and manner acceptable to the department, when he or she discovers, at any job site for which the construction superintendent is responsible, any of the conditions listed in Section 3310.8.2.1. Notification to the department does not relieve the construction superintendent of their obligations under Section 3301.13.9.*

3301.13.11 Reporting of accidents and damage to adjoining property. *The construction superintendent must immediately notify the department, in a form and manner acceptable to the department, of any accident at any job site for which the construction superintendent is responsible, or any damage to adjoining property caused by construction or demolition activity at the job site.*

3301.13.12 Competent person. *The construction superintendent must designate a competent person for each job site for which the construction superintendent is responsible and ensure such competent person is present at the designated job site at all times active work occurs. The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent. The competent person must carry out orders issued by the construction superintendent; be able to identify unsanitary, hazardous or dangerous conditions; take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent accidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.*

3301.13.13 Log. *The construction superintendent must maintain a log at each job site for which the construction superintendent is responsible. Such log must be made available to the commissioner upon request. The construction superintendent must complete such log prior to departing the job site and shall sign and date each day's log entry. Such log must be organized and recorded in a form and manner acceptable to the department. Such log must contain, at a minimum, the following information:*

- 1. The presence of the construction superintendent at the job site as evidenced by their printed name and signature and a notation indicating the times of arrival at, and departure from the site, which must be recorded immediately after arriving at the site and immediately prior to leaving the site, respectively;*
- 2. The general progress of work at the site, including a summary of that day's work activity;*
- 3. The construction superintendent's activities at the site, including areas and floors inspected;*
- 4. Any unsafe condition(s) observed pursuant to Section 3301.13.9, and the time and location of such unsafe condition(s);*
- 5. Orders and notice given by the construction superintendent pursuant to Section 3301.13.9, including the names of individuals issued orders or notices, any refusals to comply with orders or respond to notices given, follow up action taken by the construction superintendent, and where the condition giving rise to the order or notice is corrected, the nature of the correction;*
- 6. Any violations, stop work orders, or summonses issued by the department, including date issued and date listed or dismissed;*
- 7. Any accidents; and*

8. *The name of the competent person designated in accordance with Section 3301.13.12, along with an accompanying signature of the competent person. If the construction superintendent assigns a new competent person, the date and time of this change, along with the name of the new competent person, must be recorded, accompanied by the signature of the new competent person. If the construction superintendent is not at the site when this occurs, the new competent person must instead make the log entry, which the construction superintendent must sign and date upon his or her next visit to the job site.*

3301.13.14 Disciplinary actions. *Construction superintendents are subject to the provisions of Section 28-401.19 of the Administrative Code.*

3301.13.15 Cooperation required. *Construction superintendents must comply with the provisions of Section 28-401.20 of the Administrative Code.*

3301.13.16 Obligation of others. *Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, permit holder, construction manager, general contractor, contractor, materialman, architect, engineer, land surveyor, or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe job site.*

3301.13.17 Registration and qualifications of construction superintendents. *Construction superintendents shall register with the department, in a form and manner acceptable to the department, and shall meet any qualifications set forth in rules by the department.*

§ 4. This local law shall take effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; ROSIE MENDEZ, YDANIS A. RODRIGUEZ, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, April 25, 2017. *Other Council Members Attending: Council Member Garodnick.*

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. 589

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160221 ZMK submitted by Riverside Developers USA Inc. pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 12d, changing an existing M1-2 district to an R7A/C2-4 district and an M1-2/R6A district, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 837), respectfully

REPORTS:

SUBJECT**BROOKLYN - CB 3****C 160221 ZMK**

City Planning Commission decision approving an application submitted by Riverside Developers USA Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d.

INTENT

To approve the zoning map amendment, which along with the related action would facilitate the development of two new buildings in the Bedford-Stuyvesant neighborhood of Community District 3 in Brooklyn.

PUBLIC HEARING**DATE:** March 28, 2017**Witnesses in Favor:** Four**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** April 19, 2017

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

In Favor:

Richards, Gentile, Garodnick, Wills, Reynoso.

Against:

None

Abstain:

Williams

COMMITTEE ACTION**DATE:** April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Williams, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

Lander

Abstain:

None

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 590

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160222 ZRK submitted by Riverside Developers USA Inc. pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 837), respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 3

N 160222 ZRK

City Planning Commission decision approving an application submitted by Riverside Developers USA, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying Appendix F (Inclusionary Housing Designated Areas) and a related section in Article XII, Chapter 3 (Special Mixed Use District) to apply Inclusionary Housing regulations in Borough of Brooklyn.

INTENT

To approve the amendment to the Zoning Resolution which along with the related action would facilitate the development of two new buildings in the Bedford-Stuyvesant neighborhood of Community District 3 in Brooklyn.

PUBLIC HEARING

DATE: March 28, 2017

Witnesses in Favor: Four

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: April 19, 2017

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

In Favor:

Richards, Gentile, Garodnick, Wills, Reynoso.

Against:

None

Abstain:

Williams

COMMITTEE ACTION

DATE: April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Williams, Garodnick, Mealy, Mendez, Rodriguez, Koo, Levin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

Lander

Abstain:

None

Accordingly, this Committee recommends its adoption, as modified.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 591

Report of the Committee on Land Use in favor of approving Application No. N 160396 ZRM submitted by 23rd and 11th Associates, LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article IX, Chapter 8, the Special West Chelsea District, Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 837) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**MANHATTAN - CB 4****N 160396 ZRM**

City Planning Commission decision approving an application submitted by 23rd and 11th Associates, L.L.C. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District) to permit the distribution of floor area across C6-3/Subarea D and C6-3A zoning districts and subarea boundaries for zoning lots fronting on 11th Avenue and West 23rd Street.

INTENT

To approve the amendment to the Zoning Resolution in order to permit the distribution of floor area across C6-3/Subarea D and C6-3A zoning district and subarea boundaries for zoning lots fronting on 11th Avenue and West 23rd Street within the Special West Chelsea District in Manhattan Community District 4.

PUBLIC HEARING**DATE:** March 28, 2017**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 19, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Wills, Reynoso.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1449

Resolution approving the decision of the City Planning Commission on Application No. N 160396 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District) to permit the distribution of floor area across C6-3/Subarea D and C6-3A zoning districts and subarea boundaries for zoning lots fronting on 11th Avenue and West 23rd Street, within the Special West Chelsea District, Community District 4, Borough of Manhattan (L.U. No. 591).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated February 22, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 23rd and 11th Associates, L.L.C., for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District) to permit the distribution of floor area across C6-3/Subarea D and C6-3A zoning districts and subarea boundaries for zoning lots fronting on 11th Avenue and West 23rd Street, within the Special West Chelsea District in Manhattan Community District 4, (Application No. N 160396 ZRM), Community District 4, Borough of Manhattan (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 28, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 14, 2016 (CEQR No. 16DCP188M) (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 160396 ZRM, incorporated by reference herein, the Council approves the Decision.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article IX - Special Purpose Districts

Chapter 8

Special West Chelsea District

* * *

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

The #floor area# provisions of this Section, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

* * *

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots#, or portions thereof, located in Subareas A through J, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

MAXIMUM FLOOR AREA RATIO BY SUBAREA

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred ¹ (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	___ ²	2.65	2.85	12.0
B	5.0	2.5	___ ²	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D ⁵	5.0	2.5 ³	2.5 ³	1.25	1.25	7.5
E	5.0	1.0 ³	1.0 ^{2,3}	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0

G	5.0	1.0 ³	1.0 ³	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I ⁴	5.0	NA	2.5	NA	NA	7.5
J ⁶	5.0	NA	2.5	NA	NA	7.5

- 1 Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized
- 2 In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)
- 3 For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section ~~98-24~~ 98-241 (~~Special Floor Area Rules for Zoning Lots Divided by District Boundaries in~~ In Subareas D, E and G)
- 4 For #zoning lots# over which the #High Line# passes
- 5 For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- 6 Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

* * *

**98-24
Special Floor Area Rules for Zoning Lots Divided by District Boundaries in ~~Subareas D, E and G~~**

**98-241
In Subareas D, E and G**

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Sections 98-25 (High Line Improvement Bonus) or 98-30 (HIGH LINE TRANSFER CORRIDOR) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

98-27 98-242

Zoning Lots Located Partly partially Within Subarea C and Partly partially Within M1-5 Districts

For #zoning lots# existing prior to June 23, 2005, and located partly partially within an M1-5 District and partly partially within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established

under Section 98-25, to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

98-243

Located partially within Subarea D and C6-3A Districts

For a #zoning lot# fronting on West 23rd Street and 11th Avenue, located partially within Subarea D and partially within a C6-3A District, #floor area# may be transferred from the portion of the #zoning lot# in the C6-3A District to the portion in Subarea D.

* * *

98-27

~~Zoning Lots Located Partly Within Subarea C and Partly Within M1-5 Districts~~

~~For #zoning lots# existing prior to June 23, 2005, and located partly within an M1-5 District and partly within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established under Section 98-25, to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).~~

~~No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.~~

* * *

98-423

Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

* * *

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) of this Section shall not apply on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section ~~98-24~~ 98-241. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet, and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

* * *

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 592

Report of the Committee on Land Use in favor of approving Application No. C 160378 ZMR submitted by Clara Fazzino pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the zoning map, Sections 21b and 27a, establishing a C1-1 district within an existing R3-1 district, Borough of Staten Island, Community District 2, Council District 50.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 838) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

STATEN ISLAND - CB 2

C 160378 ZMR

City Planning Commission decision approving an application submitted by Clara Fazzino pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 21b and 27a by establishing within an existing R3-1 District a C1-1 District bounded by a line 100 feet easterly of Manor Road, a line midway between Norwalk Avenue and Tillman Street, a line 190 feet easterly of Manor Road, and Tillman Street.. Borough of Staten Island, Community District 2, as shown on a diagram (for illustrative purposes only) dated November 14, 2016.

INTENT

To amend the Zoning Map, Section Nos. 21b and 27a to facilitate the development of an as-of-right commercial building within an existing neighborhood commercial corridor located in the Willowbrook neighborhood of Staten Island Community District 2.

PUBLIC HEARING

DATE: April 19, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 19, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Wills, Reynoso.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1450

Resolution approving the decision of the City Planning Commission on ULURP No. C 160378 ZMR, a Zoning Map amendment (L.U. No. 592).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated March 8, 2017 (the "Decision"), on the application submitted by Clara Fazzino, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 21b and 27a, to facilitate the development of an as-of-right commercial building within an existing neighborhood commercial corridor located in the Willowbrook neighborhood of Staten Island, (ULURP No. C 160378 ZMR), Community District 2, Borough of Staten Island (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 19, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 14, 2016 (CEQR No. 16DCP186R), which included an (E) designation to avoid the potential for significant adverse impacts related to air quality (E-399) (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160378 ZMR, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 21b and 27a by establishing within an existing R3-1 District a C1-1 District bounded by a line 100 feet easterly of Manor Road, a line midway between Norwalk Avenue and Tillman Street, a line 190 feet easterly of Manor Road, and Tillman Street, as shown on a diagram (for illustrative purposes only) dated November 14, 2016, Community District 2, Borough of Staten Island.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 594

Report of the Committee on Land Use in favor of approving Application No. C 170127 PPK submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property located at 794 Flatbush Avenue (Block 5063, Lot 58), Borough of Brooklyn, Community Board 14, Council District 40. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 838) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB -14

C 170127 PPK

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for

the disposition of one city-owned property located at 794 Flatbush Avenue (Block 5063, Lot 58), pursuant to zoning.

INTENT

To approve the disposition of one city-owned property, which in conjunction with the related actions would facilitate a new mixed-use development, comprising approximately 251 affordable residential units, a vendors market for small businesses, ground floor retail space and community facility space, in the Flatbush neighborhood of Brooklyn.

PUBLIC HEARING

DATE: March 28, 2017

Witnesses in Favor: Ten

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: April 19, 2017

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

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:	Abstain:
None	Williams

In connection herewith, Council Member Greenfield and Salamanca offered the following resolution:

Res. No. 1451

Resolution approving the decision of the City Planning Commission on ULURP No. C 170127 PPK, for the disposition one city-owned property located at 794 Flatbush Avenue (Block 5063, Lot 58), pursuant to zoning, Community District 14, Borough of Brooklyn (L.U. No. 594).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated February 22, 2017 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services, for the disposition of one city-owned property located at 794 Flatbush Avenue (Block 5063, Lot 58), which in conjunction with the related actions would facilitate a new mixed-use development, comprising approximately 251 income-restricted residential units, a vendors market for small businesses, ground floor retail space and community facility space, in the Flatbush neighborhood of Brooklyn, pursuant to zoning, Community District 14, Borough of Brooklyn (ULURP No. C 170127 PPK) (the "Application");

WHEREAS, the application is related to Applications C 170128 ZMK (L.U. No. 595), an amendment to the Zoning Map changing the project area from R7A and R7A/C2-4 districts to an R8A/C2-4 district; and N 170129 ZRK (L.U. No. 596), a zoning text amendment to designate a Mandatory Inclusionary Housing area;

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 March 28, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 31, 2016 (CEQR No. 16DME004K) (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170127 PPK, incorporated by reference herein, the Council approves the Decision for the disposition of city-owned property located at 794 Flatbush Avenue (Block 5063, Lot 58), Community District 14, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 595

Report of the Committee on Land Use in favor of approving Application No. C 170128 ZMK submitted by the Department of Citywide Administrative Services and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the zoning map, Section 16d, changing an existing R7A district to an R8A/C2-4 district, Borough of Brooklyn, Community District 14, Council District 40.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 838) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB -14

C 170128 ZMK

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map, Section No. 16d.

INTENT

To approve the zoning map amendment, which in conjunction with the related actions would facilitate a new mixed-use development, comprising approximately 251 affordable residential units, a vendors market for small businesses, ground floor retail space and community facility space, in the Flatbush neighborhood of Brooklyn.

PUBLIC HEARING

DATE: March 28, 2017

Witnesses in Favor: Ten

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: April 19, 2017

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

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

None

Abstain:

Williams

In connection herewith, Council Member Greenfield and Salamanca offered the following resolution:

Res No. 1452

Resolution approving the decision of the City Planning Commission on ULURP No. C 170128 ZMK, a Zoning Map amendment (L.U. No. 595).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated February 22, 2017 (the "Decision"), on the application submitted by the New York City Department of Citywide Administrative Services and the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16d, which in conjunction with the related actions would facilitate a new mixed-use development comprising approximately 251 income-restricted residential units, a vendors market for small businesses, ground floor retail space and community facility space, in the Flatbush neighborhood of Brooklyn, (ULURP No. C 170128 ZMK), Community District 14, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications N 170129 ZRK (L.U. No. 596), a zoning text amendment to designate a Mandatory Inclusionary Housing area; and C 170127 PPK (L.U. No. 594), a disposition of City-owned property;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 28, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 31, 2016 (CEQR No. 16DME004K) (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170128 ZMK, incorporated by reference herein, the Council approves the Decision as follows:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16d:

1. changing from an R7A District to an R8A District property bounded by a line perpendicular to the westerly street line of Flatbush Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Flatbush Avenue and the northwesterly street line of Caton Avenue, Flatbush Avenue, Caton Avenue, a line perpendicular to the northwesterly street line of Caton Avenue distant 140 feet southwesterly (as measured along the street line) from the point of intersection of the westerly street line of Flatbush Avenue and the northwesterly street line of Caton Avenue, a line 125 feet northwesterly of Caton Avenue, and a line 135 feet westerly of Flatbush Avenue; and
2. establishing within the proposed R8A District a C2-4 District bounded by a line perpendicular to the westerly street line of Flatbush Avenue distant 200 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Flatbush Avenue and the northwesterly street line of Caton Avenue, a line 100 feet westerly of Flatbush Avenue, Caton Avenue, a line perpendicular to the northwesterly street line of Caton Avenue distant 140 feet southwesterly (as measured along the street line) from the point of intersection of the westerly street line of Flatbush Avenue and the northwesterly street line of Caton Avenue, a line 125 feet northwesterly of Caton Avenue, and a line 135 feet westerly of Flatbush Avenue;

as shown on a diagram (for illustrative purposes only) dated October 31, 2016, and subject to the conditions of CEQR Declaration E-397, Community District 14, Borough of Brooklyn.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 596

Report of the Committee on Land Use in favor of approving Application No. N 170129 ZRK submitted by the Department of Citywide Administrative Services and the Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 14, Council District 40.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 839) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB -14****N 170129 ZRK**

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services and New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, modifying Appendix F to establish a Mandatory Inclusionary Housing Area in Brooklyn Community District 14.

INTENT

To approve the amendment of the Zoning Resolution, which in conjunction with the related actions would facilitate a new mixed-use development, comprising approximately 251 affordable residential units, a vendors market for small businesses, ground floor retail space and community facility space, in the Flatbush neighborhood of Brooklyn.

PUBLIC HEARING**DATE:** March 28, 2017**Witnesses in Favor:** Ten**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 19, 2017

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

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez Koo, Lander, Levin, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against: **Abstain:**
None Williams

In connection herewith, Council Member Greenfield and Salamanca offered the following resolution:

Res No. 1453

Resolution approving the decision of the City Planning Commission on Application No. N 170129 ZRK, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 14, Borough of Brooklyn (L.U. No. 596).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated February 22, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted the New York City Department of Citywide Administrative Services and the New York City Economic Development Corporation, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate a new mixed-use development, comprising approximately 251 income-restricted residential units, a vendors market for small businesses, ground floor retail space and community facility space, in the Flatbush neighborhood of Brooklyn, (Application No. N 170129 ZRK), Community District 14, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 170127 PPK (L.U. No. 594), a disposition of City-owned property; and C 170128 ZMK (L.U. No. 595), an amendment to the Zoning Map changing the project area from R7A and R7A/C2-4 districts to an R8A/C2-4 district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 28, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 31, 2016 (CEQR No. 16DME004K) (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170129 ZRK, incorporated by reference herein, the Council approves the Decision.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Brooklyn

* * *

Brooklyn Community District 14

In the R7A and R8A Districts within the areas shown on the following Maps 1, 2 and 3:

* * *

Map 2. (date of adoption)

[EXISTING MAP]



[PROPOSED MAP]



Inclusionary Housing designated area



Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 1 (date of adoption) – MIH Program Option 2

Portion of Community District 14, Brooklyn

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 597

Report of the Committee on Land Use in favor of approving Application No. C 170153 HAK submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law, for an urban development action area designation and project approval, and the disposition of city-owned property located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), Borough of Brooklyn, Community Board 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 839) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CB 16

C 170153 HAK

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of properties located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the construction of an eight-story building with approximately 70 units of affordable and supportive housing in the Brownsville neighborhood.

INTENT

To approve an urban development action area designation and project approval and disposition of City-owned property, which in conjunction with the related action would facilitate the development of an eight-story building with approximately 70 units of affordable and supportive housing in the Brownsville neighborhood of Brooklyn Community District 16.

PUBLIC HEARING

DATE: March 28, 2017

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 19, 2017

The Subcommittee recommends that the Land Use Committee approve the requests made by HPD and the decision of the City Planning Commission.

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Wills, Richards,, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

None

Abstain:

None

In connection herewith, Council Member Greenfield and Salamanca offered the following resolution:

Res No. 1454

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (HPD) and the decision of the City Planning Commission, ULURP No. C 170153 HAK, approving the designation of property located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), Borough of Brooklyn, as an Urban Development Action Area, approving an Urban Development Action Area Project, and approving the disposition of city-owned property located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), to a developer selected by HPD (L.U. No. 597; C 170153 HAK).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated March 8, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), as an Urban Development Action Area (the "Disposition Area");
- b) Approval an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), to a developer to be selected by HPD;

which in conjunction with the other related action would facilitate the development of an eight-story building containing approximately 70 units of affordable and supportive housing in the Brownsville neighborhood of Community District 16, Borough of Brooklyn (ULURP No. C 170153 HAK) (the "Application");

WHEREAS, the Application is related to application C 170154 ZSK (L.U. No. 598), a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the floor area requirements for a non-profit institution with sleeping accommodations;

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, by letter dated March 20, 2017 and submitted to the Council on March 27, 2017, the New York City Department of Housing Preservation and Development submitted its requests (the "HPD Requests") respecting the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on March 28, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 14, 2016 (CEQR No. 17HPD026K) (the "Negative Declaration");

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 170153 HAK) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary submitted by HPD on March 27, 2017, a copy of which is attached hereto and made a part hereof.

The Council approves the disposition of 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), to a developer selected by the New York City Department of Housing Preservation and Development.

DAVID G. GREENFIELD, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 598

Report of the Committee on Land Use in favor of approving Application No. C 170154 ZSK submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements for community facility floor area ratio to facilitate the development of a proposed eight-story building located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), Borough of Brooklyn, Community Board 16, Council District 42. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 16, 2017 (Minutes, page 839) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN - CB 16****C 170154 ZSK**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed eight-story building on property located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), in an R6 District.

INTENT

To approve the special permit, which in conjunction with the related action would facilitate the development of an eight-story building with approximately 70 units of affordable and supportive housing in the Brownsville neighborhood of Brooklyn Community District 16.

PUBLIC HEARING**DATE:** March 28, 2017**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 19, 2017

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

In Favor:

Salamanca, Mealy, Rodriguez, Cohen, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against: **Abstain:**
None None

In connection herewith, Council Member Greenfield and Salamanca offered the following resolution:

Res No. 1455

Resolution approving the decision of the City Planning Commission on ULURP No. C 170154 ZSK (L.U. No. 598), for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed eight-story building on property located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), in an R6 District, Community District 16, Borough of Brooklyn.

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on March 10, 2017 its decision dated March 8, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed eight-story building on property located at 210-214 Hegeman Avenue (Block 3639, Lots 35 and 37), in an R6 District,, (ULURP No. C 170154 ZSK), Community District 16, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 170153 HAK (L.U. No. 597), designation of property as an Urban Development Action Area and Urban Development Action Area Project; and, pursuant to Section 197-c of the New York City Charter, disposition of such property to a developer selected by HPD;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-903 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 28, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 14, 2016 (CEQR No. 17HPD026K) (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170154 ZSK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1. The property that is the subject of this application (C 170154 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Dattner Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	Zoning Analysis	11/21/2016
A-010	Site Plan	11/21/2016
A-017	Section	11/21/2016

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

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

Report for L.U. No. 601

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20175241 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Coliemore Inc., d/b/a Five Mile Stone, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1640 2nd Avenue, Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item was referred on April 5, 2017 (Minutes, page 1016) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 8

20175241 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Coliemore Inc, d/b/a Five Mile Stone, for the renewal of a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 1640 Second Avenue.

By letter dated April 19, 2017, and submitted to the City Council on April 19, 2017, the applicant withdrew the application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

SUBCOMMITTEE RECOMMENDATION

DATE: April 19, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Wills, Reynoso.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: April 20, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Garodnick, Mealy, Mendez, Rodriguez, Koo, Lander, Levin, Williams, Wills, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Salamanca.

Against:

None

Abstain:

None

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

Res No. 1456

Resolution approving a motion to file pursuant to withdrawal of the Application for a revocable consent for an unenclosed sidewalk café located at 1640 Second Avenue, Borough of Manhattan (Non-ULURP No. 20175241 TCM; L.U. No. 601).

By Council Members Greenfield and Richards.

WHEREAS, the Department of Consumer Affairs filed with the Council on March 17, 2017 its approval dated March 15, 2017 of the petition of Coliemoire Inc, d/b/a Five Mile Stone, for the renewal of a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 1640 Second Avenue, Community District 8, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, by letter dated April 19, 2017 and submitted to the City Council on April 19, 2017, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent;

RESOLVED:

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

DAVID G. GREENFIELD, Chairperson; VINCENT J. GENTILE, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; RAFAEL SALAMANCA, Jr.; Committee on Land Use, April 20, 2017.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report of the Committee on Small Business

Report for Int. No. 891-A

Report of the Committee on Small Business 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 notifying a business when the city has received a request for service or complaint about its operation.

The Committee on Small Business, to which the annexed proposed amended local law was referred on September 17, 2015 (Minutes, page 3375), respectfully

REPORTS:

INTRODUCTION

On April 24th, the Committee on Small Business will hold a vote on Proposed Int. No. 891-A, a Local Law to amend the Administrative Code of the City of New York, in relation to notifying a business when the city has received a complaint about its operation. On May 4th the Committee on Small Business held a hearing on Int. No. 891. The 311 system provides information about city services and allows callers to make complaints that are then routed to agencies.¹ The bill would require the Department of Information Technology and Telecommunications (DoITT) to make an online system available for businesses to opt to receive a notification via email or text when a 311 complaint or request for service mentions the address of the business.

ANALYSIS OF LEGISLATION

PROPOSED INT. NO. 891-A

Bill section 1 would amend chapter 3 of title 23 of the Administrative Code of the city of New York is by adding a new section 23-303.

New section 23-303 would require the Department of Information Technology and Telecommunications (DOITT) to establish a system to the extent practicable that would enable business owners to register to receive notifications via text message and/or email when the 311 system receives complaints that mention the address of the business. Such notifications shall be offered in the designated citywide languages defined in section 23-1101 of this code and shall be delivered within 72 hours, to the extent practicable, and not more than 96 hours after the 311 request for service or complaint is made available as part of a public data set on the open data portal.

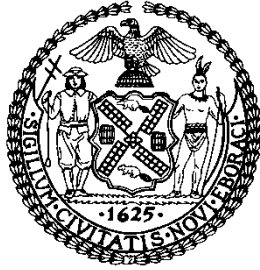
Section two of new section 23-303 would provide that this legislation take effect 270 days after it becomes law.

UPDATE

On April 24th, 2017 the Committee on Small Business held a vote on Proposed Int. No. 891-A, a Local Law to amend the Administrative Code of the City of New York, in relation to notifying a business when the city has received a complaint about its operation. Proposed Int. No. 891-A passed in Committee with 8 votes in the affirmative, zero abstentions, and zero in the negative.

¹ See *About 311* available at <http://www1.nyc.gov/311/about-311.page>

(The following is the text of the Fiscal Impact Statement for Int. No. 891-A:)



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

PROPOSED INTRO. NO: 891-A
COMMITTEE: Small Business

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to notifying a business when the city has received a request for service or complaint about its operation.

SPONSORS: Council Members Cornegy, Barron, Cabrera, Constantinides, Eugene, Gentile, Johnson, Koo, Koslowitz, Mealy, Mendez, Rose, Torres, Dromm, Vallone, Rosenthal, Chin, Cohen and Ulrich

SUMMARY OF LEGISLATION: Proposed Int. No. 891-A would require the Department of Information Technology and Telecommunication (DoITT) to provide a website where business owners in the City could voluntarily register to receive notifications whenever the address of their business is provided as part of a 311 service request or complaint. The notification would be offered in any of the ten designated citywide languages and via text message or email in accordance with the owner’s preference. DoITT would be required to send such notifications within 72 hours (to the extent practicable), and not more than 96 hours after the 311 service requests or complaints are made public.

EFFECTIVE DATE: This local law would take effect 270 days after enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$659,859	\$241,859	\$241,859
Net	\$659,859	\$241,859	\$241,859

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

IMPACT ON EXPENDITURES: The Council estimates that the enactment of this legislation would impact expenditures in the amount of \$659,859 in Fiscal 2018 and \$241,859 annually in the outyears. It is expected that the Administration would use the New York City Business Portal (the Portal) as the designated website through which business owners could register to receive notifications of 311 service requests or complaints. The portal is currently undergoing some developments – which is funded through the Fiscal 2017 Budget – that would enable businesses to receive notifications via email. Hence, we expect that sending notifications of 311 service requests or complaints via email would have no additional cost. However, some changes would have to be made to the Portal to give it all the features needed to carry out the requirements of this legislation. We estimate that the changes to the Portal would bring on a one-time setup cost totaling \$423,500 for the first fiscal year, and a recurring cost of up to \$241,859 annually. The one-time expenditure would cover costs

including: 1) \$400,000 in capital funding to be spent on business analysis, building of application program interface (API), and testing and deployment; 2) \$1,500 to add on text messaging features to the Portal; and 3) \$22,000 to translate 50 general text messaging templates with about 250 words each into the ten designated citywide languages as required by Local Law 30.

The recurring expenditure, on the other hand, would cover the costs associated with text notification charges as well as vendor charges for providing the text notification service. With close to 70,000 small businesses from various industries expected to sign up to receive notifications via text, the Council estimates that a total funding of \$132,693 annually would be needed to cover the cost of sending text notifications, while \$103,666 annually would be needed to cover vendor charges for the text notification system. These two costs could vary depending on the number of businesses that sign up to receive notifications via text. Also, it is estimated that an additional \$5,500 would be needed in the outyears to enable the Department of Small Business Services to update email templates, should it become necessary.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council
New York City Office of Management and Budget
U.S. Census Bureau, 2015 County Business Patterns

ESTIMATE PREPARED BY: William Kyeremateng, Economist
New York City Office of Management and Budget

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
Cirilhen Francisco, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 17, 2015 as Intro. No. 891 and referred to the Committee on Small Business (Committee). The legislation was considered by the Committee at a hearing on May 4, 2016 and was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 891-A, will be voted on by the Committee at a hearing on April 24, 2017. Upon successful vote by the Committee, Proposed Intro. No. 891-A will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 891-A:)

Int. No. 891-A

By Council Members Cornegy, Barron, Cabrera, Constantinides, Eugene, Gentile, Johnson, Koo, Koslowitz, Mealy, Mendez, Rose, Torres, Dromm, Vallone, Rosenthal, Chin, Cohen, Menchaca, Levin, Kallos and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to notifying a business when the city has received a request for service or complaint about its operation.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of Title 23 of the administrative code of the city of New York is amended by adding a new section 23-303 to read as follows:

§ 23-303 *Notifying businesses of requests for service or complaints.* Pursuant to the provisions of this section, the department of information technology and telecommunications shall, to the extent practicable, notify business owners by text or email, in accordance with the business owner's preference, each time the address of their business is provided as part of a 311 request for service or complaint if such business owners have opted to receive such notifications via a website maintained by or on behalf of the city of New York. Such notifications shall be offered in the designated citywide languages defined in section 23-1101 of this code. Such notifications shall be delivered within 72 hours, to the extent practicable, and not more than 96 hours after the 311 request for service or complaint is made available as part of a public data set on the single web portal established pursuant to chapter 5 of this title.

§ 2. This local law takes effect 270 days after enactment.

ROBERT E. CORNEGY, Jr., Chairperson; MATHIEU EUGENE, PETER A. KOO, KAREN KOSLOWITZ, RUBEN WILLS, CARLOS MENCHACA, PAUL A. VALLONE, ERIC A. ULRICH; Committee on Small Business, April 24, 2017. *Other Council Members Attending: Council Members Constantinides, Kallos, Treyger, Williams, Grodenchik, Barron, Lander, Rosenthal and Reynoso.*

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 Transportation

Report for Int. No. 965-A

Report of the Committee on Transportation in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a citywide transit study.

The Committee on Transportation, to which the annexed proposed amended local law was referred on October 15, 2015 (Minutes, page 3716), respectfully

REPORTS:

INTRODUCTION

On April 24, 2017, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 965-A, a Local Law in relation to a citywide transit study, and on Proposed Int. No. 1311-A, a Local Law in relation to requiring the department of transportation to notify the police and fire departments about resurfacing work. This is the second hearing on these items. A first hearing was held on Proposed Int. No. 965-A was held on November 12, 2015 and on Proposed Int. No. 1311-A on January 26, 2017. At those hearings the Committee heard testimony from the New York City Department of Transportation (“DOT”) and other interested stakeholders.

BACKGROUND

A “transportation desert” (also known as a “transit desert”) is a relatively new public policy concept that describes an area containing a large contingent of transit-dependent populations with limited automobile access where the level of mass transit service does not adequately service such populations.¹ Those who live in transit deserts face restricted mobility and limited access to jobs, amenities, and in some cases, fresh food.

¹ Junfeng Jiao and Maxwell Dillivan, *Transit Deserts: The Gap between Demand and Supply*, Journal of Public Transportation, Vol. 16, Issue 3, 23 (2013), available at <http://www.nctr.usf.edu/2013/10/transit-deserts-the-gap-between-demand-and-supply/#sthash.begwwwAf.dpuf>.

New York City's mass transportation network was initially planned to provide reliable travel for commuters into and out of Manhattan, but over the past 20 years, there has been a major increase in the number of residents who both live and work outside of Manhattan.² Even though New York City boasts the largest public subway system in the world and an expansive bus system with 236 local, 9 Select Bus Service, and 62 express routes as of the end of 2015, residents who both live and work outside of Manhattan often lack time- and cost-competitive transit options.³ Travel is particularly difficult between the outer boroughs, even as economic development has increased significantly outside of Manhattan.⁴ Some major job centers located in areas with less-than-adequate public transit service include the Hunts Point Food Distribution Center in the Bronx, with over 20,000 employees; John F. Kennedy International Airport in Queens, with over 55,000 employees; and the Kings County-SUNY Downstate medical campuses in Brooklyn, with over 20,000 employees.⁵

Transportation deserts in New York City disproportionately affect lower-income residents, especially as housing prices rise and push the lower-income population further toward the edges of the outer boroughs.⁶ Over 750,000 New Yorkers travel more than one hour each way to work, with two-thirds of such commuters earning less than \$35,000 a year.⁷ By contrast, just six percent of these extreme commuters earned more than \$75,000 a year.⁸ Moreover, immigrants and people of color are much more likely than white New Yorkers to have long commutes.⁹ Therefore, identifying transportation deserts with the aim to improve New York City's mass transit system is both a significant quality-of-life issue for many New Yorkers and important to the City's economic development.

Given the context of New York City's relatively robust mass transit system, and the fact that most New Yorkers are mass transit-dependent, the concept of a "transportation desert" may need to be expanded to mean more than simply an area that lacks access to mass transit such as subways and buses. For City residents, those with hour-plus commutes, multiple transfers or having to pay multiple fares, or who live areas where mass transit is not particularly accessible to those who are older, mobility-challenged, or traveling with small children face considerable transit challenges.¹⁰

Light Rail

According to some transit advocates, one relatively cost-effective way to address transit access in transportation deserts is to expand the network with light rail systems. Light rail is often described as an electric railway system characterized by its ability to operate single cars or short trains along exclusive rights-of-way at ground level, on aerial structures, in subways, or occasionally, in streets and to board and discharge passengers at track or car floor level.¹¹ While light rail is used in major cities throughout the United States—including Boston, Los Angeles, and Philadelphia, and in cities as close as Jersey City—New York City has not yet introduced light rail to the mix of its public transit system.¹² This has not been for a lack of advocacy; various light rail proposals have been put forward for at least a decade. In Staten Island, there have been two significant light rail proposals in recent years: a North Shore Rail Line, which never progressed because bus rapid transit was selected as the preferred mode instead, and a West Shore Rail Line, being pushed by the

² Center for an Urban Future, *Behind the Curb* (Feb. 2011), available at <https://nycfuture.org/research/publications/behind-the-curb>.

³ Metropolitan Transportation Authority, Facts and Figures, <http://web.mta.info/nyct/facts/ridership/index.htm> (last accessed Apr. 20, 2017).

⁴ Center for an Urban Future, *supra* note 2, at 4-5.

⁵ *Id.* at 6.

⁶ Rockefeller Foundation, *Mobility and Equity for New York's Transit-Starved Neighborhoods* (Dec. 2013), available at <https://www.rockefellerfoundation.org/blog/mobility-equity-new-yorks-transit/>.

⁷ *Id.*

⁸ Pratt Center for Community Development, Long Commutes for Low Wages, <http://prattcenter.net/research/long-commutes-low-wages> (last accessed Nov. 7, 2015).

⁹ Center for an Urban Future, *supra* note 2, at 12 ("White residents have an average commute time of 36 minutes, whereas Hispanic residents have an average commute of 41 minutes, Asian residents 42 minutes and Black residents 47 minutes.")

¹⁰ Dani Simons, *Transit Deserts Leave New Yorkers Thirsting for Access to Jobs*, STREETS BLOG, Nov. 22, 2011, <http://www.streetsblog.org/2011/11/22/transit-deserts-leave-new-yorkers-thirsting-for-access-to-jobs/>.

¹¹ American Public Transportation Association, *This is Light Rail* (2000), available at http://www.apta.com/resources/reportsandpublications/Documents/light_rail_bro.pdf.

¹² *Id.*

Staten Island Economic Development Corporation.¹³ In Manhattan, light rail proposals for 42nd Street date as far back as 1994 and a citizen’s initiative known as “vision42” has attempted to revive enthusiasm and support for light rail that would run cross town on 42nd Street.¹⁴ Perhaps most notably, a light rail line between Astoria and Sunset Park along the Queens-Brooklyn waterfront called the BQX has been proposed by the de Blasio Administration and is currently in a preliminary planning phase.

ANALYSIS OF PROPOSED INT. NO. 965-A

Section one of Int. No. 965 would amend section 19-801 of Administrative Code of the City of New York. Subdivision a of section 19-801 is amended to expand the bus rapid transit plan, as required by local law 36 of 2015, to a citywide transit study. New paragraph 2 of such subdivision a would require the study to include plans for transit improvement other than bus rapid transit, which may include local bus, light rail and subway, and other modes, to serve areas identified in the study as in need of transit access. New paragraph 3 of such subdivision a would require the study to include strategies to improve transit access to neighborhoods underserved by the subway system. The citywide transit study would be due September 1, 2017.

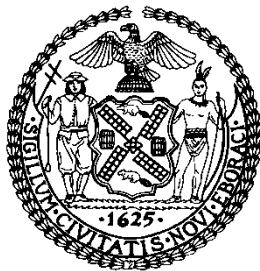
Section two provides that the local law would take effect immediately.

ANALYSIS OF PROPOSED INT. NO. 1311-A

Section one of Int. No. 1311 would amend the Administrative Code of the City of New York by adding a new section 19-101.6. New subdivision a of such section would provide that no later than two days prior to any street being resurfaced by DOT, DOT shall notify the NYPD and the Fire Department of such resurfacing work. Such notification shall include a description and location of such resurfacing work. New subdivision b of such section would provide a public safety exception to subdivision a requirement.

Section two provides that the local law would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 965-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 965-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the New York city charter, in relation to a citywide transit study.

SPONSORS: Council Members Rodriguez, Constantinides, Chin, Cumbo, Gentile, Johnson, Mendez, Palma, Richards, Rose, Kallos, Cohen,

¹³ Ken Paulsen, *Reality Check for Staten Island Rail Plans*, STREETS BLOG, Jul. 12, 2008, http://www.silive.com/transportation/index.ssf/2008/07/reality_check_for_staten_islan.html; Nicolas Rizzi, *Campaign to Bring Light Rail to Staten Island Restarts*, DNAINFO, Aug. 18, 2014, <http://www.dnainfo.com/new-york/20140818/elm-park/campaign-bring-light-rail-staten-island-restarts>.

¹⁴ *Light-Rail Push for 42nd Street Gets Rolling*, CRAIN’S NEW YORK, Jun. 19, 2013, available at <http://www.crainnewyork.com/article/20130618/TRANSPORTATION/130619866/light-rail-push-for-42nd-street-gets-rolling>.

Vallone, Levin and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. 965-A would require the Department of Transportation (DOT) to conduct a citywide transit study that would be incorporated into the bus rapid transit plan required by Local Law 36 of 2015, due by September 1, 2017. As part of the study, DOT would develop strategies to improve transit access to “transit deserts”, or neighborhoods underserved by the subway system. Plans for transit improvement to serve areas identified as part of the study to be in need of transit access would include a variety of modes other than bus rapid transit, including local bus, light rail, and subway. Additionally, the bill would require that no later than September 1, 2019 and every two years thereafter through September 1, 2027, the DOT would submit to the Council, the Borough Presidents, and the Community Boards, and post on its website, a summary on the implementation of the plan required under the local law.

EFFECTIVE DATE: The local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: Because existing resources would be used to comply with this local law, it is estimated that the legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Brandon West, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 965 on October 15, 2015 and was referred to the Committee on Transportation. A hearing was held by the Committee on November 12, 2015, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 965-A, will be considered by the Committee on April 24, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 965-A will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

(For text of Int. No. 1311-A and its Fiscal Impact Statement, please see the Report of the Committee on Transportation for Int. No. 1311-A printed in these Minutes; for text of Int. No. 965-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 965-A and 1311-A.

(The following is the text of Int. No. 965-A:)

Int. No. 965-A

By Council Members Rodriguez, Constantinides, Chin, Cumbo, Gentile, Johnson, Mendez, Palma, Richards, Rose, Kallos, Cohen, Vallone, Levin, Menchaca, Crowley, Greenfield, Miller and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to a citywide transit study

Be it enacted by the Council as follows:

Section 1. Section 19-801 of chapter 8 of title 19 of the administrative code of the city of New York, as added by local law number 36 for the year 2015, is amended to read as follows:

CHAPTER 8 – [BUS RAPID TRANSIT] *CITYWIDE TRANSIT STUDY*

§ 19-801 [Bus rapid transit plan] *Citywide transit study.* a. No later than September 1, 2017, the department shall consult with the metropolitan transportation authority and, with input from the public, submit to the council, the borough presidents, and the community boards and post on the department's website a *citywide transit study. Such study shall include:*

1. A plan to create a citywide network of bus rapid transit lines connecting the boroughs of the city of New York[. Such plan shall consider] *including* the following: [(1)] (a) areas of the city in need of additional bus rapid transit options; [(2)] (b) strategies for serving areas of the city identified for growth by at least one of the following sources: the department of city planning, the department of housing preservation and development, or the economic development corporation; [(3)] (c) identifying potential additional intra-borough and/or inter-borough bus rapid transit corridors the department intends to establish in the ten years following the release of such plan; [(4)] (d) strategies for integration with current and future transit routes in the region; and [(5)] (e) the anticipated capital and operating costs of such additional bus rapid transit lines[.];

2. *Plans for transit improvement other than bus rapid transit, which may include local bus, light rail and subway, and other modes, to serve areas identified as part of such study to be in need of transit access; and*

3. *Strategies to improve transit access to neighborhoods underserved by the subway system.*

b. No later than September 1, 2019 and every two years thereafter through September 1, 2027, the department shall submit to the council, the borough presidents, and the community boards and post on the department's website a summary on the implementation of the plan required under *paragraph 1* of subdivision a of this section, including, but not limited to: information on the establishment of additional bus rapid lines; any deviations from such plan and reasons for deviations; and monies allocated to capital and operating costs for such additional lines.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, Chairperson; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, April 24, 2017. *Other Council Members Attending: Williams, Rosenthal, Ulrich, Cornegy, Salamanca, Deutsch, Levine and Grodenchik.*

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).

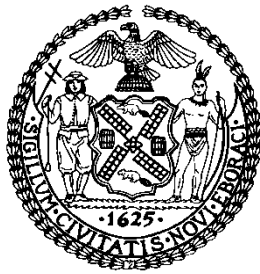
Report for Int. No. 1311-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to notify the police and fire departments about resurfacing work.

The Committee on Transportation, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3554), respectfully

REPORTS:

The following is the text of the Fiscal Impact Statement for Int. No. 1311-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1311-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to notify the police and fire departments about resurfacing work.

SPONSORS: Council Members Deutsch, Salamanca, Johnson, Palma, Maisel, Cohen, Grodnechik, Cornegy, King, Torres and Dromm

SUMMARY OF LEGISLATION: Proposed Intro. 1311-A would require the Department of Transportation to notify the Police Department and the Fire Department, where practicable, of resurfacing work no later than two days prior to such work. The notification would include the description and location of the resurfacing work.

EFFECTIVE DATE: The local law would take effect 120 days after it is enacted into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: Because existing resources would be used to comply with this local law, it is estimated that the legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Brandon West, Senior Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1311 on October 27, 2016 and was referred to the Committee on Transportation. A joint hearing was held by the Committee on Transportation and the Committee on Public Safety on January 26, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1311-A, will be considered by the Committee on Transportation on April 24, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1311-A will be submitted to the full Council for a vote on April 25, 2017.

DATE PREPARED: April 21, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1311-A:)

Int. No. 1311-A

By Council Members Deutsch, Salamanca, Johnson, Palma, Maisel, Cohen, Grodenchik, Cornegy, King, Torres, Dromm, Levin, Menchaca, Rodriguez, Chin, Miller and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to notify the police and fire departments about resurfacing work

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.6 to read as follows:

§ 19-101.6 *Notification of resurfacing work.* a. *No later than two days prior to resurfacing any street, the department shall, where practicable, notify the police department and the fire department of such resurfacing work. Such notification shall include a description and location of such resurfacing work.*

b. *Nothing in this section shall be construed to require the department to provide notification of resurfacing work that must be performed immediately in order to address unforeseen issues relating to public safety.*

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

YDANIS A. RODRIGUEZ, Chairperson; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, ANTONIO REYNOSO; DONOVAN J. RICHARDS; Committee on Transportation, April 24, 2017. *Other Council Members Attending: Williams, Rosenthal, Ulrich, Cornegy, Salamanca, Deutsch, Levine and Grodenchik.*

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:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Melissa Collins	342 East 100th Street #3C New York, N.Y. 10029	8
Pamela Fults	205 West 140th Street #3A New York, N.Y. 10030	9
Jannette Diaz-Rodriguez	1288 Crosby Avenue #2F Bronx, N.Y. 10461	13
Mohammed Haque	30-19 23rd Street Queens, N.Y. 11102	22
Geneline Sakrulla	93-17 Hollis Court Blvd Queens Village, N.Y. 11428	23
Victor Sostre	67 Manhattan Avenue #11J Brooklyn, N.Y. 11206	34
Sati Sarahlee Ramgulam	102 Glen Street #2 Brooklyn, N.Y. 11208	37
Sylvia Givans	782 East 32nd Street #D6 Brooklyn, N.Y. 11210	45
Edward McCabe	169 Fairview Avenue Staten Island, N.Y. 10314	50

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
John A. Fratta	77 Fulton Street #27L New York, N.Y. 10038	1
Taina Garcia	38 Monroe Street #EJ7 New York, N.Y. 10002	1
Karen M. Mack	50 East Houston Street #1I New York, N.Y. 10002	2
Polly Schonfeld	63 Avenue A #19H New York, N.Y. 10009	2
Noralba Vanderpool	521 FDR Drive #3B New York, N.Y. 10002	2
Louiselle Romero	1646 First Avenue #12E New York, N.Y. 10028	5
Florinda Laford	101 West 109th Street #4J New York, N.Y. 10025	7
Tamika C. Ortiz	630 West 135th Street #61 New York, N.Y. 10031	7
Floree Roberson	626 Riverside Drive #22A New York, N.Y. 10031	7
Niurka M. Almonte	1990 Lexington Avenue #15H New York, N.Y. 10035	9
Cheryl Love	1900 Lexington Avenue #8K New York, N.Y. 10035	9
Mary R. Salierno	20 West 115th Street #1J New York, N.Y. 10026	9
Linda Fay McCoy	410 St. Nicholas Avenue #23J New York, N.Y. 10027	9
Noemi Aviles	97 Arden Avenue #3L New York, N.Y. 10040	10
Wanda I. Diaz	323 East Gun Hill Road #6G Bronx, N.Y. 10467	11
Bianca Williams	3844 Bailey Avenue #GC Bronx, N.Y. 10463	11

Kiana Bartley	3309 Baychester Avenue Bronx, N.Y. 10469	12
Ethlyn Marie Chan	827B East 217th Street #3 Bronx, N.Y. 10467	12
Harriet Lasky	140 Benchley Place #28H Bronx, N.Y. 10475	12
Vernice McMillian	1175 East 225th Street Bronx, N.Y. 10466	12
Sheila M. McPherson-Grierson	3318 Eastchester Road Bronx, N.Y. 10469	12
Darla A. Starks	120 Debs Place #23F Bronx, N.Y. 10475	12
Eduardo Alayon	2081 Cruger Avenue #1F Bronx, N.Y. 10462	13
Albert D'Angelo	1939 Lurting Avenue Bronx, N.Y. 10461	13
Johnny Lopez	532 Logan Avenue #1 Bronx, N.Y. 10465	13
Aida Luz Colon	2745 Reservoir Avenue #6C Bronx, N.Y. 10468	14
Jacie Depaulis	2230 Andrews Avenue Bronx, N.Y. 10453	14
Amarilis Fuentes	1465 Grand Concourse #2B Bronx, N.Y. 10452	14
Nubia Imani-Beazer	7 Fordham Hill Oval #5C Bronx, N.Y. 10468	14
Margaret McCrae	2245 Barker Avenue #B Bronx, N.Y. 10467	15
Edwina Maria Townes	785 East 181st Street #21 Bronx, N.Y. 10460	15
Kimberlee T. Myers	780 Concourse Village West #20D Bronx, N.Y. 10451	16
Lucia Tiburcio	1244 Ogden Avenue Bronx, N.Y. 10452	16

Maria Abreu	1025 Freeman Street #2A Bronx, N.Y. 10459	17
Heidy Alonzo	733 Prospect Avenue #11 Bronx, N.Y. 10455	17
Ruth Rojas-Duarte	827 Fox Street #2A Bronx, N.Y. 10459	17
Reinaldo Ugarte Jr.	2235 Homer Avenue Bronx, N.Y. 10473	18
Michael Rodamis	33-22 Jordan Street Bayside, N.Y. 11358	19
Diane Staiano	24-44 154th Street Whitestone, N.Y. 11357	19
Lisa M. Rivers	99-10 60th Avenue #2J Corona, N.Y. 11368	21
Joyce West	96-15 Jackson Mill Road East Elmhurst, N.Y. 11369	21
Debra S. Siegel	85-36 213th Street Queens, N.Y. 11427	23
Dionicia Suero	31-31 84th Street East Elmhurst, N.Y. 11370	25
Tracy N. Dash	179-59 Anderson Road Jamaica, N.Y. 11434	27
Teresa Martin	104-26 199th Street Queens, N.Y. 11412	27
Renee Wright	108-65 202nd Street Queens, N.Y. 11412	27
Renee R. Wilson	102-28 127th Street Queens, N.Y. 11419	28
Noemi Ortiz	61-35 98th Street #5G Rego Park, N.Y. 11374	29
Michelle DeLaCruz	80-02 62nd Street Glendale, N.Y. 11385	30
Jennifer Escobar	51-71 47th Street Woodhaven, N.Y. 11377	30

Dorota U. Kuzniar-Zglinska	67-28 78th Street #1 Middle Village, N.Y. 11379	30
Doris V. Ortiz	361 Grandview Avenue #1 Ridgewood, N.Y. 11385	30
Phyllis Connors	144-33 231st Street Rosedale, N.Y. 11413	31
Millicent Nicholas-Richards	142-31 249th Street Rosedale N.Y. 11422	31
Marie Souffrant-Santiago	241-31 128th Drive Queens, N.Y. 11422	31
Jonathan Addison	8100 Shorefront Parkway #11J Queens, N.Y. 11693	32
Lynette Aguayo	5 Ten Eyck Street #3 Brooklyn, N.Y. 11206	34
Hector J. Gonzalez	1065 Seneca Avenue Ridgewood, N.Y. 11385	34
Maria E. Vega	30 Montrose Avenue #8S Brooklyn, N.Y. 11206	34
W. Valentine Douglas	625 Grand Avenue Brooklyn, N.Y. 11238	35
Denise A. Martinez	292 St. Johns Place #55 Brooklyn, N.Y. 11238	35
Sarong Bingley	1587 Pacific Street Brooklyn, N.Y. 11213	36
Charlie Jenkins	75 Monroe Street Brooklyn, N.Y. 11216	36
LaSalle S. Miller	22 Halsey Street #3A Brooklyn, N.Y. 11216	36
Jherima Garrett	1839 Prospect Place #3 Brooklyn, N.Y. 11223	41
Sherina Seale	853 Empire Blvd #B9 Brooklyn, N.Y. 11213	41
Andrew Toney	213 Herzl Street Brooklyn, N.Y. 11212	41

Vivian Brown	1201 Pennsylvania Avenue #8D Brooklyn, N.Y. 11239	42
Lavon Burch	966 Hegeman Avenue #2 Brooklyn, N.Y. 11208	42
Lucille Carletta	8215 11th Avenue Brooklyn, N.Y. 11228	43
Blanche E. Tropiansky	1445 Shore Parkway #2L Brooklyn, N.Y. 11214	43
Jacob Landau	1826 50th Street Brooklyn, N.Y. 11204	44
Judy DePalma	874 East 28th Street Brooklyn N.Y. 11210	44
Nichole Grant	799 East 40th Street Brooklyn, N.Y. 11210	44
Georgia T. Jackson	3017 Newkirk Avenue Brooklyn, N.Y. 11226	44
Arnold Lubitz	1564 East 35th Street Brooklyn, N.Y. 11234	44
Suzan N. Pack	1556 Schenectady Avenue Brooklyn, N.Y. 11234	44
Octavia Charles	5420 Avenue M Brooklyn, N.Y. 11234	46
Esther Ettedgui	2736 East 66th Street Brooklyn, N.Y. 11234	46
Philip Ettedgui.	2736 East 66th Street Brooklyn, N.Y. 11234	46
Stuart M. Feuerstein	1247 East 66th Street Brooklyn, N.Y. 11234	46
Sofiya Oksenkrug	2547 West 2nd Street #2F Brooklyn, N.Y. 11223	47
Brad B. Holland	1401 Elm Avenue #B6 Brooklyn, N.Y. 11230	48
Mary Ann Marando	2292 East 24th Street Brooklyn, N.Y. 11229	48

Vivian SiFontes	2538 East 12th Street Brooklyn, N.Y. 11235	48
Dolores A. Bannon	1100 Clove Road #6K Staten Island, N.Y. 10301	49
Anna Jernigan	830 Van Duzer Street Staten Island, N.Y. 10304	49
Laurie Warren-Guido	937 Victory Blvd #1K Staten Island, N.Y. 10301	49
Joseph Benvenuto .	516 Lincoln Avenue Staten Island, N.Y. 10306	50
Eugene Kazakevich	578 Dongan Hills Avenue Staten Island, N.Y. 10305	50
John Pauhcell	47 Norway Avenue Staten Island, N.Y. 10305	50
Jody A. Schembari	172 Hickory Avenue Staten Island, N.Y. 10305	50
Angela Abbriano	20 Carlyle Green Staten Island, N.Y. 10312	51
Ralph Carosella	34 Dogwood Drive Staten Island, N.Y. 10312	51
Tiffany Marone	75 Churchill Avenue Staten Island, N.Y. 10309	51
Danielle Panza	65 Fraser Street Staten Island, N.Y. 10314	51
Odette Rivera	132 Russek Drive Staten Island, N.Y. 10312	51

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

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

- (1) **Int 81-A -** OSHA notification act.
- (2) **Int 648-A -** Providing information concerning bedbugs.
- (3) **Int 891-A -** Notifying a business when the city has received a request for service or complaint about its operation.
- (4) **Int 965-A -** Citywide transit study.
- (5) **Int 1224-A -** Increasing the contract award threshold requiring a vendor doing business with the city to complete a VENDEX questionnaire.
- (6) **Int 1254-A -** Distribution of college savings plan materials in schools to include pre-kindergarten and to distributing college savings plan.
- (7) **Int 1271-A -** Contractors and subcontractors to submit information to VENDEX electronically.
- (8) **Int 1311-A -** Department of transportation to notify the police and fire departments about resurfacing work.
- (9) **Int 1324-A -** Information about city contracts and contractors to be available online for public access.
- (10) **Int 1421-A -** Cranes to be equipped with global positioning systems or similar locating devices.
- (11) **Int 1433-A -** Department of buildings to report on all construction incidents.
- (12) **Int 1435-A -** Maintaining crane event records.
- (13) **Int 1446-A -** Licensing for operators of certain complex cranes.

- (14) **Int 1448-A -** Construction superintendents at certain construction sites.
- (15) **L.U. 591 & Res 1449 -** App. N **160396 ZRM**, Zoning Resolution, Manhattan, Community District 4, Council District 3.
- (16) **L.U. 592 & Res 1450 -** App. C **160378 ZMR** an amendment to the zoning map, Staten Island, Community District 2, Council District 50.
- (17) **L.U. 594 & Res 1451 -** App. C **170127 PPK** disposition of city-owned property Brooklyn, Community Board 14, Council District 40.
- (18) **L.U. 595 & Res 1452 -** App. C **170128 ZMK** an amendment to the zoning map, Brooklyn, Community District 14, Council District 40.
- (19) **L.U. 596 & Res 1453 -** App. N **170129 ZRK** Zoning Resolution, Brooklyn, Community District 14, Council District 40.
- (20) **L.U. 597 & Res 1454 -** App. C **170153 HAK** urban development action area designation and project approval, Brooklyn, Community Board 16, Council District 42.
- (21) **L.U. 598 & Res 1455 -** App. C **170154 ZSK** Zoning Resolution, Brooklyn, Community Board 16, Council District 42.
- (22) **L.U. 601 & Res 1456 -** App. **20175241 TCM** petition of Coliemore Inc., d/b/a Five Mile Stone, Manhattan, Community Board 8, Council District 5 **(Coupled to be Filed)**.
- (23) **L.U. 605 & Res 1447 -** Bushwick Cedar Apartments, Block 3231, Lot 1; Brooklyn, Community District No. 4, Council District No. 34.

- (24) **L.U. 606 & Res 1448 -** 37 Avenue B HDFC, Block 386, Lot 1; Manhattan, Community District No. 3, Council District No. 2.
- (25) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Barron, Borelli, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 648-A**:

Affirmative – Barron, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Johnson, Kallos, King, Koo, Koslowitz, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vacca, Vallone, Williams, Wills, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **44**.

Negative – Borelli, Grodenchik, Lancman, Ulrich, and Matteo – **5**.

The following was the vote recorded for **LU No. 594 & Res No. 1451, LU No. 595 & Res No. 1452, LU No. 596 & Res No. 1453**:

Affirmative – Barron, Borelli, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Perkins, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Wills, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **49**.

Abstention – Williams – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int. Nos. 81-A, 648-A, 891-A, 965-A, 1224-A, 1254-A, 1271-A, 1311-A, 1324-A, 1421-A, 1433-A, 1435-A, 1446-A, and 1448-A.

INTRODUCTION AND READING OF BILLS

Int. No. 1557

By The Speaker (Council Member Mark-Viverito) and Council Members Levin, Dromm, Menchaca, Chin and Gibson.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to an identifying information division

Be it enacted by the Council as follows:

Section 1. Chapter 17 of the New York city charter is amended by adding a new section 399 to read as follows:

§ 399 Identifying Information Division. There shall be an identifying information division within the law department. Such division shall:

- 1. advise the city and every agency thereof on federal, state, and local laws and policies related to the collection, retention, and disclosure of identifying information;*
- 2. review agency identifying information evaluations in accordance with section 8-1208 of the administrative code; and*
- 3. make determinations regarding all requests for identifying information, in accordance with chapter 12 of title eight of the administrative code.*

§ 2. Chapter 12 of title 8 of the administrative code of the city of New York is amended by adding a new section 8-1207 to read as follows:

§ 8-1207 Identifying information division polices. a. The identifying information division shall develop policies and procedures detailing the circumstances in which identifying information may or may not be disclosed, pursuant to subdivision a of section 8-1202, the procedures for such a disclosure, including the requirement that, to the extent possible, such information is anonymized.

b. 1. Absent exigent circumstances, any request for identifying information or a proposal for the disclosure of identifying information by an employee, contractor, or subcontractor, other than a request by the police department made in connection with an open criminal investigation, shall be sent to the identifying information division within 24 hours of receipt of such request or development of such proposal.

2. In the event any identifying information is disclosed under exigent circumstances, other than a disclosure to the police department made in connection with an open criminal investigation, the relevant request and disclosure, along with an explanation why a credible threat constituting exigent circumstances existed, shall be sent to the identifying information division within two hours of receipt of such disclosure.

c. If an individual's identifying information is disclosed in violation of this chapter, or is disclosed to federal immigration authorities, the identifying information division shall make all reasonable efforts to notify such individual in writing of the information disclosed and to whom it was disclosed within 24 hours of such disclosure.

§ 3. Chapter 12 of title 8 of the administrative code of the city of New York is amended by adding a new section 8-1208 to read as follows:

§ 8-1208 Agency policies a. By October 1, 2017, and every two years thereafter, each agency shall conduct an evaluation of its identifying information collection and retention policies and protocols. For each such agency, such evaluation shall:

- 1. consider the relevance and necessity of the information to accomplish a purpose of the agency; the necessity of retaining the information; the utility of the information for the delivery of coordinated services by other city agencies; and the requirements of this chapter and other applicable local, state, and federal laws;*
- 2. consider any citywide guidance or policies on privacy protection issued by the department of information technology and telecommunications, office of operations, or the identifying information division;*
- 3. include an assessment of such agency's existing or proposed systems of records pertaining to individuals, using the factors enumerated in paragraph 1, and consider alternative collection or retention*

policies, including but not limited to anonymizing certain records, making the collection of certain information voluntary, and separating certain information from identifying records;

4. include an assessment of such agency's policies on access, by officers or employees of such agency, to information collected or retained by such agency, including a consideration of the necessity of access to such information for the performance of their duties;

5. include an assessment of such agency's policies on the sharing of non-public information with other agencies or with third parties; and

6. include an assessment of the policies and protocols of any contractor that collects or retains identifying information under such contract.

b. Each agency shall submit the evaluation conducted pursuant to subdivision a of this section, along with any proposed changes in policies or methods, to the identifying information division for review and the issuance of recommendations to the covered agency within 90 days.

§ 3. Chapter 12 of title 8 of the administrative code of the city of New York is amended by adding a new section 8-1209 to read as follows:

§ 8-1209 Reporting. No later than December 1, 2017, and every six months thereafter, the identifying information division shall submit to the speaker of the council a report regarding compliance with section 8-1202 during the previous six months, including, but not limited to, information on determinations made that a disclosure is in the city's best interest pursuant to subdivision a of section 8-1202, preapprovals granted by the division pursuant to subdivision b of section 8-1202, and disclosures made under exigent circumstances; provided, however, no information that is otherwise required to be reported pursuant to this subdivision shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 4. This local law takes effect immediately.

Referred to the Committee on Immigration.

Int. No. 1558

By The Speaker (Council Member Mark-Viverito) and Council Members Ferreras-Copeland, Levin, Levine, Kallos, Dromm, Menchaca, Chin and Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of probation

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-205 to read as follows:

§ 9-205 Persons not to be detained.

a. The department shall honor civil immigration detainees as defined in subdivision a of section 9-131 in accordance with subdivision b of section 9-131.

b. No conferral of authority. Nothing in this section shall be construed to confer any authority on any entity to hold persons on civil immigration detainees beyond the authority, if any, that existed prior to the enactment of this section.

c. No conflict with existing law. This local law supersedes all conflicting policies, rules, procedures and practices of the city of New York. Nothing in this local law shall be construed to prohibit any city agency from cooperating with federal immigration authorities when required under federal law. Nothing in this local law shall be interpreted or applied so as to create any power, duty or obligation in conflict with any federal or state law.

d. No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department of probation, or any official or employee thereof.

e. Reporting. No later than July 31, 2017, and no later than June 1 of each year thereafter, the department of probation shall post a report on the its website that includes the following information for the preceding twelve month period ending June 30:

- 1. the number of civil immigration detainees received from federal immigration authorities;*
- 2. the number of persons held pursuant to civil immigration detainees beyond the time when such person would otherwise be released from the department's custody;*
- 3. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainees; and*
- 4. the number of persons for whom civil immigration detainees were not honored pursuant to subdivision a of this section.*

f. For the purpose of this section, any reference to a statute, rule, or regulation shall be deemed to include any successor provision.

§ 2. This local law takes effect immediately

Referred to the Committee on Immigration.

Int. No. 1559

By Council Members Barron and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring water filtration in schools with water pipes or solder that contain lead

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 17-199.5 to read as follows:

§ 17-199.5 *Lead Filtration in Public Schools. a. For the purposes of this section, the following terms have the following meanings.*

Lead-containing pipes or fixtures. The term “lead-containing pipes or fixtures” means:

1. Any water supply pipe, including any solder on such a pipe, or any plumbing fixture, through which water used for drinking or cooking passes; and

2. Which the department or the department of education knows or should know is not lead free.

Lead free. The term “lead free” means “lead free” as defined in section 300g-6 of title 42 of the United State code.

School. The term “school” means a school of the city school district of the city of New York.

Water filtration system. The term “water filtration system” means a filtration system that is certified by NSF International, or by another credible certifying body designated by the department by rule, to be effective at reducing concentrations of lead in drinking water.

b. The department shall provide or install, and maintain in working order, water filtration systems in any school with lead-containing pipes or fixtures. Water that has passed through lead-containing pipes or fixtures at any such school that is primarily used for drinking or cooking must pass through such a water filtration system prior to being made available for drinking or cooking.

§ 2. This local law takes effect 180 days after it becomes law, except that the department of health and mental hygiene may promulgate such rules, and take such other actions, as are necessary for the timely implementation of this law prior to such date.

Referred to the Committee on Health.

Int. No. 1560

By Council Members Cohen and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to selective service applications in city jails

Be it enacted by the Council as follows:

Section 1. Section 9-128 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

§ 9-128. Applications for government benefits.

d. Notwithstanding any other provision of law, the department shall provide any inmate between the ages of 18 and 25 with materials necessary to apply to the selective service system, and shall ensure that any inmate between the ages of 18 and 25 that is engaged in programming for more than 30 days is provided with materials, guidance, and any assistance necessary to register with the selective service system. For the purposes of this subdivision, "inmate programming" includes but is not limited to any structured services offered directly to inmates for the purposes of vocational training, counseling, cognitive behavioral therapy, addressing drug dependencies, or any similar purpose.

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1561

By Council Members Crowley, Lancman, Dromm and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to facilitate the posting of bail or bond

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-148 to read as follows:

§ 9-148 *Bail facilitation.*

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

Bail facilitator. The term "bail facilitator" means a person whose duties include communicating directly with eligible inmates, assisting such inmates in understanding how to post bail or bond, communicating directly with or facilitating inmate communication with possible sureties, and taking any other measures to assist inmates in posting bail or bond.

Eligible inmate. The term "eligible inmate" means a person in the custody of the department held only on bail or bond.

a. Within 24 hours of taking custody of an eligible inmate, the department shall provide to such inmate the following information in written form: (i) their amount of bail or bond, (ii) their New York state identification number or booking and case number or other unique identifying number, (iii) options for all forms of bail payment, all steps required for such payment, including the locations at which a surety may post bail and the requirements for so posting, and (iv) any other information relevant to assisting the inmate in posting bail or bond.

b. The department shall ensure that bail facilitators meet with all eligible inmates within 48 hours of their admission to the custody of the department, and provide bail facilitators with resources necessary to fulfil their duties, including continuous access to inmates where facilitators so request.

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1562

By Council Members Crowley and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting about the racial and gender makeup of the city's uniformed personnel

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-148 to read as follows:

§ 9-148 Reporting of demographics. The commissioner of correction shall submit a statistical breakdown of the overall uniformed force by race and gender, and of each rank of the uniformed force by race and gender, to the Mayor's office for inclusion in the mayor's management report, and the preliminary mayor's management report, released pursuant to section 12 of the charter, and such data shall be included in such reports.

§ 2. Paragraph 3 of subdivision a of section 14-150 of the administrative code of the city of New York is amended to read as follows:

3. A report detailing the number of uniformed personnel and civilian personnel assigned to each and every patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. *Such report shall also include a statistical breakdown of the overall uniformed force by race and gender, and of each rank of the uniformed force by race and gender.* Such report shall also include, for each school operated by the department of education to which school safety agents are assigned, the number of school safety agents, averaged for the quarter, assigned to each of those schools.

§ 3. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

§ 15-132 Reporting of demographics. The department shall submit a statistical breakdown of the overall uniformed force by race and gender, and of each rank of the uniformed force by race and gender, to the Mayor's office for inclusion in the mayor's management report, and the preliminary mayor's management report, released pursuant to section 12 of the charter, and such data shall be included in such reports.

§ 4. Section 16-103 of the administrative code of the city of New York is amended to read as follows:

§ 16-103. Uniformed forces. a. The commissioner, from time to time, shall prescribe distinctive uniforms, badges and insignia to be worn and displayed by members of the uniformed force and prescribe and enforce penalties for the failure of any member of such force to wear and exhibit the same while engaged in the performance of his or her duties.

b. The commissioner shall submit a statistical breakdown of the overall uniformed force by race and gender, and of each rank of the uniformed force by race and gender, to the Mayor's office for inclusion in the mayor's management report, and the preliminary mayor's management report, released pursuant to section 12 of the charter, and such data shall be included in such reports.

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

Referred to the Committee on Governmental Operations.

Int. No. 1563

By Council Members Cumbo and Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring information on lactation rooms

Be it enacted by the Council as follows:

Section 1. Section 17-199.1 of the administrative code of the city of New York, as added by local law number 94 for the year 2016, is amended to read as follows:

§ 17-199.1 Lactation rooms. a. Definitions. For the purposes of this section, “lactation room” means a sanitary place that is not a restroom that can be used to breastfeed or express milk in private, and which includes an electrical outlet, a chair, and nearby access to running water.

b. Every job center, SNAP center, or medical assistance program center of the department of social services/human resources administration; city-owned borough office of the administration for children’s services and the Nicholas Scoppetta children’s center; and health center operated or maintained by the department shall, where practicable, make at least one lactation room available upon request to an individual utilizing on-site services. The presence of such a lactation room shall not abrogate such an individual’s right to breastfeed in public pursuant to article 7 of the civil rights law.

c. The department shall create a poster containing information on breast-feeding, an individual’s right to nurse in public, and the availability of lactation rooms pursuant to this section. Such poster shall be made available on the department’s website, shall be displayed in any lactation room required to be made available pursuant to this section, and shall be displayed in a clear and conspicuous manner in the waiting room of any public space where a lactation room is required to be made available pursuant to this section. No later than one year after the effective date of the local law adding this subdivision, the department shall create a list of all locations with lactation rooms available pursuant to this section *and the addresses, hours of operation, and directions to such locations*. Such list shall be made available on the department’s website.

d. The department of education shall submit to the speaker of the city council on or before August 1, 2017, and on or before every August 1 thereafter, a report summarizing the policies at New York city public schools to allow a student or the parent or guardian of a student access to a lactation room upon request. Such report shall indicate how information regarding such policies was communicated to students, parents and guardians during the previous school year.

e. The department may promulgate rules to implement the provisions of this section including, but not limited to, establishing training programs for staff working at locations required to make a lactation room available pursuant to [subdivision b]*this section*, and providing guidelines concerning the location of a lactation room.

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

Referred to the Committee on Health.

Int. No. 1564

By Council Member Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to certain sanitation violations received during declared emergencies or severe weather conditions

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 16-142 of the administrative code of the city of New York is amended to read as follows:

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; or

3. Such violation was issued during a period and place in which the mayor proclaimed a local state of emergency pursuant to section 24 of the executive law; or

4. Such violation was issued on a date for which the mayor publicly urged residents to remain indoors due to temperatures of extreme heat or cold.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1565

By Council Members Dromm, Menchaca, Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Chin and Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information regarding educational rights and departmental policies related to interactions with non-local law enforcement and federal immigration authorities

Be it enacted by the Council as follows,

Section 1. Title 21-a of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

Chapter 11. Distribution of Information Regarding Interactions with Non-Local Law Enforcement and Federal Immigration Authorities

§ 21-973 *Distribution of information regarding educational rights and departmental policies related to interactions with non-local law enforcement and federal immigration authorities. a. For the purposes of this section, the following terms have the following meanings:*

Federal immigration authorities. The term “federal immigration authorities” shall mean any officer, employee or person otherwise paid by or acting as an agent of the United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the immigration and nationality act.

School. The term “school” means a district school or charter school within the city school district that contains any combination of grades from and including pre-kindergarten through grade 12.

Student. The term “student” means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled within a district school or charter school within the city school district.

b. The department shall bi-annually distribute to each school, for distribution to every student of such school, information in writing, using plain and simple language, related to students’ and parents’ educational rights and departmental policies related to interactions with non-local law enforcement and federal immigration authorities. At a minimum, such materials shall include the following:

1. the categories of information the department has designated as directory information pursuant to the family educational rights and privacy act, including (i) the time and manner in which a parent may inform the department that any or all of such directory information may not be released without the parent’s prior

consent and (ii) the circumstances in which such directory information may be released to third parties, including to non-local law enforcement and federal immigration authorities, without parental consent;

2. information relating to parents' and students' rights under federal, state, and local laws as they pertain to non-local law enforcement and immigration enforcement, including but not limited to (i) that all students have a right to public education at the elementary and secondary level regardless of their or their parents' actual or perceived citizenship or immigration status; (ii) the circumstances in which student information that has not been designated as directory information by the department pursuant to the family educational rights and privacy act may be released to third parties; (iii) circumstances under which students have the right to refuse to speak with non-local law enforcement and federal immigration authorities without an attorney; (iv) information regarding the application process for obtaining nonimmigrant visas pursuant to the violence against women act or the trafficking victims protection act, including relevant eligibility requirements; and (v) information regarding resources available to assist individuals seeking legal assistance, including but not limited to contact information for the mayor's office of immigrant affairs;

3. information regarding the department's protocol and policies with regard to interactions with non-local law enforcement and federal immigration authorities, including the number of staff who received training administered by the department relating to such protocol and policies; and

4. information regarding the department's emergency protocol and policies in the event that a parent is detained or otherwise separated pursuant to actions of non-local law enforcement or federal immigration authorities and information regarding the method by which a parent may update relevant emergency contact information.

c. The department shall ensure that the materials required by subdivision b of this section are available in the main or central office in each school, and that such materials are available on the department's website for students and parents who wish to obtain such materials.

d. Upon any request by federal immigration authorities for access to a student or a student's records, the department shall notify such student's parent of such request and notify such student and student's parent that such student has the right to refuse to speak with federal immigration authorities without an attorney.

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

Referred to the Committee on Education.

Int. No. 1566

By Council Members Dromm, Rodriguez, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Koslowitz and Gibson.

A Local Law to amend the New York city charter, in relation to expanding the office of immigrant affairs

Be it enacted by the Council as follows:

Section 1. Section 18 of the New York city charter is amended to read as follows:

§ 18 Office of immigrant affairs.

a. [The city recognizes that a large percentage of its inhabitants were born abroad or are the children of parents who were born abroad and that the well-being and safety of the city is put in jeopardy if the people of the city do not seek medical treatment for illnesses that may be contagious, do not cooperate with the police when they witness a crime or do not avail themselves of city services to educate themselves and their children. It is therefore desirable that the city promote the utilization of city services by all its residents, including foreign-born inhabitants, speakers of foreign languages and undocumented aliens.

b. In furtherance of the policies stated in subdivision a of this section, there] *There* shall be established in the executive office of the mayor an office of immigrant affairs. The office shall be headed by a director, who shall be appointed by the mayor. The director of the office of immigrant affairs shall have the power and the duty to:

1. advise and assist the mayor and the council in developing and implementing policies designed to assist immigrants and other foreign-language speakers in the city;

2. enhance the accessibility of city *programs, benefits, and services* to immigrants and foreign-language speakers by establishing *citywide outreach programs in conjunction with agencies and council members* to inform and educate immigrant and foreign-language speakers of [such] *relevant city programs, benefits, and services*;

3. [manage a citywide list of translators and interpreters to facilitate communication between city agencies and foreign language speakers] perform policy analysis and make recommendations concerning immigrant affairs; and

4. perform such other duties and functions as may be appropriate to pursue the policies set forth in [subdivision a of] this section.

[c.] *b.* Any service provided by a city agency shall be made available to all aliens who are otherwise eligible for such service to the same extent such service is made available to citizens unless such agency is required by law to deny eligibility for such service to alien.

c. *The director, or such other office or agency as the mayor may designate, shall have the power and the duty to:*

1. conduct research and advise the mayor and council on challenges faced by immigrants and foreign-language speakers, including, but not limited to, obstacles to access to city programs, benefits, and services and socioeconomic trends;

2. establish, in consultation with the identifying information division, a state and federal affairs unit within the office to monitor and provide analysis and advice, including potential strategies for addressing such developments, to the mayor and the council on state and federal laws, policies, enforcement tactics, and case law regarding issues relating to and impacting immigrant affairs;

3. monitor and assess compliance with section 15 and chapter 12 of title 8, chapter 11 of title 21-a, and sections 9-131 and 14-154 of the administrative code;

4. consult with the civil justice coordinator and relevant city agencies in determining and meeting the legal service needs of immigrants, in accordance with section 13-b; and

5. collaborate with the identifying information division in developing policies to secure identifying information of immigrants held by city agencies and those contracting with city agencies.

d. *All city agencies shall cooperate with the office and provide information and assistance as requested; provided, however, no information that is otherwise required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

e. *No later than November 30, 2017, and each November 30 thereafter, the office shall provide to the speaker of the council and post on the office's website a report regarding the city's foreign-born population and the activities of the office during the previous twelve months, including, but not limited to:*

1. the size and composition of foreign-born individuals, including, but not limited to demographic information, socio-economic markers, and estimates/projections of their immigration status, if any;

2. information regarding the needs of foreign-born individuals including, but not limited to, social services, legal services, housing, public benefits, education, and workforce development needs;

3. information regarding barriers foreign-born individuals face in accessing such services and recommendations on how the city could address such issues;

4. information regarding the foreign-born service population of relevant agencies, as determined by the office in consultation with the council, including, but not limited to the types of services received and duration of services;

5. the office's efforts to monitor agency efficacy in conducting outreach and serving foreign-born individuals; and

6. the efforts of the director, or such other office or agency as designated by the mayor, pursuant to subdivision c.

§ 2. This local law takes effect 60 days after it becomes law; provided, however, that within 180 days of the effective date of this local law, the director of the office of immigrant affairs, or such other office or agency as designated by the mayor, shall provide the mayor and the council a report containing an analysis of the legal

services needs of immigrants, as required by paragraph 4 of subdivision c of section 18 of the New York city charter, as added by section one of this local law.

Referred to the Committee on Immigration.

Res. No. 1442

Resolution calling upon the New York City Department of Education to create and maintain a functional Gender-Sexuality Alliance (GSA) in all middle and high schools in order to support and protect lesbian, gay, bisexual, transgender, questioning (LGBTQ) and other vulnerable students.

By Council Members Dromm and Kallos.

Whereas, Research shows that lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students are particularly vulnerable to bullying and harassment on the basis of sexual orientation or gender identity/expression; and

Whereas, The biennial National School Climate Survey conducted by the Gay, Lesbian and Straight Education Network (GLSEN) documents the unique challenges LGBTQ students face and identifies interventions that can improve school climate; and

Whereas, According to GLSEN's 2015 National School Climate Survey, the vast majority of LGBTQ students in New York State, as many as 87 percent, regularly heard anti-LGBT remarks from other students and 19 percent also regularly heard school staff make homophobic remarks; and

Whereas, Additionally, responses to GLSEN's survey show that 65 percent of LGBTQ students in New York State were verbally harassed due to sexual orientation and 60 percent due to gender expression, 29 percent were physically harassed due to sexual orientation and 23 percent due to gender expression, and 13 percent were physically assaulted due to sexual orientation and 9 percent due to gender expression; and

Whereas, GLSEN's research further reports that 51 percent of New York State students who had been harassed or assaulted in school never reported it to a staff person, and only 33 percent of the students who did report the incident said school staff intervened effectively; and

Whereas, The high incidence of verbal and physical harassment and victimization experienced by LGBTQ students creates a hostile school climate that can affect their academic success and mental health; and

Whereas, According to GLSEN's research, LGBTQ students who experienced higher levels of victimization because of their sexual orientation were more than three times as likely to have missed school in the past month, had lower grade point averages, had lower self-esteem and higher levels of depression than students who were less often harassed; and

Whereas, Findings from the 2015 National School Climate Survey demonstrate that students attending schools with LGBTQ-related resources and supports report more positive school experiences, including lower victimization and absenteeism and higher academic achievement; and

Whereas, One of the LGBTQ-related supports cited as essential, a comprehensive anti-bullying/harassment policy, has already been adopted by the New York City Department of Education; and

Whereas, That policy, articulated in Chancellor's Regulation A-832, states that "it is the policy of the New York City Department of Education to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying committed by students against other students and free from discrimination committed by students against other students on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight"; and

Whereas, Another LGBTQ-related support cited as critical by GLSEN is a Gay-Straight Alliance, also known as a Gender-Sexuality Alliance (GSA); and

Whereas, According to the organization GSA Network, a GSA is "a student-run club, typically in a high school or middle school, which provides a safe place for students to meet, support each other, talk about issues related to sexual orientation and gender identity and expression, and work to end homophobia and transphobia"; and

Whereas, In June 2011, the United States Department of Education issued a “Dear Colleagues” letter highlighting the importance of GSAs in combatting bullying and harassment of LGBTQ students and promoting safer schools, as well as outlining the responsibilities of schools in protecting students’ rights to convene GSAs on school grounds and providing equal access to school resources; and

Whereas, According to GLSEN’s research, LGBTQ students who had a GSA in their school experienced lower levels of victimization related to their sexual orientation and gender expression, reported a greater number of supportive school staff and more accepting peers, and felt more connected to their school community than students without a GSA; and

Whereas, GSAs are an essential component to maintaining “a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying” for LGBTQ students; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to create and maintain a functional Gender-Sexuality Alliance (GSA) in all middle and high schools in order to support and protect lesbian, gay, bisexual, transgender, questioning (LGBTQ) and other vulnerable students.

Referred to the Committee on Education.

Int. No. 1567

By Council Members Espinal and Constantinides.

A Local Law in relation to requiring the office of long-term planning and sustainability to report on the feasibility of microgrids within the city of New York

Be it enacted by the Council as follows:

Section 1. Definitions. For the purposes of this local law, the following terms shall have the following meanings:

Area of special flood hazard. The term “area of special flood hazard” has the same meaning as set forth in section BC G201.2 of the New York city building code.

Critical facility. The term “critical facility” means hospitals, nursing homes, police stations, sewage treatment plants, public shelters, correctional facilities, and any other building or group of buildings identified by the office of long-term planning and sustainability.

Microgrid. The term “microgrid” means a local energy grid, which can disconnect from the traditional grid and operate autonomously.

§ 2. By no later than January 1, 2018, the office of long-term planning and sustainability shall prepare and file with the mayor and council, and post on its website, a report analyzing the feasibility of utilizing microgrids in the city of New York. Such study shall include, but need not be limited to:

- a. a map of:
 1. critical facilities in the city of New York; and
 2. areas of the city that may be appropriate for the installation of microgrids, including but not limited to areas with a large number of critical facilities; flood-prone areas, including but not limited to areas of special flood hazard; and areas that are prone to blackouts or brownouts.
- b. a summary of applicable laws, rules and regulations concerning the installation and operation of microgrids in the city of New York;
- c. a description of practical impediments, if any, to the development, installation and operation of microgrids in the city of New York;
- d. a list of existing technical standards and/or guidelines, if any, for microgrid installations in the city of New York; and

e. the feasibility of issuing grants and loans to encourage the installation of microgrids in the city of New York.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1568

By Council Members Espinal, Johnson, The Speaker (Council Member Mark-Viverito), Levin, Kallos and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to federal immigration enforcement

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-177 to read as follows:

§ 10-177. *Federal immigration enforcement. a. For the purposes of this section, the term “federal immigration enforcement” means:*

1. *enforcement of any civil provision of the immigration and nationality act;*
2. *enforcement of any criminal provision within the following sections of the immigration and nationality act, as codified in section 8 of the United States code: 1253, 1304, 1306, 1325, and 1326; and*
3. *enforcement of any other criminal provision of the immigration and nationality act that the identifying information division designates as a corollary of a civil provision of the immigration and nationality act.*

b. No agency shall subject its officers or employees to the direction and supervision of the secretary of homeland security primarily in furtherance of federal immigration enforcement.

c. City officers and employees shall not accept requests by federal law enforcement agencies to support or assist in operations primarily in furtherance federal immigration enforcement. In the event an officer or employee receives such a request, the request shall be transmitted to the general counsel of such agency, who shall decline the request and document such request and declination. Such documentation shall be transmitted to the identifying information division within 24 hours.

d. No city resources, including, but not limited to, employees, officers, contractors, or subcontractors expending time while on duty, the use of city-owned facilities, or the use of identifying information other than information related to citizenship or immigration status, as such terms are defined in section 12-201, collected or maintained by the city, shall be utilized for federal immigration enforcement or any registry of individuals based upon religion, place of birth, or country of origin.

e. Nothing in this section shall be construed to prohibit any disclosure, retention, communication, or other action if such disclosure, retention, communication, or other action is required by law or if such prohibition is restricted by law and shall be construed in accordance with section 1373 of chapter 8 of the United States code.

f. Nothing in this section shall prohibit city officers and employees from performing their duties in accordance with state and local law, including but not limited to (i) participating in cooperative arrangements with city, state, or federal law enforcement agencies that are not primarily intended to further federal immigration enforcement and (ii) taking actions consistent with sections 9-131 and 14-154 of the code.

§ 2. This local law takes effect immediately.

Referred to the Committee on Immigration.

Res. No. 1443

Resolution calling upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.

By Council Members Espinal and Levin.

Whereas, According to the Metropolitan Transportation Authority (“MTA”), in 2019 it will shut down L train service between Manhattan and Brooklyn for 15 months in order to make Hurricane Sandy-related repairs, disrupting the commutes of over 200,000 daily weekday riders; and

Whereas, Many alternative service plans are under consideration, including increased bus service; and

Whereas, The pending L train shutdown, and the increased demand for bus service that it will create, presents a prime opportunity to utilize clean bus technology that would bring significant environmental and health benefits to the city; and

Whereas, Exhaust from diesel buses is a significant contributor to smog-creating nitrogen oxide pollution and particulate pollution, which contribute to high levels of asthma and other respiratory problems among the New York Metropolitan Area’s residents, including nearly half a million children; and

Whereas, The City has set a goal of reducing greenhouse gas emissions by 80 percent below 2005 levels by 2050; and

Whereas, According to a Columbia University analysis, converting the entire fleet to all-electric buses would result in an annual reduction of emissions within the city limits of approximately 575,000 metric tons of equivalent carbon dioxide (CO₂e) and an estimated \$100 of health care savings per resident per year; and

Whereas, Zero emission buses produce no pollution at the tailpipe and, according to the Sierra Club, even after factoring in emissions from electricity generation, each contributes up to 270,000 pounds less climate change-creating CO₂e pollution per year compared to diesel or compressed natural gas buses (CNG); and

Whereas, According to an analysis by the Sierra Club, zero emission buses cost less to fuel and maintain than diesel or CNG buses and have a lower lifetime cost than either diesel or CNG buses; and

Whereas, Zero emission buses can increase the livability of New York City neighborhoods through noise and pollution reduction; and

Whereas, The MTA should commit to adding at least 200 zero emission buses to its fleet by 2019 and to purchasing exclusively zero emission buses by 2030; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.

Referred to the Committee on Transportation.

Int. No. 1569

By Council Members Gibson, Lancman, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Dromm and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting disorderly behavior

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 10-174 to read as follows:

10-174 Disorderly behavior. a. Prohibition. A person is guilty of disorderly behavior when, with intent to cause public inconvenience, annoyance or alarm, or recklessly or with criminal negligence creating a risk thereof:

- 1. Engages in fighting or in violent, tumultuous or threatening behavior;*
- 2. Makes unreasonable noise;*
- 3. In a public place, uses abusive or obscene language, or makes an obscene gesture;*
- 4. Without lawful authority, disturbs any lawful assembly or meeting of persons;*
- 5. Obstructs vehicular or pedestrian traffic;*
- 6. Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or*

7. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

b. Criminal penalty. The violation of subdivision a of this section constitutes an offense punishable by imprisonment of up to 5 days or a fine of up to 200 dollars or restitution in an amount up to 1000 dollars.

c. Civil penalty. Any person who violates subdivision a of this section shall be liable for a civil penalty of up to 75 dollars, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1570

By Council Members Grodenchik and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to diversity programming at senior centers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-207 to read as follows:

§ 21-207 Diversity programming at senior centers. a. The commissioner shall require each senior center to conduct a survey of the languages spoken by seniors within a one-mile radius of such center every three years. The format and distribution of such survey shall be determined by the department.

b. The commissioner shall require each senior center to develop and conduct specific programming for seniors in each language spoken by 20 percent or more of the seniors responding to the survey required by subdivision a of this section. Such programming shall be culturally responsive to the communities represented by each program. For purposes of this section, "culturally responsive" means including cultural and ethnic events relevant to linguistic communities.

§ 2. This local law shall take effect 120 days after enactment, except that the commissioner of the department for the aging may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Aging.

Int. No. 1571

By Council Members Johnson, Chin and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to reforming the city's restaurant inspection program

Be it enacted by the Council as follows:

Section 1. Section 17-1501 of the administrative code of the city of New York is amended by adding new subdivisions l and m to read as follows:

l. "Reinspection" shall have the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

m. "The results of an adjudication" means violations alleged in the notice of violation relating to an initial inspection or a reinspection that were either admitted by the food service establishment or sustained by a hearing examiner of the office of administrative trials and hearings.

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

§ 17-1506 Intervals Between Inspection Cycles. a. The department shall wait at least one year to conduct an initial inspection to commence a new inspection cycle, or to otherwise conduct a sanitary inspection, for any food service establishment that receives fewer than 14 points on at least one of the following:

- 1. an initial inspection;*
- 2. a reinspection; or*
- 3. the results of an adjudication.*

b. The department shall not conduct a reinspection of a food service establishment prior to such time as it has had an opportunity to be heard by a hearing officer at the office of administrative trials and hearings pursuant to subdivision d of section 23-07 of title 24 of the rules of the city of New York and section 81.51 of the health code.

c. Notwithstanding subdivision a, the department may conduct a sanitary inspection of a food service establishment otherwise covered by the provisions of this section if the department believes that failing to conduct such an inspection could pose a substantial risk to public health if at least one of the following two conditions has been met:

- 1. the food service establishment has been the subject of complaints from the public of unsanitary conditions since its last sanitary inspection; or*
- 2. the department believes that the food service establishment may have been compromised following an environmental emergency.*

§ 3. The department of health and mental hygiene shall make changes consistent with the following to appendix 23-a of title 24 of the rules of the city of New York:

- a. For violation 8B, no points shall accrue unless there is evidence of vermin associated with the violation.
- b. For violations 10A and 10J, no points shall accrue if the condition is in a bathroom that is exclusively for the use of customers, rather than employees.
- c. For violation 10C, no points shall accrue.
- d. For violation 4A, a first-time violation of this provision qualifies as a condition level four, rather than five, condition resulting in the accrual of no more than five points.
- e. For violation 6B, it shall not be a violation to engage in the applicable behavior in food storage or dishwashing areas.
- f. For any provision of such appendix relating to the requirement established in subdivision e of section 81.04 of the health code, specify that the violation of any such provisions shall result in the accrual of no more than 5 points.

§ 4. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Health.

Int. No. 1572

By Council Members Kallos and Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that public spaces in buildings include labeled waste and recycling receptacles.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143 Labeling of waste and recycling bins. a. Building spaces that may be accessed by the general public, and the public parts of dwellings, as such term is defined in section 27-2004 of the housing maintenance code, shall include at least one of each of the following receptacles, which shall be labeled as follows:

- 1. A receptacle intended to collect putrescible and nonputrescible waste, as such terms are defined in section 16-130 of the code, which shall be labeled "Landfill."*
 - 2. A receptacle intended to collect recyclables, which shall be labeled "Recycling."*
 - 3. A receptacle intended to collect food and organic waste, which shall be labeled "Compost."*
- b. Labels shall be placed on the top and side of each receptacle. Such labels shall be in a form approved by the department and shall be at least three inches in height and eight inches in length.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1573

By Council Member Kallos

A Local Law to amend the administrative code of the city of New York, in relation to establishing a goal of zero waste for New York city by 2030

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143 Zero waste goal. a. Diversion of citywide-generated waste. The department shall establish a goal of diverting citywide-generated waste by one hundred percent by calendar year 2030.

b. If the department determines that such citywide-generated waste diversion goal is not feasible despite the best efforts of city government, the department shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such diversion within 180 days of such determination.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1574

By Council Members Kallos, the Public Advocate (Ms. James), Rosenthal, Levin, Lancman and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings program for private-sector employees

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11
RETIREMENT SAVINGS PROGRAM FOR PRIVATE-SECTOR EMPLOYEES

§ 20-937 *Definitions.*

§ 20-939 *Establishment of retirement savings program.*

§ 20-940 *Certification required.*

§ 20-942 *Elements of retirement savings program.*

§ 20-944 *Covered employer obligations.*

§ 20-948 *Covered employer record retention.*

§ 20-949 *Enforcement.*

§ 20-937 *Definitions.* For purposes of this chapter, the following terms have the following definitions:

Account. The term “account” means an individual retirement savings account established pursuant to the retirement savings program.

Administrator. The term “administrator” means a person that has entered an agreement with the retirement savings board to implement and maintain a retirement savings program or components of such program. More than one person may perform the functions of the administrator, and duties applicable to the administrator also apply to persons with whom the administrator contracts to implement such program or components.

Board. The term “board” means the retirement savings board, as defined in this section.

Covered employer. The term “covered employer” means any entity, whether for profit or otherwise, with a physical location in the city where such entity (i) currently employs no fewer than 10 employees and has employed no fewer than 10 employees without interruption for the previous calendar year; (ii) has been in continuous operation for at least two years; (iii) has not offered, in the preceding two years, to its employees who satisfy the definition of “eligible employee” in this section, a retirement plan, as defined in this section; and (iv) has satisfied any other criteria established by the board necessary to prevent the termination of other retirement plans by covered employers.

Eligible employee. The term “eligible employee” means any employee: (i) who is 18 years of age or older; (ii) who is employed either part-time or full-time for compensation in the city by a covered employer; and (iii) to whom a retirement plan has not been offered by the covered employer in the preceding two years.

Participating employee. The term “participating employee” means an eligible employee that is enrolled in the retirement savings program.

Program. The term “program” means the retirement savings program, as defined in this section.

Retirement plan. The term “retirement plan” means a qualified retirement plan under subsection (a) of section 401 of the internal revenue code, subsection (a) or (b) of section 403 of such code, or subsection (k) or (p) of section 408 of such code; or a savings incentive match plan for employees of small employers (SIMPLE IRA or SIMPLE 401(k)) plan; a simplified employee pension (SEP) plan; a salary reduction simplified employee pension (SARSEP) plan; a payroll deduction IRA (individual retirement account or individual retirement annuity) under subsection (a) or (b) of section 408 of the internal revenue code; or a Keogh plan.

Retirement savings board. The term “retirement savings board” means the retirement savings board established by section 20-938.

Retirement savings program. The term “retirement savings program” means the retirement savings program established pursuant to section 20-939, which may also be known as the “Savings Access New York Retirement Program.”

§ 20-939 Establishment of retirement savings program. Subject to applicable federal and state law, the board shall establish a retirement savings program as set forth in this chapter, either directly or indirectly through agreement with an administrator. To the extent permitted by law, the agreement between the board and an administrator shall allow the administrator to perform any functions of the board. Such program shall be a defined contribution individual retirement account program. The board shall require the administrator to exercise the care that persons of prudence, discretion and intelligence exercise in the administration of the program established by this chapter, and may require the administrator to assume legal responsibility and liability pursuant to this chapter for functions to be performed by the administrator, provided, however, that nothing in this chapter shall be construed as limiting the city’s responsibility for the security of payroll deductions and employee savings under the program to the extent that assumption of such responsibility is required to ensure that the program is not an “employee pension benefit plan” or a “pension plan” for purposes of the employee retirement income security act of 1974.

§ 20-940 Certification required. Notwithstanding any inconsistent provision of this chapter, the board shall not establish a retirement savings program under this chapter until both the director of management and budget and the corporation counsel have jointly certified to the following:

a. The program is within the scope of a regulatory exemption defining the coverage of the terms “employee pension benefit plan” and “pension plan” established by a regulation of the United States department of labor pursuant to title I of the employee retirement income security act of 1974, or would fall within such scope with variations not inconsistent with the overall purpose and policy of this chapter; and

b. Establishment and implementation of such program would not create additional material monetary liability or obligation for, or an enforceable guarantee by, the city or its agencies, officers or employees, except to the extent that assumption of such liability is required to ensure that the program is not an “employee pension benefit plan” or a “pension plan” for purposes of the employee retirement income security act of 1974.

§ 20-942 Elements of the retirement savings program. Subject to applicable federal and state law and except as otherwise provided in this chapter, the retirement savings program shall include all of the following elements. The program shall:

a. Allow eligible employees to contribute to an account established under the retirement savings program through payroll deduction or any other method of contribution established by the retirement savings board.

b. Apply to all covered employers.

c. Require a covered employer to offer its eligible employees the opportunity to contribute to accounts established by the program through payroll deduction or any other method of contribution established by the retirement savings board, unless such covered employer offers all of its eligible employees a retirement plan.

d. Provide for the automatic enrollment of eligible employees and allow such employees to opt out of the program.

e. Establish a default contribution rate of three percent of an eligible employee’s income, subject to any escalation or reduction of such rate authorized by the board pursuant to subdivision i of section 20-941.

f. Permit an eligible or participating employee to change his or her contribution rate or discontinue making contributions.

g. Provide that individual retirement accounts established pursuant to this chapter are by default Roth IRAs as defined in section 408A of the internal revenue code but shall allow participating employees to, upon request, opt in to individual retirement accounts, as defined in subsection (a) of section 408 of the internal revenue code.

h. Include (i) a default option for the placement by the program of eligible employees’ initial contributions to the retirement savings program in escrow for a fixed short-term time frame to allow such employees to opt out of the program without incurring withdrawal penalties on those initial contributions, and (ii) an option to opt out of such escrow arrangement.

i. Include a process for withdrawals by, and disbursements to, participating employees and provide such employees options including lump-sum or annuitized payments.

- j. Establish a default investment plan based on target dates while allowing eligible and participating employees to select investment plans from other options provided by the board.*
- k. Take measures to protect the confidentiality of account and participating employee information.*
- l. Provide that employers shall not contribute to accounts of employees.*
- m. Maintain, or require the maintenance of, separate records and accounting for each account established pursuant to this chapter.*
- n. Provide for reports on the status of accounts to be given to participating employees no less than once per year and upon request of any participating employee.*
- o. Allow previously eligible employees to maintain account savings or to roll over funds into other retirement accounts.*
- p. Allow participating employees to terminate participation in the program and withdraw all or part of the balances in their accounts, subject to possible penalties and limitations established by federal law.*
- q. Provide that the city and covered employers have no proprietary interest in the contributions or earnings of money contributed to accounts established pursuant to this chapter.*
- r. Provide that amounts deposited in the retirement savings program shall not be commingled with funds belonging to or managed by the city.*
- s. Refrain from requiring any employer to perform any duty or offer any guarantee not otherwise authorized by this chapter. The board shall not establish any guarantee by, or duty on behalf of, the city except as otherwise required by law or authorized by this chapter.*
- t. Allocate administrative fees to individual retirement accounts in the program on a pro rata basis. To the extent practicable, all fees required for the administration of the retirement savings program shall be borne by participating employees or paid through funds received pursuant to subdivision h of section 20-941.*
- u. Require an annual audit as described in section 20-947, which shall be performed by an independent auditor.*

§ 20-944 Covered employer obligations. a. Except as provided in subdivision d of this section, a covered employer shall enroll each eligible employee who works for such covered employer in the retirement savings program by a date to be determined by the board.

b. A covered employer shall be required to remit funds deducted from the earnings of each participating employee for deposit in the retirement savings program on the earliest date on which such contributions can reasonably be segregated from a covered employer's general assets but in no event later than the last business day of the calendar month following the month in which such amounts would have otherwise been payable to the participating employee in cash. Notwithstanding the preceding sentence, if the board promulgates rules in accordance with subdivision h of section 20-942, a covered employer shall remit funds in accordance with such rules.

c. A covered employer shall not be permitted to endorse or contribute to the program.

d. A covered employer shall be required to distribute to its employees program information provided by the board or the administrator and otherwise to allow the board to publicize the program to employees.

e. The retirement savings board may delay implementation of the employer obligation required by subdivision a of this section for covered employers, provided that such delay shall not exceed three years from the initial enrollment of eligible employees, and provided further, that such delay shall be based on the practicability of implementation using the following criteria:

- 1. the number of eligible employees;*
- 2. the size of the covered employer; or*
- 3. the sector or industry of the covered employer.*

§ 20-948 Covered employer record retention. Each covered employer shall retain annual records documenting such employer's compliance with the requirements of this chapter for a period of three years, unless otherwise required pursuant to any other law, rule or regulation, and shall allow the agency or agencies designated by the mayor pursuant to section 20-938 to access such records upon request. In addition, such agency or agencies may require a covered employer to provide electronic or paper copies of records upon request.

§ 20-949 Enforcement. a. The agency or agencies designated by the mayor pursuant to subdivision j of section 20-938 shall enforce sections 20-944 and 20-948.

b. In undertaking such enforcement, such agency or agencies shall establish a procedure to allow individuals to submit complaints concerning non-compliance by covered employers with the provisions of this chapter.

c. After notice and an opportunity to be heard, a covered employer who violates subdivision a or b of section 20-944 is liable for a civil penalty of \$250 per violation.

d. Each failure to comply with subdivision a or b of section 20-944 with respect to each eligible employee of a covered employer constitutes a separate violation. Where failure to comply with subdivision a or b of section 20-944 is ongoing, each two-week period of noncompliance constitutes a separate violation with respect to each affected eligible employee, except that a covered employer shall not be held liable for more than 26 weeks' worth of violations unless the prosecuting agency demonstrates that the covered employer had actual notice of the requirements of this chapter.

e. In addition to the penalties provided by subdivision c of this section, after notice and an opportunity to be heard a covered employer that violates section 20-948 by failing to retain annual records is liable for a civil penalty of \$100 for each employee for which such covered employer has failed to retain annual records. A covered employer that violates section 20-948 by preventing the agency or agencies designated by the mayor pursuant to section 20-938 to access records for which access is required under section 20-948 is liable for a civil penalty of \$1,000 for each such violation.

f. The agency or agencies designated by the mayor pursuant to subdivision j of section 20-938 may commence a proceeding to recover any civil penalty authorized by subdivision c or e of this section by filing a petition returnable to the office of administrative trials and hearings, which may impose the civil penalties prescribed by subdivisions c and e of this section. Such civil penalties may, in the alternative, be recovered in a civil action brought by the corporation counsel in a court of competent jurisdiction.

g. The corporation counsel may bring an action on behalf of the city to restrain or prevent any violation of this chapter or a continuation of any such violation.

h. Pursuant to a written request by an eligible employee, the corporation counsel may also bring an action on behalf of any eligible employee where such employee's covered employer has failed to enroll such employee or has failed to remit such employee's contributions in accordance with subdivision a or b of section 20-944 to obtain any appropriate legal or equitable relief on behalf of such eligible employee in furtherance of the purposes of this chapter.

i. An eligible employee who has not made a request of the corporation counsel pursuant to subdivision h or who has made such a request upon which the corporation counsel has not acted after 90 days from receipt of such request or upon which the corporation counsel has declined to act, may bring an action in a court of competent jurisdiction for violation of subdivision a or b of section 20-944 to obtain any appropriate legal or equitable relief in furtherance of the purposes of this chapter.

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Civil Service and Labor.

Int. No. 1575

By Council Members Kallos and Richards

A Local Law to amend the administrative code of the city of New York, in relation to requiring usage of full cutoff light fixtures on street lights

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding section 19-113.1 to read as follows:

§ 19-113.1 *Requiring full cutoff light fixtures to be used on city streets a. For purposes of this section, the following terms shall have the following meanings:*

1. *"Full cutoff light fixture" shall mean a light fixture or luminaire constructed and installed in such a manner that all light emitted from the luminaire, either directly from the lamp or a diffusing element, or*

indirectly by reflection or refraction from any part of the fixture, is protected below the horizontal plane through the fixture's lowest light emitting part.

2. "Street light" shall mean any light hanging from a pole that is designed to illuminate an outdoor area, whether on public or private property, and where the bottom of the fixture of such light is greater than ten feet off of the ground.

b. Any new or replacement light fixture in any street light shall only use a full cutoff light fixture.

c. This section shall not be construed to impair in any manner the approval authority of the landmarks preservation commission where compliance with subdivision b of this section requires the use of a full cutoff light fixture.

§2. This local law shall take effect sixty days after enactment.

Referred to the Committee on Transportation.

Int. No. 1576

By Council Members Lancman and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to permit arrestees to access contact information

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 14 of the administrative code of the city of New York is amended by adding a new section 14-167 to read as follows:

§ 14-167 Arrestee contact information. *The department, to the extent practicable and in a manner consistent with all applicable laws and officer safety, shall offer all individuals while in the department's custody and due to be arraigned within 24 hours a reasonable amount of personal contact information such individual may wish to record that is stored in such individual's personal property, and shall record such information for such individual in writing. The provisions of this section shall not apply to individuals for whom the department has a good faith reason to believe that permitting such individual access to such information would result in the destruction of evidence relevant to their arrest, poses a significant public safety risk, would interfere with an investigation, or where the department has applied or intends to apply for a warrant to search the property containing such contact information.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1577

By Council Members Levin and Barron.

A Local Law to amend the New York city charter, in relation to establishing an office of case management

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-C to read as follows:

§ 20-C Office of case management. a. Definitions. *For the purposes of this section the following terms shall have the following meanings:*

Case management system. The term “case management system” means any electronic software used to collect, record, and/or manage information about services individuals may apply for or receive.

Director. The term “director” means the director of the office of case management modernization.

b. The mayor shall establish an office of case management. Such office may be established in the executive office of the mayor or may be established as a separate office or within any office of the mayor or department. Such office shall be headed by a director who shall be appointed by the mayor or by the head of such department.

c. Powers and duties. The director shall have the power and duty to:

1. advise and assist the mayor and the heads of departments which provide services to city residents including, but not limited to, the department of social services, the department of homeless services, the administration for children’s services, the department of education, and the department of housing preservation and development on how to update case management systems to enable the integration of such systems in order to facilitate information sharing among departments and how such agencies can increase the use of digital tools to interact with the individuals served by such agencies including but not limited to applying for services, electronically uploading documents, reminders and updates by text message, and electronic notification regarding available services;

2. develop and submit recommendations to offices and departments of the state of New York on how case management systems required by the state of New York may be upgraded in order to allow for information sharing among city departments and programs to the extent possible, and to encourage shared systems development to achieve policy objectives and improve services;

3. monitor and evaluate any existing case management systems and updates to such systems pursuant to recommendations developed pursuant to this section; and

4. perform other duties as the mayor may assign.

d. Within one year of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit a report to the mayor and the council which shall include, but not be limited to, any recommendations developed pursuant to paragraphs 1 and 2 of this section, whether such recommendations were accepted, an evaluation of the effectiveness of such recommendations, the evaluation required pursuant to paragraph 3 and any other duties assigned to the office pursuant to paragraph 4.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1578

By Council Members Menchaca, Dromm, Williams, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Chin and Gibson.

A Local Law to amend the New York city charter, in relation to an immigrant affairs task force

Be it enacted by the Council as follows:

Section 1. Section 18 of the New York city charter is amended by adding a new subdivision f to read as follows:

f. 1. There is hereby established an interagency task force on immigrant affairs to ensure interagency communication and coordination on issues relating to and impacting immigrant affairs. Such task force shall review compliance with section 15 and chapter 12 of title 8, chapter 11 of title 21-a, and sections 9-131 and 14-154 of the administrative code and develop strategies to improve compliance; review legal and policy developments presented by the state and federal unit and their potential impact on city agencies; and perform such other functions as may be appropriate in furtherance of the policies set forth in this chapter.

2. Such task force shall be led by the director of the office of immigrant affairs and shall include, at a minimum:

- (i) the commissioner for the aging, or their designee;
- (ii) the commissioner of children's services, or their designee;
- (iii) the commissioner of correction, or their designee;
- (iv) the chancellor of the city school district, or their designee;
- (v) the commissioner of health and mental hygiene, or their designee;
- (vi) the commissioner of homeless services, or their designee;
- (vii) the corporation counsel, or their designee;
- (viii) the police commissioner, or their designee;
- (ix) the commissioner of social services, or their designee;
- (x) the director of the office of management and budget, or their designee;;
- (xi) the deputy mayor for health and human services, or their designee;
- (xii) the director of the mayor's office of operations, or such director's designee;
- (xiii) the criminal justice coordinator, or their designee; and
- (xiv) the civil justice coordinator, or their designee.

3. Such task force shall meet no less than quarterly and at any other time at the request of the director.

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

Referred to the Committee on Immigration.

Int. No. 1579

By Council Members Menchaca, Johnson, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Dromm, Chin and Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to access to non-public areas of city property

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-208 to read as follows:

§ 12-208 Access to city property. a. Definitions. As used in this section, the following terms have the following meanings:

City property. The term "city property" means any office, quarters, building, or land leased or owned by the city or over which the city otherwise exercises control, including, but not limited to, department of education public schools, department of education charter schools, and facilities leased and/or operated pursuant to a contract or subcontract with the city.

Federal immigration enforcement. The term "federal immigration enforcement" means:

1. enforcement of any civil provision of the immigration and nationality act;
2. enforcement of any criminal provision within the following sections of the immigration and nationality act, as codified in section 8 of the United States code: 1253, 1304, 1306, 1325, and 1326; and
3. enforcement of any other criminal provision of the immigration and nationality act that the identifying information division designates as a corollary of a civil provision of the immigration and nationality act.

Judicial warrant. The term "judicial warrant" means a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to section 631 of title 28 of the United States code, or any successor provision, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant.

b. Limited access to city property for purposes of law enforcement. The city shall not permit personnel of non-local law enforcement to access to non-public areas of city property unless:

- 1. such personnel present a judicial warrant or court order;*
- 2. access is otherwise required by law;*
- 3. such personnel are accessing such property at the invitation of law enforcement officers as part of participation in cooperative arrangements with city, state, or federal law enforcement agencies; or*
- 4. under exigent circumstances.*

c. Posting of signs. 1. In consultation with the office of immigrant affairs, the commissioner shall create signage to inform the public of their rights with respect to federal immigration enforcement.

2. Such signs shall be written in plain language; in the top six limited English proficiency languages spoken by the population of New York city as determined by the department of the city planning and the office of the language services coordinator, based on United States census data; and posted in publicly accessible areas of city property, as determined by the office of immigrant affairs, including, but not limited to, areas where individuals access vital city services.

d. Nothing in this section shall be construed to prohibit any disclosure, retention, communication, or other action if such disclosure, retention, communication, or other action is required by law or if such prohibition is restricted by law and shall be construed in accordance with section 1373 of chapter 8 of the United States code.

e. Nothing in this section shall prohibit city officers and employees from performing their duties in accordance with state and local law, including but not limited to (i) participating in cooperative arrangements with city, state, or federal law enforcement agencies that are not primarily intended to further federal immigration enforcement and (ii) taking actions consistent with sections 9-131 and 14-154 of the code.

§ 2. This local law takes effect immediately.

Referred to the Committee on Immigration.

Preconsidered Res. No. 1444

Resolution affirming the right to collectively bargain for workers in the City of New York.

By Council Members Miller, Dromm, Kallos, Koslowitz, Chin and Treyger.

Whereas, Since the advent of the Industrial Revolution, organized labor has played a crucial role in the growth of America's middle class; and

Whereas, For decades, collective bargaining, the process by which groups of employees negotiate with management to secure benefits such as health care, safety protections, and pensions, has undergirded the livelihood of millions of American families; and

Whereas, Organized labor has a proud tradition in New York City; and

Whereas, On September 5th, 1882, the first Labor Day Parade, which featured roughly 10,000 workers, took place in Manhattan; and

Whereas, The International Ladies' Garment Worker Union (ILGWU), a major forerunner of UNITE HERE, was founded in New York City in 1900; and

Whereas, Samuel Gompers, the founder of the American Federation of Labor (AFL), started organizing on the Lower East Side; and

Whereas, Organized labor remains a major presence in New York City, which is home to 900,000 union members, or 25.5 percent of all city workers, an increase from 21.5 percent in 2012; and

Whereas, According to the City University of New York (CUNY) Graduate Center, a similar trend exists statewide, as New York State's private-sector union density increased from roughly 14 percent in 2012 to 15.1 percent in 2014 ; and

Whereas, Moreover, a January 2017 report from the Bureau of Labor Statistics (BLS) indicates that New York State's union membership rate of 23.6 percent is not only the nation's highest but also more than twice the national average of 10.7 percent; and

Whereas, Some elected officials have sought to undermine unions across the country in recent years; and

Whereas, Twenty-seven states have passed right-to-work (RTW) laws, which release workers from the obligation to pay the fees that fund union representation; and

Whereas, In these states, individuals who leave the union can now get a “free ride” by receiving the benefits of collective bargaining without paying for them; and

Whereas, Over the last several years, RTW laws have undermined union membership across the country, even in our nation’s industrial heartland; and

Whereas, BLS has found that Wisconsin, which has a long union tradition, has seen union membership plummet since it passed RTW legislation in 2011; and

Whereas, BLS found that in 2015, 8.3 percent of Wisconsin workers were union members; and

Whereas, That is a sharp decrease from 2014, when 11.7 percent of the state’s workforce belonged to unions; and

Whereas, The Center for American Progress (CAP) also found that the decline in union membership correlates with a declining share of total income for the middle 60 percent of households; and

Whereas, Although the three middle quintiles earned 53.2 percent of the nation’s income in 1968, they received 45.7 percent of all income in 2012; and

Whereas, The political climate remains hostile for organized labor, as President Trump supports RTW laws, and Congress recently introduced legislation to implement them nationwide; and

Whereas, Amid this assault on union workers and their families, it is vital that New York City renews its commitment to collective bargaining as an indispensable part of the American social compact; now, therefore, be it

Resolved, That the Council of the City of New York affirms the right to collectively bargain for workers in the City of New York

Referred to the Committee on Civil Service and Labor (preconsidered but laid over by the Committee on Civil Service and Labor).

Preconsidered Res. No. 1445

Resolution urging Congress to vote against proposed “right-to-work” legislation.

By Council Members Miller, Dromm, Kallos, Koslowitz, Chin and Treyger.

Whereas, Twenty-seven states currently have “right-to-work” (RTW) laws, including rust-belt states such as Indiana, Wisconsin, and Michigan; and

Whereas, No worker can be forced to become a dues-paying member of a union, but he or she can be compelled to pay “agency fees,” which partially cover the costs of collective bargaining; and

Whereas, RTW laws make agency fees optional, thereby creating a downward spiral for unions, which exist to secure higher wages and safe working conditions for their members; and

Whereas, Although federal law requires unions to bargain on behalf of all employees irrespective of membership, RTW laws allow individuals to avoid agency fees while they continue to receive the wage premiums and pension contributions for which unions have negotiated; and

Whereas, As workers are incentivized to leave, it becomes harder for unions to survive; and

Whereas, Union membership has plummeted in a number of states following the passage of RTW legislation; and

Whereas, According to the Wisconsin State Journal, union membership fell in that state by nearly 40 percent between 2010, before the passage of RTW legislation, and 2016; and

Whereas, Michigan followed a similar pattern; and

Whereas, The Bureau of Labor Statistics (BLS) found that union membership dropped from 633,000 Michigan workers to 585,000 in 2014, a decline of 7.5 percent in the first full year under the new law; and

Whereas, Statistics from BLS also indicate that, nationwide, union membership has fallen from 20.1 percent of wage and salary workers in 1983 to 10.7 percent in 2016; and

Whereas, According to the Economic Policy Institute (EPI), as unionization has declined, so has the share of income earned by the middle 60 percent of families; and

Whereas, There is little evidence to suggest that RTW laws produce superior economic conditions or increase wages; and

Whereas, In 2016, RTW states had three of the five highest state unemployment rates; and

Whereas, Additionally, according to the American Federation of State, County, and Municipal Employees (AFSCME), nine out of the bottom 10 states in terms of per-capita income do not have collective bargaining in the public sector; and

Whereas, Several academic studies, including one authored by Lawrence Mishel, a University of Wisconsin economist, have found that deunionization causes at least 20 percent of wage inequality and that unionization increases wages and benefits, by roughly 28 percent; and

Whereas, A 2015 EPI report found that wages in RTW states are 3.2 percent lower per year on average than wages in other states; and

Whereas, Despite this negative impact on wages, proposed legislation in both the House of Representatives (H.R. 785) and the Senate (S.545) would establish RTW nationwide; and

Whereas, RTW hurts the workers it purports to help by compromising their ability to collectively bargain, and it has not improved macroeconomic conditions; and

Whereas, Implementing it nationally would jeopardize the economic security of millions of Americans; now, therefore, be it

Resolved, That the Council of the City of New York urges Congress to vote against proposed “right to work” legislation

Referred to the Committee on Civil Service and Labor (preconsidered but laid over by the Committee on Civil Service and Labor).

Int. No. 1580

By the Public Advocate (Ms. James) and Council Members Kallos, Rosenthal, Levin and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings board to oversee the city’s retirement savings program for private-sector employees

Be it enacted by the Council as follows:

Section 1. Chapter 11 of title 20 of the administrative code of the city of New York is amended by adding new sections 20-938, 20-941, 20-943, 20-945, 20-946 and 20-947 to read as follows:

§ 20-938 Establishment of retirement savings board; membership.

§ 20-941 Powers of retirement savings board.

§ 20-943 Rulemaking.

§ 20-945 No guarantees permitted; potential losses.

§ 20-946 Information and disclaimers to eligible and participating employees.

§ 20-947 Annual report and audit.

§ 20-938 Establishment of the retirement savings board; membership. a. There shall be a retirement savings board, which shall consist of three members.

b. The mayor shall appoint the members of the board. In making such appointments, the mayor shall consider factors including but not limited to the following:

- 1. Experience in the field of retirement savings plan administration or investment;*
- 2. Actuarial or demographics experience;*

3. *Representation of an association of eligible employees or a representative of participating employees; and*
4. *Representation of covered employers, such as by a local chamber of commerce.*
- c. *At its first meeting, the board shall select a chairperson from among its members by a majority vote of such board.*
- d. *There shall be an advisory committee to the retirement savings board, the members of which shall be appointed as follows:*
1. *The speaker of the council shall appoint one member;*
 2. *The comptroller shall appoint one member; and*
 3. *The public advocate shall appoint one member.*
- e. *Members of the advisory committee shall be appointed for three-year terms.*
- f. *Board members shall serve at the pleasure of their appointing official.*
- g. *Board and advisory committee members shall not receive compensation for work on such board or committee.*
- h. *In the event of a vacancy on the board or the advisory committee during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy on the advisory committee shall serve for the balance of the unexpired term.*
- i. *The board shall meet not less than once every quarter and whenever deemed necessary by a member of the board.*
- j. *The mayor may designate one or more agencies to provide staffing and other administrative support to the board.*
- k. *Within appropriations therefor, the board may appoint one or more employees, including an executive director who may assign and supervise board staff. The board may delegate powers and functions to such employees, or to staff of agencies designated by the mayor pursuant to subdivision j of this section.*

§ 20-941 Powers of the retirement savings board. Subject to applicable federal and state law, the board:

- a. *Shall direct the investment of funds contributed to accounts established in the retirement savings program pursuant to this chapter, in accordance with the objectives of such program and to the extent consistent with applicable provisions of the charter and administrative code.*
- b. *Shall minimize all applicable fees and costs while maintaining prudent and proper management of the program to ensure minimal costs for participating employees.*
- c. *May enter into contracts, agreements or arrangements for, and retain or employ, the services of private and public financial institutions, depositories, consultants, investment advisers, custodians, investment managers, program managers, third-party administrators, and other persons to carry out the purposes of this chapter.*
- d. *Shall use any contributions paid by participating employees into the program exclusively for the purpose of paying benefits to such participating employees, for the cost of administration of the program, and for investments made for the benefit of participating employees.*
- e. *Shall establish a plan to promote the retention of the services of minority- and women-owned business enterprise asset managers, financial institutions and professional service firms.*
- f. *Shall educate and provide outreach to covered employers and eligible employees.*
- g. *Shall consider and may make recommendations to the mayor and the council regarding the establishment of a distinct retirement savings program consistent with the employee retirement income security act of 1974 that would permit employer contributions.*
- h. *Shall seek loans, grants or other contributions to offset or finance fees or costs for the administration of the retirement savings program on an ongoing basis from financial firms, institutions or government entities.*
- i. *May implement escalation or reduction of participating employees' default contribution rates from time to time, provided that the board shall notify eligible employees at least 45 days in advance of such escalation or reduction. If such an escalation or reduction is adopted, the board shall permit eligible and participating employees to opt out of such escalation or reduction.*

j. May establish a process by which an individual may voluntarily enroll in and contribute to the program, provided that such enrollment and contributions are not inconsistent with the certifications required by section 20-940.

k. May establish a process by which an employer that is not a covered employer may voluntarily enroll its employees in the program and allow those employees to contribute to the program, provided that such enrollment and contributions are not inconsistent with the certifications required by section 20-940.

l. Shall establish a process by which a covered employer may seek a hardship exemption from this chapter, which may be obtained by demonstrating to the board's satisfaction that participation would be unduly burdensome for the employer.

m. Shall take all other actions necessary and appropriate to carry out the provisions of this chapter.

§ 20-943 Rulemaking. a. The board may promulgate rules to implement the provisions of this chapter.

b. Such rules may establish variations from the requirements otherwise established by this chapter in order to conform to the scope of a regulatory exemption defining the coverage of the terms "employee pension benefit plan" and "pension plan" established by regulation of the United States department of labor pursuant to title I of the employee retirement income security act of 1974, provided that such variations are not inconsistent with the overall purpose and policy of this chapter.

c. Such rules may include any provisions necessary to ensure the program's exemption from the federal employee retirement income security act of 1974.

§ 20-945 No guarantees permitted; potential losses. Except as otherwise required by federal or state law, no person including, but not limited to, a covered employer, the administrator, a member of the retirement savings board, the board itself, the city or any representative of any of the preceding shall guarantee a rate of return or interest for any contribution made to the retirement savings program. In addition, neither the board, its members, nor the city or any representative of the board, its members or the city shall be liable for any loss incurred by a participating employee, or any other individual or corporation, as a result of participating in the retirement savings program. Any liability of the administrator shall be confined to the liability defined by this chapter or by the agreement between the board and the administrator.

§ 20-946 Information and disclaimers to eligible and participating employees. a. In addition to any other information that the board deems appropriate in furtherance of this chapter, the board shall make the following information available to eligible and participating employees in plain language:

- 1. The benefits and risks associated with making contributions to the retirement savings program;*
- 2. Any applicable procedures regarding contributions to the retirement savings program and procedures for opting out of such program;*
- 3. Any applicable procedures regarding escalating or reducing the rate of contribution;*
- 4. Options and processes for withdrawing retirement savings;*
- 5. Any applicable procedures for obtaining additional information about the retirement savings program;*
- 6. Any applicable procedures for making complaints about non-compliance by covered employers or other concerns regarding the program; and*
- 7. Information about the right of eligible and participating employees to seek financial advice concerning retirement savings from financial advisers, tax advisers or other qualified individuals.*

b. In addition to any other disclaimers that the board deems appropriate in furtherance of this chapter, the board shall make the following disclaimers available to eligible and participating employees in plain language:

- 1. Covered employers, the retirement savings board and its members, and the city and its representatives are not authorized to provide financial advice;*
- 2. The program is not an employer-sponsored retirement plan;*
- 3. Covered employers, the retirement savings board and its members, and the city and its representatives are not liable for the investment decisions of eligible employees; and*
- 4. Neither the existence of the program, the principal investment, any return on investment nor any interest rate is guaranteed by a covered employer, the retirement savings board or its members, or the city or its representatives, except as otherwise required by federal or state law.*

§ 20-947 Annual report and audit. a. The retirement savings program shall undergo an annual financial audit by an independent auditor.

b. No later than three months after the end of each calendar year, the board shall issue to the mayor, the speaker of the council, the comptroller and the public advocate, and publish on the city’s website, an annual report that shall describe the board’s activities and summarize its actions during the preceding calendar year. That report shall include:

1. the total number of participating employees;
 2. the total number of eligible employees in the city;
 3. the total number of participating employees enrolled in the program during the subject year;
 4. the demographics and income levels of program participants, to the extent reasonably ascertainable;
 5. the number of eligible employees that opted out of the program during the subject year;
 6. the number and type of fines and civil penalties imposed by the agency or agencies designated by the mayor pursuant to section 20-938, or any other relevant agency, for violating the requirements of this chapter;
 7. the total assets under management in the program;
 8. rates of return of each of the investment options provided by the program for the subject year; and
 9. the total cost of administering the program during the subject year.
- c. The data required to be included in this annual report will also be made available on the city’s website in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect on the same date as a local law to amend the administrative code of the city of New York relating to establishing a retirement savings program for private-sector employees takes effect, as proposed in introduction number **XX** for the year 2017.

§ 3. The report required by subdivision b of section 20-947 of the administrative code of the city of New York, as added by section one of this local law, need only include information pertaining to the period that this local law has been in effect.

§ 4. No later than 180 days after the effective date of this local law, the public advocate, in conjunction with the mayor, the speaker of the council, the comptroller, and the relevant borough president may hold one or more public fora in each borough to provide information to, and address questions and concerns of, residents of the city regarding the retirement savings program for private-sector employees.

Referred to the Committee on Civil Service and Labor.

Int. No. 1581

By Council Members Reynoso, Barron, Lancman, Menchaca, Dromm and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to post public information regarding posting bail in courtrooms

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 3 to read as follows:

**CHAPTER 3
OFFICE OF CRIMINAL JUSTICE**

§ 9-301 Definitions. As used in this chapter, the following terms have the following meanings:

Office. The term “office” means the office of criminal justice as defined in section 13 of the charter.

§ 9-302 Bail information in courts. The office shall make reasonable efforts to work with the office of court administration to display information regarding posting bail conspicuously in all locations in courthouses at which such information would assist individuals in posting bail. Such information shall include how to determine the amount and type of bail ordered and all processes required to post bail, including where and how to post bail.

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1582

By Council Members Torres and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a list of landlords who affirmatively agree not to discriminate based on lawful source of income

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-139 to read as follows:

§ 21-139 List of inclusive landlords. *a. For purposes of this section, the term “landlord” means an owner, as such term is defined by paragraph 45 of subdivision a of section 27-2004.*

b. The commissioner of social services shall establish a list of inclusive landlords.

c. To be eligible to participate in such list, a landlord:

1. Shall affirmatively agree not to discriminate against any tenant, prospective tenant or putative applicant for a housing accommodation based on such tenant’s, prospective tenant’s or putative applicant’s lawful source of income, as such term is defined in subdivision 25 of section 8-102.

2. May not have been found liable within the previous two years for discrimination based on source of income pursuant to section 8-107. Where a landlord participating in the list is found liable for discrimination based on source of income pursuant to section 8-107, the commissioner of social services shall remove such landlord from the list.

3. May not have an aggregate number of open hazardous and immediately hazardous violations of the housing maintenance code that exceeds an average of one violation per dwelling unit for any individual property the landlord owns.

4. May not be subject to an unresolved order to correct an underlying condition pursuant to subdivision c of 27-2091.

d. On at least an annual basis, the commissioner of social services, in a manner selected by such commissioner in consultation with the commissioner of housing preservation and development, shall proactively ask landlords in the city whether they would like to participate in the list of inclusive landlords. Upon request by the commissioner of social services, the commissioner of housing preservation and development shall provide any contact information or other information in the possession of the department of housing preservation and development that is necessary to comply with this subdivision.

e. Participation by landlords in the list created pursuant to this section shall be voluntary.

f. The commissioner of social services shall consult with the commissioner of housing preservation and development in determining whether a landlord who has expressed interest in participating in such list satisfies the housing maintenance requirements of paragraphs 3 and 4 of subdivision c of this section.

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

Referred to the Committee on General Welfare.

Int. No. 1583

By Council Member Torres.

A Local Law to amend the administrative code of the city of New York, in relation to the receipt of rental assistance payments

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-139 to read as follows:

§ 21-139 *Rental assistance payments. a. Definitions. For the purposes of this section, the term “rental assistance payments” means payments made by the department to landlords on behalf of tenants pursuant to programs administered by the department.*

b. The department shall provide landlords the option to accept rental assistance payments via an electronic transfer into a bank account.

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

Referred to the Committee on General Welfare.

Int. No. 1584

By Council Member Torres.

A Local Law to amend the administrative code of the city of New York, in relation to requiring information on the timeliness of city-funded rental payments

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-139 to read as follows:

§ 21-139 *Rental assistance payments. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

Rental assistance payments. The term “rental assistance payments” means payments made by the department to landlords on behalf of tenants pursuant to programs administered by the department.

Scheduled payment date. The term “scheduled payment date” means the date the department has informed tenants that rental assistance payments will be sent by the department to landlords on behalf of such tenants.

b. The department shall submit to the speaker of the council and post on its website quarterly reports on the timeliness of rental assistance payments. The first such report shall be due 30 days following the end of the calendar quarter covering October 1, 2016 to December 31, 2016, and all subsequent reports shall be due 30 days following the last day of each succeeding calendar quarter. Such reports shall include, but not be limited to, the following information:

1. The total number of rental assistance payments sent disaggregated by month and rental assistance program;

2. The number of rental assistance payments sent after the scheduled payment date, disaggregated by the reasons such payments were late; and

3. A description of the actions the department will take to ensure rental assistance payments are consistently made on or before the scheduled payment date.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1585

By Council Members Torres and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to disclosure of smoking policies for class A multiple dwellings

Be it enacted by the Council as follows:

Section 1. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivisions tt, uu and vv to read as follows:

tt. *“Class A multiple dwelling” means a class A multiple dwelling as such term is defined in paragraph eight of subdivision a of section 27-2004.*

uu. *“Smoking policy” means a written declaration that states in a clear and conspicuous fashion where smoking is permitted or prohibited on the premises of a class A multiple dwelling.*

vv. *“Owner of a class A multiple dwelling” means, with respect to a class A multiple dwelling, the “owner” as such term is defined in the housing maintenance code.*

§ 2. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-506.1 to read as follows:

§ 17-506.1 *Obligation of owners of class A multiple dwellings to adopt and disclose a smoking policy. a. Adoption of smoking policy. 1. The owner of a class A multiple dwelling shall adopt a smoking policy for such multiple dwelling.*

2. The smoking policy shall address all indoor locations of the class A multiple dwelling, including common areas and dwelling units, and all outdoor areas of the premises, including courtyards, rooftops, balconies and patios.

3. The smoking policy shall apply to lawful occupants of such building, including invitees of such occupants.

4. The smoking policy shall only apply to a lawful occupant of a dwelling unit in such building who commences occupancy of such a unit, or renews an agreement governing occupancy of such a unit, on or after the date that such policy is adopted. If such policy undergoes a material change, such change shall only apply to a lawful occupant of a dwelling unit in such building who commences occupancy of such a unit, or renews an agreement governing occupancy of such a unit, on or after the date that such change is adopted, unless otherwise provided in the agreement governing occupancy of such unit.

b. Disclosure of smoking policy. 1. Upon adoption of a smoking policy, the owner of a class A multiple dwelling shall provide a copy of the building’s smoking policy to all lawful occupants thereof.

2. Except as provided in paragraph three of this subdivision, the owner of a class A multiple dwelling shall incorporate the building’s smoking policy into any subsequent agreement to rent or lease a dwelling unit in such building.

3. For a dwelling unit owned as a condominium or held by a shareholder of a cooperative apartment corporation under a proprietary lease, the owner of record of such dwelling unit or such shareholder, as appropriate, shall incorporate the building’s smoking policy into any subsequent agreement to rent or purchase the dwelling unit or shares in the cooperative apartment corporation relating to the dwelling unit.

4. For dwelling units owned as a condominium, the board of managers of such condominium shall incorporate the building’s smoking policy into the condominium bylaws or rules.

5. A lawful occupant of a dwelling unit who is renting or leasing such dwelling unit to another person shall incorporate the building’s smoking policy into the agreement governing such rental or lease.

6. Annual disclosure of the smoking policy. On an annual basis, the owner of a class A multiple dwelling shall provide a copy of the building’s smoking policy to all lawful occupants thereof.

c. Notification of a material change to smoking policy. The owner of a class A multiple dwelling shall provide notification in writing to all lawful occupants thereof of any material change to the smoking policy.

d. Document retention. The owner of a class A multiple dwelling shall make available for inspection by the department copies of the following:

1. the disclosure required by paragraph one of subdivision b of this section, or the annual disclosure required by paragraph three of subdivision b of this section, for the current year; and

2. each notification of a material change made within the past year pursuant to subdivision c of this section.

§ 3. Section 17-508 of the administrative code of the city of New York is amended by adding new subdivisions d-1 and d-2 to read as follows:

d-1. It shall be unlawful for any owner of a class A multiple dwelling to fail to:

1. adopt a smoking policy as required by subdivision a of section 17-506.1;

2. disclose such policy as required by subdivision b of such section;

3. *provide notification of adoption of such policy or a material change to such policy as required by subdivision c of such section; or*

4. *make available copies of such policy as required by subdivision d of such section.*

d-2. It shall be unlawful for the lawful occupant of a dwelling unit who rents or leases such unit to another person to fail to disclose a smoking policy as required by paragraph five of subdivision b of section 17-506.1.

§ 4. Subdivisions e, f, h and i of section 17-508 of the administrative code of the city of New York, subdivisions e and f as amended by local law number 152 for the year 2013, and subdivisions h and i as amended by local law number 11 for the year 2011, are amended to read as follows:

e. Every person who violates subdivisions a or b of this section shall, for a first violation thereof, be liable for a civil penalty of not less than two hundred dollars nor more than four hundred dollars; for a second violation, both of which were committed within a period of twelve months, be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of not less than one thousand dollars nor more than two thousand dollars. Every person who violates subdivision d of this section shall be liable for a civil penalty of one hundred dollars for each violation, except that every person who violates subdivision d of this section by smoking, or using an electronic cigarette, in a pedestrian plaza as prohibited by paragraph seven of subdivision c of section 17-503 or in a park or other property under the jurisdiction of the department of parks and recreation as prohibited by paragraph three of subdivision d of section 17-503 shall be liable for a civil penalty of fifty dollars for each violation. *Every owner of a class A multiple dwelling who violates subdivision d-1 of this section, and every person who violates subdivision d-2 of this section, shall be liable for a civil penalty of one hundred dollars for each violation, provided that a violation of paragraph two, three or four of subdivision d-1 shall be considered a single violation regardless of whether such owner failed to disclose a smoking policy, failed to provide notification of adoption of such policy or a material change to such policy, or failed to make available copies of such policy, to more than one person.*

f. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision e of this section shall be commenced by the service of a notice of violation which shall be returnable to the [administrative tribunal established by the board of health] *office of administrative trials and hearings*], except that (i) a proceeding to recover a civil penalty authorized pursuant to subdivision e for violation of subdivision d by smoking, or using an electronic cigarette, in a pedestrian plaza or in a park or other property under the jurisdiction of the department of parks and recreation, as prohibited by paragraph seven of subdivision c and by paragraph three of subdivision d of section 17-503 respectively, shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board]. The [board of health's administrative tribunal] *office of administrative trials and hearings* [and the environmental control board] shall have the power to impose the civil penalties prescribed by subdivision e of this section.

h. If the [administrative tribunal established by the board of health or the environmental control board] *office of administrative trials and hearings* finds, upon good cause shown, that the respondent cannot correct the violation specified in subdivision g of this section, it may postpone the period for compliance with such order upon such terms and conditions and for such period of time as shall be appropriate under the circumstances.

i. In any proceeding before the [administrative tribunal established by the board of health] *office of administrative trials and hearings* [or the environmental control board], if the tribunal finds that the department or other agency issuing the notice of violation has failed to prove the violation charged, it shall notify the department or other agency issuing the notice of violation, and the order requiring the respondent to correct the condition constituting the violation shall be deemed to be revoked.

§ 5. Section 17-513.2 of the administrative code of the city of New York, as amended by local law number 42 for the year 2016, is amended to read as follows:

§17-513.2 Construction. *a.* The provisions of this chapter shall not be interpreted or construed to permit smoking, using electronic cigarettes, or using smokeless tobacco where it is prohibited or otherwise restricted by other applicable laws, rules or regulations.

b. *Class A multiple dwelling smoking policy requirement. The civil penalty provided in subdivision e of section 17-508 shall be the sole remedy for violation of subdivision d-1 or d-2 of such section.*

§ 6. This local law takes effect 365 days after it becomes law.

Referred to the Committee on Health.

Int. No. 1586

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

A Local Law to amend local law number 50 for the year 2015, relating to the preservation of certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments, in relation to extending the effective period of the provisions of such local law and requiring a supplemental report relating to such preservation

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. a. The council finds and declares that:

1. The Manhattan hotel industry alone generates almost \$11.8 billion in economic activity and is responsible for generating over 65,000 jobs throughout the city.

2. Larger hotels, which include many upscale and luxury hotels, often provide enhanced services to guests and are a vital component of Manhattan's hotel industry, serving as an important source of quality jobs for city residents. These larger hotels are at significant risk for condominium conversion, and indeed several hotels have converted to residential condominiums in the last decade, resulting in a significant loss of quality jobs. Because of this recent conversion history and current market trends, the council is concerned that more such hotels will seek to convert to residential condominiums or other non-hotel uses in the near future.

3. The council continues to be concerned that once undertaken, such conversions are potentially irreversible and that, as elaborated in the legislative findings set forth in section one of local law number 50 for the year 2015, the loss of even a small number of such hotels creates a corresponding loss of these quality hotel industry jobs. This is coupled with the loss of economic activity generated by these hotels, which may not be replaced in their particular communities, posing a significant risk to the economy, market for quality jobs and quality of life for residents and visitors, both city-wide and in the particular communities where these conversions occur. The impact of such losses is not adequately counteracted through development of smaller and budget-quality hotels, as these hotels tend to employ less personnel and provide fewer on-site services.

4. In local law number 50 for the year 2015, the council required a report to examine, among other things, the short-term and long-term impacts of conversions of primary hotel space in Manhattan on the availability of quality jobs for city residents and other potential impacts of such conversions. A review of that report indicates a need for further research and analysis of the impacts of these conversions as well as substantive and particularized recommendations for addressing any impacts on the availability of quality jobs for city residents.

5. An in-depth supplemental report is therefore required in order to fully understand the current and projected impact of hotel conversions on the city, both in terms of their effect on the availability of quality jobs and, to the extent practicable, their other relevant impacts. Such report should also set forth particularized recommendations, as appropriate, in relation to promoting the preservation and enhancement of the hotel industry and particular sectors thereof. Following the preparation of the supplementary report, additional time is required to allow the city to consider and, if deemed necessary, develop and implement the recommendations or other responsive policy.

b. As a result of the foregoing, the council finds that it is necessary and appropriate to extend the duration of local law number 50 for the year 2015 for a limited term in order to facilitate the preparation and consideration of a supplemental report to be completed by appropriate city offices or agencies, and to maintain the city's inventory of these critical hotels pending the development and implementation of the recommendations of such report.

§ 2. Supplemental hotel industry report. No later than June 2, 2018, one or more offices or agencies designated by the mayor shall complete a supplementary report analyzing the cumulative impact of the hotel industry and particular sectors thereof, including hotels as defined in section 25-701 of the administrative code of the city of New York, on the economy of the city. Such report shall include, but need not be limited to:

a. An updated analysis of recent and projected conversions of primary hotel space, as such term is defined in section 25-701 of the administrative code of the city of New York, and other hotel space to other uses, and the short-term and long-term impacts of such conversions on the city's economy, with particular attention to the availability of quality jobs for city residents and, to the extent practicable, other relevant impacts; and

b. Particularized recommendations for the preservation and enhancement of the hotel industry and particular sectors thereof, including hotels as defined in section 25-701 of the administrative code of the city of New York, and of tourism more broadly, including, as appropriate, recommendations relating to legislation, zoning text or map amendments, regulatory actions and financial or other incentives.

§ 3. Section four of local law number 50 for the year 2015 is amended to read as follows:

§ 4. This local law takes effect immediately, and expires and is deemed repealed [two years after its effective date] *June 2, 2019*.

§ 4. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1587

By Council Members Van Bramer, Barron and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to identifying lead water supply mains and service lines through an online interactive map and providing educational resources and tools for preventing lead contamination

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new section 23-803 to read as follows:

§ 23-803 *Online interactive maps. The department of information technology and telecommunications shall provide to the public, at no charge, on the city's website, the following online interactive maps:*

a. *Lead water supply mains and service lines map pursuant to section 24-309.1. All information required by section 24-309.1 shall be available on the city's website on or before April 30, 2019 and updated, at minimum, in April and October of each year. The mayor shall ensure that agencies provide such department with assistance and information as it requires to compile and update the interactive map.*

b. *Reserved.*

§ 2. Title 24 of the administrative code of the city of New York is amended by adding a new section 24-309.1 to read as follows:

§ 24-309.1 *Tracking lead water supply mains and service lines; online interactive map. a. No later than April 30, 2019, the department of environmental protection shall make information about lead water supply mains and service lines available on the city's website in the form of a searchable online interactive map, created in conjunction with the department of information technology and telecommunications pursuant to subdivision a of section 23-803. The department of environmental protection shall make best efforts to identify all lead water supply mains and service lines, including privately owned mains and service lines, by consulting relevant city or public records, by obtaining information from property owners and by any other relevant means.*

b. *Such online interactive map shall:*

1. *Be searchable by address, zip code and street name;*

2. *Detail the locations of all water supply mains and service lines in the city;*

3. Identify, through a color scheme or other identification method, lead water supply mains and service lines, and, if the composition is unknown, mark it as such until the department of environmental protection can determine its composition;

4. Mark lead water supply mains and service lines as publicly or privately owned; and

5. Provide relevant information to users, including information about lead contamination prevention, lead water test kits and any other relevant resources.

c. If a property is serviced by a lead water supply main or service line, the department of environmental protection shall:

1. Notify the relevant property owners and tenants in writing of the existence of such lead water supply mains or service lines;

2. Provide information to the relevant property owners and tenants on the prevention of lead contamination;

3. If applicable, provide information to relevant property owners about the process and permissions required in making a connection to a main or pipe for the purposes of replacing lead water supply service lines; and

4. Replace any publicly owned lead water supply mains or service lines as soon as practicable.

d. No later than December 1, 2018, the department of environmental protection shall provide the department of information technology and telecommunications with all the information to be made available on the online interactive map pursuant to this section. The department of environmental protection shall update this information and provide such updates to the department of information technology and telecommunications, at minimum, in March and September of each year.

e. The department of environmental protection, in consultation with the department of health and mental hygiene, shall establish and engage in outreach and education efforts that inform the public about preventing lead contamination, including providing information about resources and tools such as the department's free water lead test kits, the online interactive map and any other relevant information. Outreach and education efforts shall include at least six public service announcements distributed through printed, televised and radio media. The first such announcement shall take place on or before April 30, 2019.

f. No later than December 1, 2018, the department of environmental protection shall provide to the council and the mayor an annual report containing information on the following:

1. Locations of all existing lead water supply mains and service lines;

2. Efforts underway to replace lead water supply mains and service lines;

3. Efforts to notify property owners and tenants serviced by lead water supply mains or service lines; and

4. The status of public outreach and education efforts on the prevention of lead contamination.

g. The department of environmental protection may include with any such report a recommendation to the mayor and the council about whether continued reporting on such topic is necessary and appropriate.

§ 3. This local law takes effect immediately.

Referred to the Committee on Technology.

Res. No. 1446

Resolution calling on the New York City Housing Authority to amend the one-year residency requirement by allowing exemptions for tenants to qualify as a Remaining Family Member.

By Council Members Van Bramer and Torres.

Whereas, New York City Housing Authority is a public housing authority with 328 developments, 2,547 residential buildings, and 177,657 units, making it the largest public housing provider in North America; and

Whereas, 175,817 families and 403,275 residents live in NYCHA's public housing; and

Whereas, To reside in NYCHA housing, a person must be an "authorized family member," and must be listed in each of the tenant's annual affidavits of income; and

Whereas, NYCHA defines an authorized family member as any tenant listed on the original family roster when the tenancy began, any person that was born to or adopted by an authorized family member in the household, or any person that received permission from the development’s housing manager to reside in the unit; and

Whereas, A person who is requesting to permanently join the household of an authorized family member must be either spouse, registered domestic partner, parent, grandparent, grandchild, child, or sibling; and

Whereas, A person who receives permission from the development’s housing manager to permanently reside in a NYCHA unit with an authorized family member may qualify as a “remaining family member” and continue to reside in the unit after the authorized family member’s tenancy ends if such person resided in the unit continuously for one year before the authorized family member died or vacated the unit (the “one-year rule”), passes a criminal background check, has a verifiable income that NYCHA can use to calculate rent, and has the legal capacity to sign a lease; and

Whereas, According to press reports, NYCHA is issuing removal notices to persons who failed to satisfy the one-year rule, but who otherwise would have qualified as remaining family members; and

Whereas, The one-year rule can be unfair to low income tenants who gave up housing elsewhere in order to move to NYCHA, particularly when such persons relocated to provide care for terminally ill relatives; and

Whereas, Persons who move to a NYCHA unit to care for a terminally ill relative who is an authorized family member are unable to predict or plan when that family member will pass away and should not be punished for a situation that is beyond their control; and

Whereas, Creating an exception to the one-year rule may prevent such persons from becoming homeless; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Housing Authority to amend the one-year residency requirement by allowing exemptions for tenants to qualify as a Remaining Family Member.

Referred to the Committee on Public Housing.

Int. No. 1588

By Council Members Williams, The Speaker (Council Member Mark-Viverito), Espinal, Ferreras-Copeland, Barron, Levin, Kallos, Dromm, Menchaca and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to identifying information

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

*Chapter 12
Identifying Information*

§ 8-1201 Definitions. As used in this chapter, the following terms have the following meanings:

Contracting agency. The term “contracting agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution, or agency of government, the expenses of which are paid in whole or in part from the city treasury.

Contractor. The term “contractor” means a person or business entity who is a party or a proposed party to a contract with a contracting agency.

Employee. The term “employee” means any officer or person whose salary or wages are paid from the city treasury, including employees of the department of education.

Exigent circumstances. The term “exigent circumstances” means a credible threat to the safety, security, or well-being of one or more individuals, including an individual being sought in connection with an open

criminal investigation or identified as a possible match in the United States terrorist watch list or any similar or successor list maintained by the United States; however, past convictions alone are insufficient to establish such credible threat, unless any such conviction is for a violent or serious crime, as defined in sections 9-131 and 14-154.

Federal immigration enforcement. The term "federal immigration enforcement" means:

- 1. enforcement of any civil provision of the immigration and nationality act;*
- 2. enforcement of any criminal provision within the following sections of the immigration and nationality act, as codified in section 8 of the United States code: 1253, 1304, 1306, 1325, and 1326; and*
- 3. enforcement of any other criminal provision of the immigration and nationality act that the identifying information division designates as a corollary of a civil provision of the immigration and nationality act.*

Identifying information. The term "identifying information" means any information that may be used on its own or with other information to identify or locate an individual, including, but not limited to: sexual orientation, gender identity, status as a victim of domestic violence, status as a crime witness or victim, receipt of public assistance, information related to citizenship or immigration status, all information contained in an individual's income tax records, biometrics such as fingerprints and photographs, languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employer information, home and work addresses, phone number, email address, information concerning social media accounts, date and/or time of release from the custody of the department of correction or the police department, any scheduled court appearances, or any scheduled appointments with any employee, contractor, or subcontractor.

Identifying information division. The term "identifying information division" means the division established pursuant to section 399 of the charter.

Information related to citizenship or immigration status. The term "information related to citizenship or immigration status" means an individual's recorded citizenship or immigration status, as such status is defined in the immigration and nationality act, at the time an employee, contractor, or subcontractor receives such information.

Request for identifying information. The term "request for identifying information" means any communication seeking identifying information or access to identifying information, including, but not limited to, a detainer issued pursuant to section 287.7 of title eight of the code of federal regulations or any similar federal requests for detention of an individual for federal immigration enforcement purposes, any request for notification for federal immigration enforcement purposes, administrative warrant, judicial warrant, judicial subpoena, and administrative subpoena or any similar or successor instrument seeking to facilitate the arrest or assumption of custody of any individual for federal immigration enforcement purposes.

Subcontractor. The term "subcontractor" means a person or entity who is a party or a proposed party to a contract with a contractor.

§ 8-1202 Disclosure of identifying information. a. Absent exigent circumstances, no employee, contractor, or subcontractor, other than employees of the police department and the department of correction, shall disclose identifying information, other than disclosures to federal immigration authorities of information related to citizenship or immigration status, without the written approval of the identifying information division and unless:

- 1. such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian;*
- 2. such disclosure is required by law;*
- 3. such disclosure is to another employee, contractor, or subcontractor, other than to the police department, and is necessary to fulfill the purpose or achieve the mission of an agency;*
- 4. such disclosure is to a third party, other than federal immigration authorities, and is necessary to fulfill the purpose or achieve the mission of any agency and is in the best interests of the city;*
- 5. the individual to whom identifying information pertains is suspected by such employee, contractor, or subcontractor and the general counsel of such employee's agency or the relevant contracting agency of engaging in illegal activity, and the disclosure of such information would further a law enforcement investigation, other than an investigation concerning federal immigration enforcement, or is necessary for such individual's apprehension for such activity;*
- 6. a non-local law enforcement agency requests identifying information and the disclosure of such*

information would further a law enforcement investigation or is necessary for an individual's apprehension; provided, however, that identifying information other than information related to citizenship or immigration status shall not be disclosed if an investigation solely concerns federal immigration enforcement; or

7. such disclosure is necessary in furtherance of an investigation of potential terrorist activity, during the prevalence of an epidemic, or in the presence of great and imminent peril to the public health.

b. Notwithstanding the provisions of subdivision a:

1. the identifying information division may approve in advance certain routine disclosures of identifying information by an employee, contractor, or subcontractor that are regularly conducted in order to fulfill the purpose or achieve the mission of an agency; and

2. approval of the identifying information division shall not be required for disclosures to the police department made in connection with an open criminal investigation.

§ 8-1203 Disclosure of identifying information by the police department. Employees of the police department shall not disclose identifying information in response to federal immigration inquiries or in communicating with federal immigration authorities, other than information related to an individual's citizenship or immigration status, unless the chief legal officer within the police department approves such response or the communication and unless such response or communication:

1. relates to a person convicted of a violent or serious crime, as defined in section 14-154, or identified as a possible match in the United States terrorist watch list or any similar or successor list maintained by the United States;

2. is unrelated to federal immigration enforcement; or

3. is otherwise required by law.

§ 8-1204 Inquiries regarding certain identifying information. a. An employee, contractor, or subcontractor shall not inquire about an individual's citizenship or immigration status, nationality, country of origin, place of birth, or religion unless:

1. Such information is necessary for the determination of program, service, or benefit eligibility, or the provision of city services; or

2. An employee, contractor, or subcontractor is required by law to inquire about such information, or is otherwise required to inquire about such information to comply with the United States' treaty obligations.

b. No city application or form shall include fields requesting identifying information, except as required by law or to comply with the United States' treaty obligations or to the extent necessary to fulfill the purpose or achieve the mission of an agency.

§ 8-1205 Retention of identifying information. a. No employees, contractor, or subcontractor shall be required to retain identifying information, except to the extent necessary to fulfill the purpose or achieve the mission of an agency.

b. Any employee, contractor, or subcontractor that is permitted to inquire about an individual's immigration status, nationality, country of origin, place of birth, or religion pursuant to section 8-1204 shall not retain any such identifying information; however, such employee, contractor, or subcontractor may retain a determination as to eligibility or if such retention is required by law or to comply with the United States' treaty obligations.

§ 8-1206 Construction. a. Nothing in this chapter shall be construed to prohibit any disclosure, retention, communication, or other action if such disclosure, retention, communication, or other action is required by law or if such prohibition is restricted by law and shall be construed in accordance with section 1373 of chapter 8 of the United States code.

b. Nothing in this chapter shall prohibit city officers and employees from performing their duties in accordance with state and local law, including but not limited to (i) participating in cooperative arrangements with city, state, or federal law enforcement agencies that are not primarily intended to further federal immigration enforcement and (ii) taking actions consistent with sections 9-131 and 14-154 of the code.

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

Referred to the Committee on Immigration.

Int. No. 1589

By Council Members Williams and Cornegy.

A Local Law to amend the New York city building code and administrative code of the city of New York, in relation to boarders, lodgers or roomers in a private dwelling

Be it enacted by the Council as follows:

Section 1. The term “family” in section 310.2 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

FAMILY.

1. A single person occupying a dwelling unit and maintaining a common household with not more than [two] *four* boarders, roomers or lodgers; or
2. Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit and maintaining a common household with not more than [two] *four* boarders, roomers or lodgers; or
3. Not more than three unrelated persons occupying a dwelling unit and maintaining a common household; or
4. Not more than three unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household; or
5. Members of a group home; or
6. Foster children placed in accordance with provisions of the *New York State Social Services Law*, their foster parent(s), and other persons related to the foster parents by blood, marriage or domestic partnership; where all residents occupy and maintain a common household with not more than two boarders, roomers or lodgers; or
7. Up to seven unrelated students enrolled at a single accredited college or university occupying a student apartment and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university, provided that:
 - 7.1. The entire structure in which the dwelling unit is located is fully sprinklered in accordance with Chapter 9; and
 - 7.2. Such occupancy does not exceed the maximums contained in Section 27-2075(a) of the *New York City Housing Maintenance Code*; and
 - 7.3. Prior to commencement of such occupancy, and on an annual basis thereafter such college or university has submitted a fire safety plan containing fire safety and evacuation procedures for such dwelling unit that is acceptable to the fire commissioner and in compliance with any rules promulgated by the Fire Commissioner; and
 - 7.4. The dwelling unit complies with additional occupancy and construction requirements as may be established by rule by the Housing Preservation and Development Commissioner.

A common household is deemed to exist if all household members have access to all parts of the dwelling unit. Lack of access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.

§ 2. Paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended to read as follows:

4. A family is:

(a) A single person occupying a dwelling unit and maintaining a common household with not more than [two] *four* boarders, roomers or lodgers; or

(b) Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit and maintaining a common household with not more than [two] four boarders, roomers or lodgers; or

(c) Not more than three unrelated persons occupying a dwelling unit and maintaining a common household; or

(d) Not more than three unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household; or

(e) Members of a group home; or

(f) Foster children placed in accordance with provisions of the New York state social services law, their foster parents, and other persons related to the foster parents by blood, marriage or domestic partnership; where all residents occupy and maintain a common household with not more than two boarders, roomers or lodgers; or

(g) Up to seven unrelated students enrolled at a single accredited college or university occupying a student apartment, as such term is defined in the New York city building code, and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university, provided that:

(i) The entire structure in which the dwelling unit is located is fully sprinklered in accordance with chapter 9 of the New York city building code; and

(ii) Such occupancy does not exceed the maximums contained in subdivision a of section 27-2075; and

(iii) Prior to commencement of such occupancy, and on an annual basis thereafter such college or university has submitted a fire safety plan containing fire safety and evacuation procedures for such dwelling unit that is acceptable to the fire commissioner and in compliance with any rules promulgated by the fire commissioner; and

(iv) The dwelling unit complies with additional occupancy and construction requirements as may be established by rule by the department of housing preservation and development or its successor.

§ 3. Subdivision c of section 27-2078 of the administrative code of the city of New York is amended to read as follows:

c. A family may rent one or more living rooms in a private dwelling to not more than [two] *four* boarders, roomers or lodgers, except as otherwise prohibited under the zoning resolution of the city of New York.

§ 4. This local law takes effect on the later of the date of its enactment into law or the date of adoption of a zoning text amendment defining family in section 12-10 as including not more than four boarders, roomers or lodgers.

Referred to the Committee on Housing and Buildings.

Preconsidered L.U. No. 605

Bushwick Cedar Apartments, Block 3231, Lot 1; Brooklyn, Community District No. 4, Council District No. 34.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 606

By Council Member Feereras-Copeland:

37 Avenue B HDFC, Block 386, Lot 1; Manhattan, Community District No. 3, Council District No. 2.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 607

By Council Member Greenfield:

Application No. 20175260 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of The Egg Shop LES LLC, d/b/a The Egg Shop, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 151 Elizabeth Street, Borough of Manhattan, Community Board 2, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 608

By Council Member Greenfield:

Application No. C 170140 ZMX submitted by 600 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 6c, changing an existing M1-1 District to an R8A District on property located on 156th Street between Caldwell Avenue and Eagle Avenue, Borough of the Bronx, Community District 1, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 609

By Council Member Greenfield:

Application No. N 170141 ZRX submitted by 600 Associates, LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community District 1, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 610

By Council Member Greenfield:

Application No. C 160326 ZMX submitted by Westchester Mews LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 4b, changing an existing R5 District to an R6 District, and establishing a C2-4 District within the proposed R6 district on property located at Newbold Avenue and Olmstead Avenue, Borough of the Bronx, Community District 9, Council District 18.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 611

By Council Member Greenfield:

Application No. N 160327(A) ZRX submitted by Westchester Mews LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Article II, chapter 3 relating to bulk and floor area regulations, and Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community District 9, Council District 18.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 612

By Council Member Greenfield:

Application No. C 170142 ZMK submitted by Atlantic East Affiliates LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, Section 17c, changing an existing R6 District to an R8A/C2-4 District on property located at Atlantic Avenue and Eastern Parkway, Borough of Brooklyn, Community District 16, Council District 37.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 613

By Council Member Greenfield:

Application No. N 170143 ZRK submitted by Atlantic East Affiliates LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Appendix F to establish a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 16, Council District 37.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 614

By Council Member Greenfield:

Application No. 20175389 PNM pursuant to §1301(2)(f) of the New York City Charter concerning a proposed maritime lease between the New York City Department of Small Business Services and Ports America, Inc. for piers 88 and 90 on the Hudson River between West 48th Street and West 55th Street, Borough of Manhattan, Community Board 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 615

By Council Member Greenfield:

Application No. 20175387 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located in the Borough of Manhattan, Community Board 3, Council District 1 and 2.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 616

By Council Member Greenfield:

Application No. 20175388 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located on Block 1992, Lot 5 and Block 2018, Lot 62, Borough of Brooklyn, Community Board 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 617

By Council Member Greenfield:

Application No. 20175325 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 2425, Lot 16, Block 2427, Lots 1 and 52, Block 2429, Lot 34, Block 2433, Lot 57, and Block 2439, Lot 22, Borough of the Bronx, Community Board 4, Council District 16.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 618

By Council Member Greenfield:

Application No. 20175326 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at 287 West 150th Street, Borough of Manhattan, Community Board 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 619

By Council Member Greenfield:

Application No. 20175324 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new real property tax exemption for property located at Block 2861, Lot 11, Block 2867, Lot 58, Block 2868, Lot 127, Block 2876, Lot 170, Block 3196, Lot 10, and Block 3216, Lot 52, Borough of the Bronx, Community Board 5, Council District 14.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 620

By Council Member Greenfield:

Application No. 20175319 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 1696, Lot 9, Borough of Queens, Community Board 3, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 621

By Council Member Greenfield:

Application No. 20175320 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 10573, Lot 43, Borough of Queens, Community Board 13, Council District 23.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 622

By Council Member Greenfield:

Application No. 20175323 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 15013, Lot 4, Block 12594, Lot 16, Block 13086, Lot 57, Borough of Queens, Community Boards 12 and 13, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 623

By Council Member Greenfield:

Application No. 20175322 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 11206, Lot 67, Block 11026, Lot 379, Block 11069, Lot 198, Block 11033, Lot 69, Block 12634, Lot 24, Block 12654, Lot 7, Block 12605, Lot 39, Block 12438, Lot 142, Block 12462, Lot 12, Block 12469, Lot 137, Block 12375, Lot 85, Block 12370, Lot 16, Block 12368, Lot 53, Borough of Queens, Community Boards 12 and 13, Council District 27.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 624

By Council Member Greenfield:

Application No. 20175321 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an amendment to a previously approved urban development action area project and tax exemption, for property located at Block 6856, Lot 59, Borough of Queens, Community Board 8, Council District 24.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

ANNOUNCEMENTS

Wednesday, April 26, 2017

[Committee on Aging](#) jointly with the
[Subcommittee on Senior Centers](#)10:00 a.m.

Int 1278 - By Council Members Chin, Koo, Menchaca, Salamanca, Treyger, Barron, Palma, Richards and Vacca - **A Local Law** to amend the administrative code of the city of New York, in relation to the posting of a performance summary card for social adult day cares.

Int 1519 - By Council Members Koslowitz, The Speaker (Council Member Mark-Viverito), Chin, Levin, Salamanca, Gentile and Vacca - **A Local Law** to amend the administrative code of the city of New York, in relation to supplemental nutrition assistance program enrollment at senior centers.

Res 112 - By Council Members Johnson, Chin, Cohen, Eugene, Gentile, Koo, Rose, Vallone, Mendez, Menchaca and Ulrich - **Resolution** calling upon the Department for the Aging to restore the congregate weekend meal program and conduct a public awareness campaign to promote congregate and home delivered meals.

Res 262 - By Council Members Ulrich, Espinal, Chin, Constantinides, Dromm, Eugene, Gentile, Koo, Lancman, Levine, Vallone, Williams, Rodriguez, Mendez, Richards, Miller, Rosenthal and Menchaca - **Resolution** calling upon the Department for the Aging to ensure that halal meals are available as part of the home delivered meals program.

Res 1225 - By Council Members Chin, Barron and Palma - **Resolution** calling upon the New York State Legislature to significantly increase funding for the New York State Long-Term Care Ombudsman Program.

Res 1226 - By Council Members Chin and Palma - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A.5820-A, in relation to violations of safety conditions in adult care facilities.
Committee Room – City Hall

Margaret Chin, Chairperson
Paul A. Vallone, Chairperson

[Committee on Civil Rights](#) jointly with the
[Committee on Veterans](#) 10:00 a.m.

Int 1259 - By Council Member Williams, the Public Advocate (Ms. James) and Council Members Richards, Gentile, Espinal, Rosenthal, Levin and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting discrimination on the basis of uniformed service.

Res 1412 – By Council Members Eugene, Gentile and Ulrich - **Resolution** declaring June 22nd Veterans Tribute and Advocacy Day in New York City.

Res 1420 - By Council Member Ulrich - **Resolution** calling on the City to recognize May as Military Appreciation Month in New York City
Committee Room – 250 Broadway, 16th Floor

Darlene Mealy, Chairperson
Eric Ulrich, Chairperson

[Committee on Immigration](#) jointly with the
[Committee on Education](#) and the
[Committee on Public Safety](#)11:00 a.m.

Int 1557 - By The Speaker (Council Member Mark-Viverito) - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to an identifying information division.

Int 1558 - By The Speaker (Council Member Mark-Viverito) and Council Member Ferreras-Copeland - **A Local Law** to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of probation.

Int 1565 - By Council Members Dromm, Menchaca, Ferreras-Copeland and The Speaker (Council Member Mark-Viverito) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information regarding educational rights and departmental policies related to interactions with non-local law enforcement and federal immigration authorities.

Int 1566 - By Council Members Dromm, Rodriguez and The Speaker (Council Member Mark-Viverito) - **A Local Law** to amend the New York city charter, in relation to expanding the office of immigrant affairs.

Int 1568 - By Council Members Espinal, Johnson and The Speaker (Council Member Mark-Viverito) - **A Local Law** to amend the administrative code of the city of New York, in relation to federal immigration enforcement.

Int 1569 - By Council Members Gibson, Lancman, and The Speaker (Council Member Mark-Viverito) - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting disorderly behavior.

Int 1578 - By Council Members Menchaca, Dromm, Williams and The Speaker (Council Member Mark-Viverito) - **A Local Law** to amend the New York city charter, in relation to an immigrant affairs task force.

Int 1579 - By Council Members Menchaca, Johnson and The Speaker (Council Member Mark-Viverito) - **A Local Law** to amend the administrative code of the city of New York, in relation to access to non-public areas of city property.

Int 1588 - By Council Members Williams, The Speaker (Council Member Mark-Viverito), Espinal and Ferreras-Copeland - **A Local Law** to amend the administrative code of the city of New York, in relation to identifying information.

Council Chambers – City Hall

Carlos Menchaca, Chairperson
Daniel Dromm, Chairperson
Vanessa L. Gibson, Chairperson

[Committee on Recovery and Resiliency](#) 1:00 p.m.

Oversight - Resiliency of NYC’s Electric Power

Committee Room – 250 Broadway, 14th Floor

Mark Treyger, Chairperson

[Committee on Sanitation and Solid Waste Management](#)..... 1:00 p.m.

Int 1439 - By Council Members Reynoso, Salamanca, Rodriguez and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring agencies to notify food rescue organizations before disposing of food.

Int 1514 - By Council Members Espinal, The Speaker (Council Member Mark-Viverito) and Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to facilitating food donations.

Committee Room – City Hall

Antonio Reynoso, Chairperson

[Committee on Consumer Affairs](#).....2:00 p.m.

Proposed Int 518-A - By Council Members Richards, Williams, Johnson, Koo, Mendez, Rosenthal, Cohen, Constantinides, Vallone, Kallos, Levin and Espinal - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to disclose whether automobiles have been recalled by the automobiles’ manufacturers.

Proposed Int 1539-A - By Council Members Espinal, Levin, Johnson, Williams, Salamanca, Levine, Richards, Menchaca, Koslowitz, Maisel, Vacca, Constantinides, and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to the sale and financing of used automobiles by secondhand automobile dealers.

Int 1540 - By Council Members Garodnick, Williams, Espinal, Gentile, Levin, Johnson, Salamanca, Richards, Menchaca, Koslowitz, Vacca, Constantinides and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to post and distribute a consumer bill of rights to prospective buyers.

Committee Room – 250 Broadway, 16th Floor

Rafael L. Espinal, Chairperson

Thursday, April 27, 2017

[Committee on Contracts](#) 10:00 a.m.
Int 1292 - By Council Members Constantinides, Rosenthal and Gentile - **A Local Law** to amend the New York city charter, in relation to requiring city agencies to accept procurement invoices electronically.
Int 1379 - By Council Members Torres, Cornegy, Rosenthal, Crowley, Mendez, Johnson and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting discrimination in public contracting.
 Committee Room – 250 Broadway, 16th Floor Helen Rosenthal, Chairperson

★ *Deferred*

[Committee on Fire and Criminal Justice Services](#) 10:00 a.m.
~~**Int 1531** - By The Speaker (Council Member Mark Viverito) and Council Members Crowley, Dromm, Richards and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to efficiently facilitate the processing of bail payments.~~
~~**Int 1541** - By Council Members Gibson, Crowley, The Speaker (Council Member Mark Viverito), Dromm, Levin and Richards - **A Local Law** to permit the delay of the formal admission of inmates to the custody of the department of correction in order to facilitate the posting of bail.~~
~~**Int** - By Council Member Crowley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to facilitate the posting of bail or bond.~~
~~**Int** - By Council Member Laneman - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the New York city police department to permit arrestees to access contact information.~~
~~**Int** - By Council Member Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to post public information regarding posting bail in courtrooms.~~
 Committee Room – 250 Broadway, 14th Floor Elizabeth Crowley, Chairperson

[Committee on Health](#) 10:00 a.m.
Proposed Int 139-B - By Council Members Gentile, Koo, Vacca, Cabrera, Johnson, Torres, Rodriguez, King, Dromm, Palma, Richards, Treyger, Greenfield, Mendez, Eugene, Barron, Maisel, Salamanca, Lander, Cohen, Rosenthal, Miller, Levine, Rose, Cumbo, Koslowitz, Vallone and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to the regulation of non-tobacco smoking products, and to amend the fire code of the city of New York, and the New York city mechanical code, in relation to the operation of non-tobacco smoking establishments.
Int 484 - By Council Members Vacca, Barron, Constantinides, Gentile, Johnson, Kallos, Koo, Richards, Rodriguez, Vallone and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to banning smoking in the common areas of all multiple dwellings.
Int. 977 - By Council Members Richards, Chin, King, Koo, Rodriguez, Salamanca, Cabrera, Grodenchik, Vacca and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to banning smoking in city-financed housing.
Proposed Int 1131-A - By Council Members Lander, Johnson, Vacca, Richards, Gentile and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to the sale of tobacco products in pharmacies.
Int 1140 - By Council Members Cabrera, Cohen, Levine, Koslowitz and Palma - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting smoking and using electronic cigarettes in vehicles when a child under the age of eight is present, and to repeal subdivision f of section 17-505.
Int 1471 - By Council Members Johnson, Salamanca, Gentile and Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing the retail cigarette dealer license fee.
Int 1532 - By Council Members Cabrera and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to the licensing of electronic cigarette retail dealers.
Proposed Int 1544-A - By Council Member Johnson - **A Local Law** to amend the administrative code of the city of New York, in relation to the regulation of retail dealers of tobacco products and of electronic cigarettes,

the establishment of price floors and minimum package sizes for tobacco products and shisha, and the establishment of a tax on tobacco products other than cigarettes.

Int 1547 - By Council Members Lander, Johnson, Levine and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding the retail dealer license to include retailers of tobacco products and setting caps on retail dealer licenses.

Int 1585 - By Council Member Torres - **A Local Law** to amend the administrative code of the city of New York, in relation to disclosure of smoking policies for class A multiple dwellings.

Council Chambers – City Hall

Corey Johnson, Chairperson

★Deferred

Committee on Transportation 10:00 a.m.

Agenda to be announced

Committee Room – City Hall

Ydanis Rodriguez, Chairperson

Committee on Civil Service and Labor 1:00 p.m.

Int 1536 - By Council Members Cumbo, the Public Advocate (Ms. James), Crowley, Williams, Kallos, Rosenthal, Miller, Rodriguez, Treyger, Constantinides, Richards, Grodenchik, Menchaca, Lancman, Salamanca, Torres, Cohen, Levin and Koslowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting of pay and employment equity data.

Committee Room – City Hall

I. Daneek Miller, Chairperson

Committee on Governmental Operations 1:00 p.m.

Proposed Int 1130-A - By Council Members Kallos, Lander, Cabrera, Rose, Chin and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing the cap on public funds available.

Committee Room – 250 Broadway, 14th Floor

Ben Kallos, Chairperson

Committee on Housing and Buildings 1:00 p.m.

Oversight - Tenant Interim Lease Program.

Committee Room – 250 Broadway, 16th Floor

Jumaane D. Williams, Chairperson

Tuesday, May 2, 2017

Subcommittee on Zoning & Franchises 9:30 a.m.

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor

Donovan Richards, Chairperson

Committee on Environmental Protection jointly with the

Committee on Public Housing 10:00 a.m.

Off-site Hearing - Oversight – Examining NYCHA’s Record in Removing Mold From Public Housing.

Proposed Int 978-A - By Council Members Torres, Constantinides, Mendez, Richards, Treyger, Dromm, Gentile, King, Koo, Palma, Rose, Crowley, Miller, Rosenthal, Lancman, Wills, Maisel, Lander, Johnson, Menchaca, Van Bramer, Rodriguez, Levine, Kallos, Salamanca, Ferreras-Copeland, Cornegy, Barron, Koslowitz, Cohen, Levin, Grodenchik, Espinal, Reynoso, Gibson, Eugene, Vallone, Cumbo, Cabrera, Williams, Garodnick, Borelli, Ulrich and the Public Advocate (Ms. James) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring licensure for mold abatement, assessment and remediation work and setting minimum standards for such work.

Location: Miccio Community Center
110 W 9th Street
Brooklyn, NY 11231

Details attached.....

Costa Constantinides, Chairperson
Ritchie Torres, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.
[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16th Floor

Peter Koo, Chairperson

★ **Addition**

[Committee on Housing and Buildings](#) 10:00 a.m.

Int 1369 - By Council Members Espinal, Crowley, Mendez, Chin and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on bedbug-related violations in dwellings.

Int 1407 - By Council Members Espinal and Deutsch - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring hotels to periodically inspect for bedbugs.

Int 1586 - By Council Members Torres and Menchaca - **A Local Law** to amend local law number 50 for the year 2015, relating to the preservation of certain hotels, a moratorium and report relating to such preservation, and the expiration and repeal of such amendments, in relation to extending the effective period of the provisions of such local law and requiring a supplemental report relating to such preservation.

Council Chambers – City Hall

Jumaane D. Williams, Chairperson

[Committee on Mental Health, Developmental Disability,](#)

[Alcoholism, Substance Abuse and Disability Services](#) 1:00 p.m.

Oversight - ThriveNYC Update

Council Chambers – City Hall

Andrew Cohen, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16th Floor

Rafael Salamanca, Chairperson

[Committee on Transportation](#) jointly with the

[Committee on Public Safety](#) 1:00 p.m.

Oversight – Engaging New Yorkers to Help Hold Hit-and-Run Perpetrators Accountable.

Int 1418 - By Council Members Rodriguez, Levine, Salamanca, Dromm, Maisel, Gentile, Crowley, Menchaca, Rose, Levin, Richards, Rosenthal, Gibson and Torres - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a reward for individuals who provide information leading to the apprehension, prosecution or conviction of a person who seriously injures or kills another individual in a hit-and-run accident.

Int 1463 - By Council Members Rodriguez, Gibson, Van Bramer, Levine, Dromm, Torres, Lancman, Deutsch, Gentile, Vallone, Richards, Espinal, Koslowitz, Salamanca, Rosenthal, Koo and Maisel - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a program to provide public notification of hit-and-run incidents.

Committee Room – City Hall

Ydanis Rodriguez, Chairperson

Vanessa L. Gibson, Chairperson

★ **Addition**

[Committee on Fire and Criminal Justice Services](#) 2:00 p.m.

Int 1531 - By The Speaker (Council Member Mark-Viverito) and Council Members Crowley, Dromm, Richards and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to efficiently facilitate the processing of bail payments.

Int 1541 - By Council Members Gibson, Crowley, The Speaker (Council Member Mark-Viverito), Dromm, Levin and Richards- **A Local Law** to permit the delay of the formal admission of inmates to the custody of the department of correction in order to facilitate the posting of bail.

Int 1561 - By Council Member Crowley – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to facilitate the posting of bail or bond.

Int 1576 - By Council Member Lancman – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the New York city police department to permit arrestees to access contact information.

Int 1581 - By Council Member Reynoso – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to post public information regarding posting bail in courtrooms.

Committee Room – 250 Broadway, 14th Floor

Elizabeth Crowley, Chairperson

Wednesday, May 3, 2017

★Addition

[Committee on Health](#) 10:00 a.m.

Int 1103 - By Council Members Barron, Cohen, Palma and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring signage about the risks of sugars and other carbohydrates for people with diabetes and prediabetes.

Int 1263 - By Council Members Dromm and Chin - **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 report on the results of inspections of food service establishments operated in or by schools.

Int 1456 - By Council Members Koslowitz, Cabrera, Grodenchik, Lancman, Deutsch, Salamanca, Richards, Cornegy, Barron, Gentile and Constantinides - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring mobile food vendors to post letter grades received for sanitary inspections.

Int 1571 - By Council Member Johnson - **A Local Law** to amend the administrative code of the city of New York, in relation to reforming the city’s restaurant inspection program.

Council Chambers – City Hall

Corey Johnson, Chairperson

★Addition

[Committee on Rules, Privileges & Elections](#) 10:30 a.m.

M 494 - Communication from the Mayor submitting the name of Carlo Silvestri for appointment as a member of the NYC Tax Commission.

M 495 - Communication from the Mayor submitting the name of Debra Scotto for appointment as a member of the NYC Environmental Control Board.

M 496 - Communication from the Brooklyn Borough President submitting the name of Joseph Douek for re-appointment as a member of the NYC Planning Commission

Preconsidered M ____ - Robert F. Nolan - Council Candidate for re-designation and subsequent re-appointment by the Mayor to the New York City Health and Hospitals Corporation’s Board of Directors.

Committee Room – City Hall

Brad Lander, Chairperson

[Committee on Sanitation and Solid Waste Management](#) 1:00 p.m.

Int 1480 - By Council Members Cabrera, Richards, Koslowitz, Gentile, Crowley, Palma, Mendez, Mealy, Gibson, Salamanca, King, Levin and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to designating expanded polystyrene as recyclable and repealing sections 16-324(f) and 16-329 of the administrative code of the city of New York.

Committee Room – City Hall

Antonio Reynoso, Chairperson

Thursday, May 4, 2017

EXECUTIVE BUDGET 2018

NEW YORK CITY COUNCIL FISCAL YEAR 2018 EXECUTIVE BUDGET HEARINGS

Please be advised of the following scheduled Council Agency Hearings relative to the *Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XLIII & CD-XLIV Programs for the Fiscal Year 2018* to be held in the Council Chambers, City Hall as follows:

Thursday, May 4, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Office of Management & Budget	Finance
12:00 – 12:30	Design & Construction	Finance
1:00 – 2:00	Finance	Finance

[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

Friday, May 5, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	City University of New York	Higher Education
11:30 – 1:00	Youth and Community Development	Youth Services

Monday, May 8, 2017

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 – 2:00	Aging	Aging & Subcommittee on Senior Centers
2:00 – 4:00	Environmental Protection	Environmental Protection

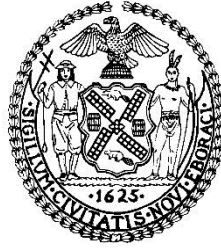
Tuesday, May 9, 2017

★ Note Time Change

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Small Business Services/Economic Development Corporation	Economic Development & Small Business
★12:00 – 2:00	Health + Hospitals	Health
★2:00 – 4:00	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services

Wednesday, May 10, 2017

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
*Agenda – 1:30 p.m.*



MEMORANDUM

Thursday, April 6, 2017

TO: ALL COUNCIL MEMBERS**RE: OFF-SITE HEARING BY THE COMMITTEE ON ENVIRONMENTAL PROTECTION AND PUBLIC HOUSING****Oversight** – Examining NYCHA’s Record in Removing Mold From Public Housing.

**Miccio Community Center
110 W 9th Street
Brooklyn, NY 11231**

The off-site hearing will be held on **Tuesday, May 2, 2017 beginning at 10:00 a.m.** A van will be leaving City Hall at **8:45 a.m.**

Hon. Costa Constantinides, Chairperson
Committee on Environmental Protection

Hon. Melissa Mark-Viverito
Speaker of the Council

Hon. Ritchie Torres, Chairperson
Committee on Public Housing

EXECUTIVE BUDGET 2018**NEW YORK CITY COUNCIL FISCAL YEAR 2018 EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the *Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XLIII & CD-XLIV Programs for the Fiscal Year 2018* to be held in the Council Chambers, City Hall as follows:

Thursday, May 4, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Office of Management & Budget	Finance
12:00 – 12:30	Design & Construction	Finance
1:00 – 2:00	Finance	Finance

Friday, May 5, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:30	City University of New York	Higher Education
11:30 – 1:00	Youth and Community Development	Youth Services

Monday, May 8, 2017

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 – 2:00	Aging	Aging & Subcommittee on Senior Centers
2:00 – 4:00	Environmental Protection	Environmental Protection

Tuesday, May 9, 2017**★ Note Time Change**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Small Business Services/Economic Development Corporation	Economic Development & Small Business
★12:00 – 2:00	Health + Hospitals	Health
★2:00 – 4:00	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Substance Abuse & Disability Services

Thursday, May 11, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Housing Preservation & Development	Housing & Buildings
12:00 – 2:00	Buildings	Housing & Buildings
2:00 – 3:00	Immigrant Affairs	Immigration

Friday, May 12, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Sanitation	Sanitation & Solid Waste Management
12:00 – 12:45	Law Department	Governmental Operations
12:45 – 2:30	Board of Elections	Governmental Operations
2:30 – 3:00	Campaign Finance Board	Governmental Operations
3:00 – 4:00	Citywide Administrative Services	Governmental Operations

Monday, May 15, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
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

Tuesday, May 16, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:30	Education (Expense)	Education
1:00 – 3:00	Education (Capital)/School Construction Authority	Education

Wednesday, May 17, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 11:00	MTA NYC Transit	Transportation
11:00 – 11:45	Taxi & Limousine Commission	Transportation
11:45 – 1:15	Transportation	Transportation

Thursday, May 18, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	NYCHA	Public Housing
12:00 – 1:00	Information and Technology and Telecommunication	Land Use & Technology
1:00 – 2:30	Parks and Recreation	Parks & Recreation

Friday, May 19, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
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
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Monday, May 22, 2017

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

Thursday, May 25, 2017

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 – 12:00	Office of Management & Budget	Finance
12:00 – 12:30	Comptroller	Finance
12:30 – 1:00	Independent Budget Office	Finance
1:00	Public	

April 24, 2017

Editor’s Note: During the pre-Stated Meeting ceremonials, a Council Proclamation was given to long-time Legislative Counsel to the Speaker’s Office, Gary Altman. The information that follows below has been taken from the proclamation that was presented to him.

The proclamation noted that Mr. Altman joined the New York City Council on October 2, 1979 as a legislative attorney. For the first ten years, he served in the Legal Services Division - there he worked with the Committees on Finance, Governmental Operations, Environmental Protection, and Education as well as the Subcommittee on the Recodification of the Administrative Code along with then Chair Peter F. Vallone, Sr. In 1990, he became the Deputy Director of the Legal Services Division where he played an instrumental role in developing major legislation such as the original Campaign Finance Law and the City’s Anti-Apartheid Laws among others. In 1995, Gary was promoted to Legislative Counsel to the Speaker. For the past twenty-two years, a few of his key responsibilities have included: preparing agendas for the Stated Meetings; scheduling all committee and sub and select committee meetings; preparing a daily legislative calendar for the members, the staff and the public; inviting witnesses to hearings; and counseling and advising the Speaker, the Council Members, the Public Advocate and a host of others on a wide range of legislative matters. He has also worked closely on a daily basis with all the chiefs of staff, deputy chiefs of staff, division heads, and central staff to ensure the smooth operation of the Council’s Legislative, Finance and Land Use functions. Throughout his tenure, it was well known that Gary’s contributions have always exceeded his official titles and he was admired for being a municipal maven and blessed with a phenomenal memory.

The end of the Proclamation was read by the City Clerk and Clerk of the Council (Mr. McSweeney) as follows:

“Now, therefore, be it known that the Council of the City of New York is incredibly grateful to honor Gary Altman for 37 years of extraordinary service to the City Council and to all our fellow New Yorkers. Melissa Mark-Viverito, Speaker for the Entire Council, Christin C. Quinn, Former Speaker for the Entire Council, A. Gifford Miller, Former Speaker for the Entire Council, Peter F. Vallone, Sr. ,Former Speaker for the Entire Council.”

Mr. Altman then briefly spoke at the pre-Styled ceremony to the applause and cheers of those assembled in the Chambers. The Speaker (Council Member Mark-Viverito) praised Mr. Altman and thanked him for his endless service to the city both during the ceremonial and later at the Stated Meeting as well.

During the Stated Meeting, many Council Members including the Speaker (Council Member Mark-Viverito along with the Public Advocate (Ms. James) congratulated Gary Altman on his retirement and thanked and praised him for his invaluable contributions to the Council.

The presence of former Council Member June Eisland was acknowledged during the pre-ceremonial for Gary Altman and during the Stated Meeting as 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 May 10, 2017.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 359-A, 564-A, 708-A, 746-A, 886-A, 1112-A, and 1454, all adopted by the Council at the April 5, 2017 Stated Meeting, were signed into law by the Mayor on April 25, 2017 as, respectively, Local Law Nos. 60, 61, 62, 63, 64, 65, and 66 of 2017.